

## UNITED STATES v. SUN.

(District Court, D. Vermont. November 2, 1896.)

**CHINESE LABORER—WHAT CONSTITUTES.**

The fact that a Chinese member of a trading firm lives at the store with several other members of the firm, and does the housework for them, does not constitute him a laborer, within the meaning of the registration and deportation acts of 1892 and 1893 (27 Stat. 25; 28 Stat. 7).

This was an application for an order of deportation against Suey Sun as an unregistered Chinese laborer.

John H. Senter, for the United States.

J. A. Brown, for respondent.

**WHEELER**, District Judge. The question here is whether the respondent is a Chinese laborer, within the meaning of the registration and deportation acts of 1892 and 1893 (27 Stat. 25; 28 Stat. 7). According to what is shown here, he was and is a member of the trading firm of Lung Kee & Co., consisting of thirteen partners, at 24 Pell street, New York, in which he has an interest of \$1,000, and of whom nine, including the respondent, live at the store, and he does the housework for them, and in spare time packs goods for shipment. He is argued to be a laborer on account of these household services. In the Standard Dictionary the definition of "laborer" excludes domestic service. These services for the household of partners seem to be essentially domestic in their nature, and not for the hire that is associated with the occupation of laborers as such. Order of deportation denied, and respondent discharged.

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 UNITED STATES v. MARK YING.

(District Court, D. Vermont. November 2, 1896.)

**CHINESE LABORER—WHAT CONSTITUTES—REGISTRATION—DEPORTATION.**

A Chinaman who was a peddler at the time of the passage of the act of May 5, 1892 (27 Stat. c. 60), relating to registration of Chinese laborers, but who ceased peddling and became a member of a trading firm prior to the passage of the act of November 3, 1893 (28 Stat. c. 14), which includes Chinese peddlers, etc., in the term "laborers," is not a laborer and liable to deportation for want of registration.

This was a motion and information for an order of deportation against Mark Ying, as an unregistered Chinese laborer.

John H. Senter, for the United States.

J. A. Brown, for respondent.

**WHEELER**, District Judge. The respondent, a Chinese person, is brought in on a motion and information for an order of deportation,

as an unregistered laborer, under the acts of May 5, 1892 (27 Stat. c. 60), and of November 3, 1893 (28 Stat. c. 14). The former act, in this respect (section 6), applied exclusively to Chinese laborers, without further designation or description. The latter act defines them thus:

"Section 2. The words 'laborer' or 'laborers,' wherever used in this act, or in the act to which this act is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation."

Each speaks from its own date, and the latter applies to persons who were Chinese laborers, as defined by it, on November 3, 1893. The respondent had, according to what is shown, been a peddler for two or three years next before "the first part of July, 1893," when he became a member of the trading firm of Quang Lun Wah & Co., at 32 Mott street, New York, and has so remained, having an interest therein of \$1,000. If the act of 1892 had included peddlers with laborers, or he had continued peddling after the act of 1893, he would have been required to register, and be liable to deportation for want of doing so; but neither happened. The act of 1893 also defines "merchants," and he is said not to be a merchant, within the definition. But the act does not declare all not merchants to be laborers, nor otherwise require registration of them. The question is not whether the respondent is a merchant, and so exempt from registration, but whether he is a laborer, and so liable to deportation for want of registration. He does not appear to be a laborer, within either common understanding or the statutory definition of the term. Motion denied and respondent discharged.

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UNITED STATES v. McALPIN.

(Circuit Court, S. D. New York. May 5, 1896.)

No. 1,914.

CUSTOMS DUTIES—CLASSIFICATION—MANUFACTURES OF SILK.

Drapery net, consisting of a silk fabric having a foundation of plain net with embroidered figures, was dutiable as manufactures of silk, or of which silk is the component material of chief value, not specially provided for, under paragraph 414 of the act of 1890.

This was an application by the United States for a review of a decision of the board of general appraisers in respect to the classification of certain merchandise imported by S. McAlpin.

Henry C. Platt, Asst. U. S. Atty.  
William B. Coughtry, for importer.

TOWNSEND, District Judge (orally). The article in question is a silk fabric, consisting of a foundation of plain net with embroid-