

#88.

United States of America, Western District of Texas, ss:

Before me, W. D. Howe, U. S. Commissioner for the Western District of Texas, at El Paso, on this day personally appeared Alfred Griffin, Chin. Insp., who being by me first duly sworn, on oath deposes and says that he has reasonable and credible information, which information he believes to be true and correct, and he charges that heretofore, on or about the 21st

day of June, 1907, at El Paso in the Western District of Texas, one Jin Tun a Chinese person, did unlawfully, and in violation of the Chinese Exclusion Acts of the United States of America, enter into and he and remain in the United States of America, contrary to the form of the statutes in such case made and provided, and against the peace and dignity of the United States of America.

Alfred Griffin

Sworn to and subscribed before me this 22nd day of

June, 1907.

W.D. Howe

U.S. Commissioner, Western District of Texas, at El Paso.

before W.D. Howe, U.S. Commissioner
June 22, 1907



88

United States of America, Western District of Texas, as:
Before me, W. D. Howe, U. S. Commissioner for the Western
District of Texas, at El Paso, on this day personally appeared
Alfred Griffin, Chin. Sup., who being by me first duly
sworn, on oath deposes and says that he has reasonable and credi-
ble information, which information he believes to be true and

correct, and he charges that heretofore, on or about the 21st
day of June, 1907, at El Paso
in the Western District of Texas, one
Chinese person unlawfully, and in violation of the Chi-
nese Exclusion Laws of the United States of America, enter in-
to and be retained in the United States of America, contrary
to the form of the statutes in such case made and provided, and
against the peace and dignity of the United States of America.
Sworn to and subscribed before me this 22nd day of
June, 1907.

100-88.
Before W.D. Howe, U.S. Commissioner.
W.D. Howe at El Paso.

United States
of Texas
Compliment.

Filed June 21, 1907
W.D. Howe, U.S. Commissioner

Alfred Griffin
U.S. Commissioner
El Paso, Texas

U.S. Commissioner, Western District
of Texas, at El Paso.
W.D. Howe



88.

United States of America, Western District of Texas, ss:

Know all men by these presents, that we Jin Tun
as principal, and Yee Get Chong ~~and~~
of El Paso, Texas, as sureties, are held and firmly bound unto the United
States of America, in the sum of Five Hundred Dollars (\$500.00) for the
payment of which well and truly to be made, we do hereby, jointly and se-
verally, bind ourselves, our heirs, executors, and administrators:

Conditioned to be void however, if the above bounden Jin
Tun, principal, who stands charged by complaint in writing
and under oath, with the offence of unlawfully, and in violation of the
Chinese Exclusion Acts of the United States of America, entering into and
being and remaining in the United States of America, before W. D. Howe, U.
S. Commissioner for the Western District of Texas, at El Paso, shall per-
sonally appear before the said U. S. Commissioner, at his office in El Pa-
so in said district, at ten o'clock M. on the 2nd day of
September, 1907, to answer for said offence and there remain
from day to day, and from time to time, until discharged by due process of
law; otherwise to remain in full force and effect.

Witness our hand at El Paso in the Western District of Texas,
this 22nd, day of June, 1907.

[Handwritten initials]

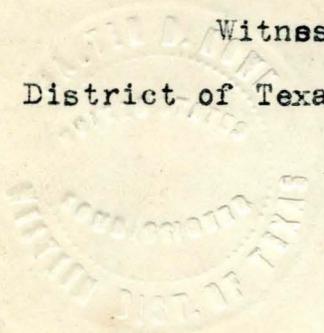
Yee Get Chong

United States of America, Western District of Texas, ss:

Before me, W. D. Howe, U. S. Commissioner, for the Western District of
Texas, at El Paso, on this day personally appeared Jin ~~Tun~~ Tun and Yee Get
Chong, known to me to be the persons whose names are subscribed to the
foregoing instrument, and severally acknowledged to me that they executed
the same for the purposes and consideration therein expressed.

Witness my hand and official seal, at El Paso in the Western
District of Texas, this June 22, 1907.

W. D. Howe
U.S. Commissioner, Western District
of Texas, at El Paso.





of Texas, at El Paso,
U.S. Commissioner, Western District

District of Texas, this 22nd day of June, 1907.

Witness my hand and official seal, at El Paso in the Western
District of Texas, this 22nd day of June, 1907.
I, the undersigned, do hereby certify that the within and foregoing
instrument, and the contents thereof, are true and correct copies
of the original thereof, as the same were presented to me for
recording, and that the same were duly recorded in my office
on this 22nd day of June, 1907, at El Paso, Texas, before me,
A. D. Howe, U.S. Commissioner, for the Western District of
United States of America, Western District of Texas, as:

[Handwritten signature]
AUG 1 1911

this 22nd day of June, 1907.

Witness my hand at El Paso in the Western District of Texas,

No. 88.
Before W.D. Howe, U.S. Commr.
W.D. Tex at El Paso.

United States
Jin Jun
Bond for appearance
before W.D. Commr.
Filed & approved
June 22, 1907.
W.D. Howe, U.S. Commr

FILED
AUG 1 1911

D. H. HART, Clerk
BY *[Signature]*

and the contents thereof, are true and correct copies
of the original thereof, as the same were presented to me for
recording, and that the same were duly recorded in my office
on this 22nd day of June, 1907, at El Paso, Texas, before me,
A. D. Howe, U.S. Commissioner, for the Western District of
United States of America, Western District of Texas, as:

PENDING BEFORE W. D. HOWE ESQ., U. S. COMMISSIONER FOR THE
WESTERN DISTRICT OF TEXAS, EL PASO DIVISION.

.....
UNITED STATES OF AMERICA,

Plaintiff,

-vs-

G I N T O O N

Defendant.
.....

WEDNESDAY, JUNE 17TH, 1908.

-----oOo-----

DEPOSITIONS OF FONG MOON YIM AND LIM JUNG
TAKEN ON BEHALF OF THE DEFENDANT,
BEFORE
E. H. HEACOCK, ESQ., UNITED STATES COMMISSIONER
FOR THE NORTHERN DISTRICT OF CALIFORNIA, AT
SAN FRANCISCO.

-----oOo-----

I N D E X

	Direct Cross	
FONG MOON YIM	3	4
LIM JUNG	16	18

-----oOo-----

CLEMENT BENNETT
U. S. Official Reporter
329 New P. O. Building,
San Francisco, Cal.

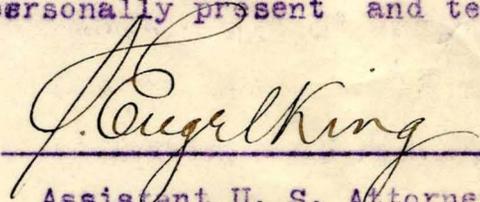
McGowan & Warley
#628 Montgomery St. San Francisco.

Witnesses in case of Gin Foon
Lim Jung, No. 45 Waverly Place
Fong Meun Yin " " " "

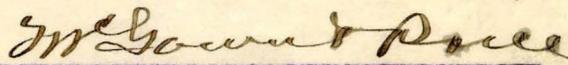
IT IS HEREBY AGREED that the filing of the original direct and cross Interrogatories in the case of the United States of America vs Jin Toon, No. _____, and time and service of notice, is waived, and that Commission to take the Deposition of the witnesses named in the preceding caption to Interrogatories may issue at once from the Office of the Clerk of the United States District Court for the Western District of Texas, at El Paso to E. H. Heacock, United States Commissioner, at San Francisco, California.

It is further agreed that at the time of taking the depositions before said E. H. Heacock, either party may introduce and take the testimony of such other witnesses as either party may desire and interrogate and cross interrogate such witnesses orally, and that any additional oral direct and cross interrogatories may be propounded to the witnesses named in the caption to interrogatories as either party may desire.

All objections to the manner and form of taking the said Depositions are hereby waived, and only such objections are reserved as might be urged if the witnesses were personally present and testifying in open Court.



Assistant U. S. Attorney.



Attorney for Defendant.



DEFENDANT'S EXHIBIT "A".

DIRECT INTERROGATIVES UPON BEHALF OF DEFENDANT
GIN TOON, TO BE PROPOUNDED TO WITNESS FONG
GING YUN.

.....

- 1st. Int. What is your name, occupation, and residence?
- 2nd. Int. When did you first come to the United States, and generally speaking where have you resided while in the United States?
- 3rd. Int. You will please examine the photograph which is hereunto annexed and marked defendant's exhibit "A", and state if you know of whom it is a photograph?
- 4th. Int. If you state that you know the person represented by the said photograph marked defendant's exhibit "A", you will please give his name, together with the time and place of his birth?
- 5th. Int. If you have answered that you do know the person represented by the photograph marked defendant's exhibit "A", you will state whether or not you were acquainted with his father and mother and if you were so acquainted with them you will then give their names, place of residence, occupation and present whereabouts?
- 6th. Int. If in answering the previous interrogatives you have stated that you are personally acquainted with the person represented in the photograph marked defendant's exhibit "A" and his parents, you will

p.e

please recite what have been your opportunities for becoming well acquainted with them during the years that you have known them?

7th. Int. If you have stated that you have been acquainted with the person represented by the photograph marked defendant's exhibit "A", since about the time of his birth, you will kindly state what have been your opportunities for observing him during his lifetime so as to enable you to identify him now as the same child whose birth you have knowledge of?

8th. Int. State any other facts which may be within your knowledge with respect to the defendant in this proceeding and which you have not testified to in response to the foregoing interrogatives?

DIRECT INTERROGATIVES UPON BEHALF OF DEFENDANT
GIN TOON, TO BE PROPOUNDED TO WITNESS LEONG

TIN.

.....

- 1st. Int. What is your name, occupation, and residence?
- 2nd. Int. When did you first come to the United States, and generally speaking where have you resided while in the United States?
- 3rd. Int. You will please examine the photograph which is hereunto annexed and marked defendant's exhibit "A", and state if you know of whom it is a photograph?
- 4th. Int. If you state that you know the person represented by the said photograph marked defendant's exhibit "A", you will please give his name, together with the time and place of his birth?
- 5th. Int. If you have answered that you do know the person represented by the photograph marked defendant's exhibit "A", you will state whether or not you were acquainted with his father and mother and if you were so acquainted with them you will then give their names, place of residence, occupation and present whereabouts?
- 6th. Int. If in answering the previous interrogatives you have stated that you are personally acquainted with the person represented in the photograph marked defendant's exhibit "A" and his parents, you will please recite what have been your opportunities for becoming well acquainted with them during the years that you have known them?
- 7th. Int. If you have stated that you have been acquainted

with the person represented by the photograph marked defendant's exhibit "A", since about the time of his birth, you will kindly state what have been your opportunities for observing him during his lifetime so as to enable you to identify him now as the same child whose birth you have knowledge of?

8th. Int. State any other facts which may be within your knowledge with respect to the defendant in this proceeding and which you have not testified to in response to in the foregoing interrogatives.

UNITED STATES OF AMERICA, } ^{District} IN U. S. CIRCUIT COURT,
WESTERN DISTRICT OF TEXAS. } At El Paso Texas

The President of the United States of America,

To E. H. Heacock, U. S. Commissioner, San Francisco, California

GREETING:

Know Ye, That we, in confidence of your prudence and fidelity, have appointed you, or either of you, and by these presents do give unto you full power and authority diligently to examine Fong Guig Sun, and Leong Tin Fong Hong Sheung and Lim Jung, 45 Waverly Place Fong Mun Gin 45 Waverly Place upon certain interrogatories propounded to them in a cause wherein

The United States are plaintiff

and Fong Gin Toon is

defendant before W. D. Howe Commissioner now pending in the District Court of the United States for the Western District of Texas, in the Fifth Circuit; and therefore we command, that you, at certain days and places to be appointed by you for that purpose, cause the said witness es to come before you, and then and there examine them according to law upon the said interrogatories and any cross-interrogatories (copies whereof are hereto annexed), on their corporal oath s first taken before you upon the Holy Evangelists, or in such other solemn manner as is and may be authorized by law; and that you do take the answers of the witness es to such interrogatories and cross-interrogatories, if any, and reduce the same to writing, which shall be signed and sworn to by the said witness es; and you shall certify under your hand and seal that the same was signed and sworn to by the said witness es, before you, and shall seal them up in an envelope, with the interrogatories and this commission, with your name across the seal, and indorse on the envelope the names of the parties to the suit and name s of the witness es and direct the package to the "W. D. Howe Commissioner El Paso, Texas;" if sent by mail, the Postmaster, or his deputy, mailing the same, shall endorse thereon that he received them from the hands of the officer before whom they were taken.

Witness, The Honorable Melville W. Fuller, Chief Justice of the United States, and the seal of said Circuit Court, at El Paso Texas, this the 2nd day of June in the year of our Lord one thousand nine hundred and Eight and of American Independence the 13² year.

D. H. Hart

Clerk U. S. Dist Court,
Western District of Texas.

By Geo B Oliver Deputy.



Article 2282. Upon receipt of such commission by any officer to whom it is directed, whether such is to be taken orally or on written questions and answers, as provided in Article 2274, Title 40, Chapter 2, he shall give at least five days' notice, in writing, to the party at whose instance said deposition is taken, or his attorney of record, and also the adverse party or his attorney of record, of the time and place giving the particular address when and where said deposition will be taken and stating the day and hour of the day the taking of such testimony will begin; and if the witness and officer executing the commission reside in this State and such witness does not voluntarily appear before the officer at the time and place fixed by him, he shall issue a subpoena, directed to the sheriff or any constable of his county, requiring him to summon the witness to appear and answer the interrogatories and cross-interrogatories, if any, at a subsequent time and place to be named in such subpoena.

Article 2284. Upon the appearance of the witness, the officer to whom the commission is directed, where such deposition is to be taken on written questions and answers, shall execute such commission by propounding to the witness the interrogatories accompanying the commission in their numerical order, beginning with the first direct interrogatory and continuing until all the direct and cross-interrogatories have been propounded and answered; and the answers of the witness to each interrogatory and cross-interrogatory shall be reduced to writing and then read over to the witness at the time it is made and before the next succeeding interrogatory or cross-interrogatory shall be propounded to him; and the witness shall not be advised of the contents of said interrogatories or cross-interrogatories until the same are severally propounded to him by the officer executing the commission. When the answers of the witness have been so made and reduced to writing in this due order, they shall be signed and sworn to by the witness; and the officer before whom they are taken shall certify over his signature and seal of his office that such answers were made, reduced to writing and read over to the witness in the due order of such interrogatories and cross-interrogatories, and were then signed and sworn to by the witness before him; and such officer shall then seal them up in an envelope, together with the commission and interrogatories and the cross-interrogatories, if any, and shall write his name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and shall direct the package to the Clerk of the Court or Justice of the Peace from which or by whom the commission was issued. Provided, that when notice of the taking of said depositions shall have been given as herein required it shall be lawful for either party, his agents or attorneys, to be present and make such notes of the proceedings as he or they may desire; but it shall be unlawful for either party, his agents or attorney, to make any suggestion to the witness or officer taking the depositions in regard thereto while said depositions are being taken; and provided, further, that it shall not be lawful for the witness, while answering such interrogatories and cross-interrogatories to use or refer to any memoranda or writing, except such as under the rules of evidence he would be permitted to use and refer to if testifying as witness in open court; and any memoranda or writing so used or referred to by such witness, or a certified copy thereof properly marked for identification by the officer taking such deposition, shall be attached to and returned with said answers; and provided, further, that if at any time after said deposition has been filed it shall be made to appear that any of the provisions of this article have been violated, such deposition shall be suppressed at the cost of the party guilty of such violation; and provided, further, that when a deposition is taken, it shall be forwarded forthwith in one of the ways named in Article 2286; and if such deposition is delivered to a person interested in taking the same, or any other person authorized by law to receive the same for transmission, he shall forthwith deliver the same to the Clerk or officer of the Court to whom such deposition is addressed, and for failure so to do, such deposition shall not be used either as evidence or for any other purpose whatsoever.

Approved April 12, 1905.

Article 2286 (2231). Depositions may be returned to the Court either by mail, by a party interested in taking the same, or by any other person. If sent by mail, the postmaster or his deputy mailing the same shall indorse thereon that he received them from the hands of the officer before whom they were taken; and the Clerk or Justice taking them from the postoffice shall indorse on them that he received them from the postoffice and sign his name thereto. If sent otherwise than by mail, the person delivering them into Court shall make affidavit before the Clerk or Justice that he received them from the hands of the officer before whom they were taken; that they have not been out of his possession since, and that they have undergone no alteration.

No.

District
UNITED STATES CIRCUIT COURT,
Western District of Texas.

The United States

vs.

Lin Toon

COMMISSION TO TAKE DEPOSITION OF

Fong Gin Young, Leong Tin
Lim Jung, and Fong Mun
Gin,

Issued 2nd day of June 1908

D. H. Hart Clerk,

U. S. Circuit Court,
Western District of Texas.

By Geo B Oliver Deputy.



(It is stipulated and agreed that the testimony of the aforesaid witnesses may be taken at the office of E. H. Heacock Esq., in Room 214 of the United States Post Office and Court House Building, northeast corner of Seventh and Mission Streets, San Francisco, California, on Wednesday, June 17th, 1908, at the hour of 10 o'clock A. M., before E. H. HEACOCK ESQ., a United States Commissioner for the Northern District of California, and in shorthand by CLEMENT BENNETT. It is further stipulated that the reading over of the testimony to the witnesses and the signing thereof is hereby expressly waived.

D. B. JONES was affirmed to act as interpreter for the Chinese witnesses.)

DEPOSITION OF FONG MOON YIM

UNITED STATES OF AMERICA,)
STATE AND NORTHERN DISTRICT OF CALIFORNIA,) SS.
CITY AND COUNTY OF SAN FRANCISCO.)

FONG MOON YIM, a witness on behalf of the Defendant in the above entitled cause, being by me duly sworn and cautioned to tell the truth, the whole truth, and nothing but the truth, and being carefully examined through the Interpreter, deposes and says as follows:

IN RESPONSE TO INTERROGATORY NO. 1: Fong Moon Yim. I am a business man; general merchandise, on I Street, Sacramento, No. 318 $\frac{1}{2}$. Quong Sing is the name of the store.

IN RESPONSE TO INTERROGATORY NO. 2: I was born in Sacramento. I have simply visited San Francisco once a year or so, but I have always resided in Sacramento.

IN RESPONSE TO INTERROGATORY NO. 3.

Yes, this is Gin Toon.

IN RESPONSE TO INTERROGATORY NO 4:

MR ENGELKING. We object to the interrogatory on the ground that no foundation is laid for interrogatory 4, and for the answer that follows from it.

A. His name is Gin Toon. He was born in the 8th year of Quong Sue, the first month. The day I don't know. (February or March 1882.) He was born on Dupont Street, No. 714, upstairs.

IN RESPONSE TO INTERROGATORY NO. 5.

Well acquainted with his father and mother. Gin Fook Poy is the name of the father. Ah Kim is the name of the mother. 714 Dupont Street, San Francisco. The father was a laundryman in the American

part of the town. I don't know where he had his laundry, but now the father has gone back to China. The mother is ~~also~~ dead. The mother did not do anything but attend to the household duties.

IN RESPONSE TO INTERROGATORY NO. 6.

In answer to that, it is because my father used to bring me down on business.

IN RESPONSE TO INTERROGATORY NO. 7.

MR ENGELKING. Objected to because the witness has not stated he has known him any particular time.

A. I know the boy very well, because of my father being well acquainted with his father, and he bringing me down here to San Francisco to visit.

IN RESPONSE TO INTERROGATORY NO. 8.

I have visited at his house and know him, and am acquainted with him in that way.

ORAL CROSS EXAMINATION

MR ENGELKING. Q. You have lived in Sacramento all your life, you say? A. Yes sir.

Q. On I Street? A. Yes sir.

Q. What number? A. 318 $\frac{1}{2}$.

Q. You were born there? A. Yes sir.

Q. How old are you now? A. 32.

Q. Are you married? A. Yes sir.

Q. How many children have you? A. None.

Q. Were you married in Sacramento? A. No sir, in China.

Q. You brought your wife from China? A. My wife is still in China.

Q. You have not brought hereto the United States at all?

A. No sir.

Q. How long was your father in the United States before you were born? A. About six years.

Q. Had your mother ever been in the United States? A. Yes sir.

Q. Is she here now? A. She is dead.

Q. Is your father living? A. Alive.

Q. Where is he? A. At Quong Shing's in Sacramento.

Q. How old is Gin Toon now? A. 27.

Q. And you are 32? A. Yes sir.

Q. Did you go to school in Sacramento? A. Chinese school.

Q. No American school? A. No sir.

Q. How many years did you go to school? A. About 10 years.

Q. When did you first begin to go to school; how old were you then
A. 8 years old.

Q. Then you went to school until you were 18 years old? A. Yes sir.

Q. During the time you went to school you were not in any business, were you? A. My father was.

Q. But you were not in any business while you went to school. I am asking about you personally? A. Afterwards; but not while I went to school.

Q. You just lived with your father? A. Yes sir.

Q. Did you visit San Francisco before you got through school, before you finished your school work or after? A. I would often come down to San Francisco.

Q. You got through school when you were 18 years old? A. Yes sir, I was 18 when I finished school.

Q. Have you been to San Francisco since you were 18? A. Yes sir.

Q. Lots of times? A. Yes sir.

Q. About how often, once a year or twice a year? A. Three or four

times a year.

Q. Since you came from school? A. Yes sir.

Q. How old is your father? A. 67.

Q. Is he well? A. He is well.

Q. He attends to his business? A. Yes sir.

Q. And he comes to San Francisco even now once in a while?

A. Very seldom.

Q. How many times a year? A. Now, he has not been down at this late period.

Q. He is well, isn't he, able to get around? A. Yes sir.

Q. You came to San Francisco 3 or 4 times a year after you came from school. Would you come alone when you came after school?

A. Yes sir, I would come down to buy goods.

Q. That is since the completion of your education? A. Yes sir.

Q. Since the completion of your education you came alone?

A. After completing my education I came alone.

Q. Before that time your father came down here didn't he?

A. When I was going to school, and when I was young, my father used to take me with him to San Francisco.

Q. You were going to school, weren't you? A. Yes sir.

Q. What hour of the day did you go to school? A. About 9 o'clock, after breakfast.

Q. Until when? A. About 6 o'clock at night.

Q. Did you go to school every month in the year? A. 10 months a year.

Q. Which months was it that you did not go to school? A. The 12th month and the 1st month of the Chinese year.

February.

MR ENGELKING. Does the last month precede the first month of the preceding year?

THE INTERPRETER. Yes.

MR ENGELKING. Q. Did you go to school regularly during those ten months, or were you a lazy idler and hooky-boy, and in the habit of missing school?

MR McGOWN. Objected to as irrelevant, immaterial, incompetent, and insulting the witness.

A. When I would have to come to San Francisco I did not go to school.

MR ENGELKING. Q. Did you come to San Francisco with your father while you were going to school? A. With my father?

Q. Did you come to San Francisco with your father during the time you were going to school, during the period of your education?

A. Mostly I came to San Francisco with my father during that period, but sometimes it may be once a year or so I would come alone.

Q. How old were you when you first came to San Francisco with your father? A. About 10 years of age.

Q. How old were you when you came the second time? A. I came the following year about twice.

Q. That is when you were 11 years old? A. It is such a long time ago that I cannot remember definitely, but it may be once or twice or more in a year that I would come.

Q. Then you would come from your 11th year once or twice every year thereafter? A. 10th, 11th and 12th, I would come about once or twice a year. Then after that about 4 times a year or so.

Q. When were you in San Francisco the last time before this?

A. The first month of the year; the Chinese first month.

THE INTERPRETER. Their January runs along with our February.

MR ENGELKING. Q. Name the date of the last visit prior to that visit? A. I was here about three times the previous year.

Q. How many times in the year before that? A. I was in China.

Q. All the year? A. In the 31st year (1905) I went to China, and the 11th month I came back. (The end of December, 1906).

Q. How long were you in China? A. About 11 months.

Q. Then you were not here during the earthquake? A. No sir.

Q. You were in China? A. Yes sir.

Q. In the year 1905 how many times were you here in San Francisco?

A. About twice. That is the year I went back to China.

Q. Give me the date when you went back to China?

A. November 18, 1905.

Q. How many times were you in San Francisco during 1905 prior to November? A. I was down here twice.

Q. You were always here about twice a year from Sacramento. Is that right? A. May be sometimes three times, and sometimes four times.

Q. But sometimes a little less, is that right? A. Well, not less than twice in a year.

Q. Never less than twice a year? A. No sir.

Q. And you stayed about a day? A. A few days.

Q. What time did you come here on the train? A. It would be a few minutes after 8 o'clock when I left.

Q. What time did you get to San Francisco? A. After 11.

Q. You always came to buy goods here, did you? A. Yes sir.

Q. Where did you buy the goods, any particular place?

A. Wing Foong's.

Q. You bought everything at Wing Foong's? A. At that place. Sometimes if Wing Foong did not have what I wanted I would go somewhere else and get it.

Q. How long would it take you to buy your goods? A. I would stay here a few days.

Q. How long did it take you to buy your goods? A. I would buy the goods as soon as I got here.

Q. How long did it take you to buy them. Would you get them the first day or the second day, or would it take you all the time to buy goods? A. I cannot tell exactly.

Q. It kept you pretty busy buying goods, did it? A. Accordingly. Sometimes I would get it all at Wing Foong's, and sometimes I did not get it all there.

Q. Did it keep you pretty busy during all the time you were here buying goods? A. Oh yes; I had some spare time.

Q. What was the last time that your father came to San Francisco?

A. Several years; I don't remember exactly.

Q. Did he come with you this last time? A. No sir, I came alone.

Q. Did he come with you prior to that time -- prior to the last time he came? A. That I don't remember.

Q. Was he in the habit of coming with you, or were you in the habit of coming alone. After the completion of your education would you come alone always, or did your father come with you at any time, as a rule? A. The last times my father came alone.

Q. Did you and your father put up at a hotel here when you came down? A. We stopped at a store.

Q. What store? A. Wing Foong's.

Q. Where is Wing Foong's, that is before the earthquake? A. On Sacramento Street. I don't remember the number.

Q. About? A. I don't remember the number.

Q. Didn't you have correspondence with the firm? A. My father did the correspondence.

Q. Do you know between what streets Wing Foong's is on Sacramento Street? A. Above Wing Foong's was Dupont Street, and Kearny below

Q. Did you always stop at that place when you came from Sacramento?
A. Yes sir.

Q. Slept there and ate there? A. Yes sir.

Q. After you had bought your goods, did you go to your room then?
A. We just slept in the loft.

Q. Where is the loft?

THE INTERPRETER. In some stores in Chinatown they have simply a loft. You go up a ladder and get on to it.

MR ENGELKING. A. hay loft.

THE INTERPRETER. It is built differently to our stores. I cannot explain it to you.

MR ENGELKING. That is upstairs?

MR McGOWAN. It is a sort of a half floor?

THE INTERPRETER. Yes.

MR McGOWAN. Usually above their office?

THE INTERPRETER. Yes.

MR ENGELKING. Q. When you got through buying you would go in the loft? A. We would go up there to sleep only.

Q. What would you do after you got your goods bought? A. Sometimes we would go out on the street, and sometimes we would sit at Wong Foong's.

Q. What is your name? A. Fong Moon Yim.

Q. Gin Toon is not a relative of yours? A. No sir, only that my father used to take me to his room.

Q. That is where you saw Gin Toon? A. Yes sir.

Q. You did not see him any other place? A. Sometimes on the street I would see him.

Q. How old a boy was Gin Toon when you saw him on the street the first time? A. About 11 years old.

Q. That is about the first time that you saw Gin Toon? A. About.

Q. Gin Toon was about 11 years old the first time you saw him?
A. No sir.

Q. How old was he? A. About 5 or 6.

Q. Where was he the first time you saw him? A. On Dupont Street was where I first saw him.

Q. Whereabouts on Dupont Street? A. 714.

Q. Is that where you were born? A. Yes sir.

Q. And Gin Toon was not born at the old Spanish frame house?
A. He was in the Spanish Building when he was born.

Q. Where is that? A. Dupont and Commercial, on the corner.

Q. It was not on Stockton Street? A. No sir.

Q. Do you know Lim Jong? A. No sir.

Q. Never saw him in your life? A. No sir.

Q. You don't know where he lives? A. No sir.

Q. Do you know Leong Ting? A. No sir.

Q. Do you know anybody by a name similar to that? A. No sir.

Q. Do you know the name of the other witness who is going to testify in this case? A. No sir.

Q. You don't know any other witness who is going to testify to the birth of this defendant?
A. No sir.

Q. Did Gin Toon tell you that he was born in San Francisco?

A. Yes sir.

Q. And that is how you know it? A. Both he and his father have told me so.

Q. His father is now in China? A. Yes sir, he has gone back to China.

Q. When did his father go to China? A. In the 29th year (1903).

Q. Is his father in business in China? A. I don't know.

Q. You don't know what he is doing there? A. No sir. I have not seen any letter from him.

Q. You are sure that the defendant's father went in 1903?

A. In the tenth month of that year. (The latter half of November, or the first half of December, 1903.)

Q. If Gin Toon in El Paso says his father went in 1905, you do not know what you are talking about then, do you. Is that true?

A. No sir; it was the 29th year that he went back.

Q. Then Gin Toon is not telling the truth at El Paso? A. I don't know.

Q. Do you know Gin Toon's brother? A. I only know him himself; that is Gin Toon himself.

Q. Did he have a brother? A. I don't know of any.

Q. Did you know any sisters that he had? A. I don't know of any.

Q. Did he have any uncle? A. He has got an uncle.

Q. What is his name? A. I don't know the name of the uncle, but he is a Gin man.

Q. In what business was his uncle? A. A working man.

Q. Did he stay around the house there with his brother? A. I don't know; I only know him as a workingman.

Q. Did you see him? A. I never saw him; only I heard from Gin Toon that he had an uncle.

Q. You never saw him in your life? A. No sir.

Q. Did you ever see Gin Toon's mother? A. Yes sir.

Q. Where did you see her? A. Dupont Street, at the home.

Q. Was this old Spanish frame building the home of Gin Toon?

A. Yes sir.

Q. How long did he live there? A. I don't know; but in 1889 they moved over to Pacific Street.

Q. What number did they move to? A. 728 Pacific.

Q. Did you ever go to the theater in San Francisco? A. Yes sir.

Q. Did Gin Toon go with you? A. No sir.

Q. Did you ever see him in a theater? A. No sir.

Q. When did he go to El Paso? A. Well, after the earthquake they went into the country. It is only lately that I got a letter from him.

Q. When was it? A. A few months ago he wrote me a letter from El Paso.

Q. What did he say? A. He said "I am at El Paso, and the Custom House people have arrested me."

Q. What else? A. And he wanted me to be a witness for him.

Q. What is this boy's mother's name? A. Low Ah Gin.

Q. What is his father's name? A. Gin Fook Poy.

Q. Why didn't the boy go with his father to China? A. I don't know.

Q. Did you see the boy after the earthquake in San Francisco?

A. No sir.

Q. Where is his uncle now, in China? A. I don't know.

Q. Isn't he in China? A. I don't know.

Q. What was his father's business? A. He was a laundryman.

Q. If Gin Toon said on the 21st of June last year that he was then 28 years old would you be mistaken about his age?

A. I know he is about 27.

Q. You are talking about some other man, aren't you? A. I am talking about Gin Toon.

Q. And if Gin Toon stated at El Paso that his father went to China four years ago in the 7th month, would you then admit that you are mistaken as to when his father went to China? A. I am not telling what is wrong.

Q. Did you not say that in the 10th month of the 29th year his father went to China? A. Yes sir.

Q. And you say it yet? A. That is true.

Q. You stick to it, do you? A. Yes sir, that is true.

Q. Either Gin Toon is talking about another man, or he is not telling the truth, is he? A. I don't know what he says.

Q. What was the last time that Gin Toon told you he was born in the United States? A. I don't remember when, but when he was a child.

Q. Gin Toon told you that when he was a child. Your father was in the habit of coming to San Francisco for the purpose of purchasing goods before and at the time Gin Toon was born or when you claim he was born in Frisco, did he? A. I don't know. I don't remember that. I don't remember so far back.

Q. Your father has been in the merchandise business up there ever since you were born, hasn't he? A. Yes sir.

Q. He bought his goods in San Francisco, didn't he? A. Yes sir.

Q. How long has your father known the father of Gin Toon?

A. I could not tell you how many years. He has all along known him.

Q. Did your father know Gin Toon's father before Gin Toon was born?

A. Yes sir.

Q. I guess that your father and Gin Toon's father know a little more about the birth of Gin Toon than you do, don't they?

A. My father knew him before I knew him.

Q. You only know what Gin Toon's father and your father told you. Isn't that so? A. What do you mean?

Q. I mean this: you are telling us here what your father and Gin Toon's father have told you? A. I am telling you what Gin Toon said also.

Q. And these three persons are all three alive, and see the sun come up and go down, don't they. They are all alive and see daylight every day; in other words, they have their faculties. They are not bereft of their faculties are they--any of these three persons? A. I don't understand your question.

Q. Your father is alive, isn't he? A. Yes sir.

Q. Gin Toon's father is alive? A. Whether he is alive or not, I don't know; he has gone back to China.

Q. For all you know, he is alive, isn't he. You don't know that he is dead? A. I don't know anything about him in China.

Q. You don't know that he is dead, do you? A. No sir, I don't.

MR MCGOWAN. No questions.

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