

DEPOSITION OF LIM JUNG

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

LIM JUNG, 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:

MR ENGELKING. I should like to ask the witness some questions as to his qualifications to testify.

Q. Have you ever been sworn before to tell the truth in an American court? A. No sir.

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

Q. Do you know what penalties are attached to telling an untruth after you have been sworn in the manner you have been sworn this morning? A. I am not going to tell any lies.

THE INTERPRETER. I asked him, suppose any one comes here and tells a falsehood, what would be done to him, and he says he does not know.

MR ENGELKING. Q. Do you believe in a Superior Being to whom you are under obligations now to tell the truth? A. Yes sir, there is a God.

Q. Do you consider yourself under obligations to that Being to tell the truth now? A. Well, if I tell the truth, I will not be punished.

Q. Do you consider yourself under obligations to that Being to tell the truth. That is the question? A. I am bound to tell the truth.

Q. What is going to become of you after you are dead?

MR MCGOWAN. Objected to as incompetent, immaterial, irrelevant, and improper, and does not touch the qualifications or understanding of the witness and the obligation of an oath.

A. I know, that is, I know what Heaven and Hell is.

MR ENGELKING. Q. What is your belief? A. How do I know whether I can go down below or up above. I want to go up above in the sky.

MR ENGELKING. They will all die like dogs, So go ahead.

MR MCGOWAN. I will reserve an exception to that, and I want that put in the record.

IN RESPONSE TO INTERROGATORY NO 1:

My name is Lim Jung. I live in Oakland. I am a cook.

IN RESPONSE TO INTERROGATORY NO 2.

The seventh year of Quong Sue (1881). All the time in Oakland at 365 Ninth Street. I have gone from Ninth Street to Eighth Street now.

IN RESPONSE TO INTERROGATORY NO. 3.

His name is Gin Toon.

IN RESPONSE TO INTERROGATORY NO 4.

MR ENGELKING. The question is objected to upon the ground that no foundation is laid for the question as to time and place of his birth, he not having been asked as to his knowledge of that matter.

A. Gin Toon is his clan name and name. Born on Dupont Street, 714, in San Francisco.

IN RESPONSE TO INTERROGATORY NO. 5.

I was well acquainted with his father and mother. His fathers

*see Int 5
Fong Moon Jim*

name was Chin Chew. Low Ah Gin was the mother's name. The Spanish Building on Dupont Street is where they lived, and the father was a laundryman. His father has returned to China, and the mother has died.

IN RESPONSE TO INTERROGATORY NO. 6:

They used to visit at Tai Wah Hong on Dupont Street, and I used to visit there.

IN RESPONSE TO INTERROGATORY NO. 7.

When he was a baby I was invited to the feast and made presents. When I came back from Oakland and came over here I saw him.

IN RESPONSE TO INTERROGATORY NO. 8.

I was over in Oakland as a cook, and he was over here doing laundry business, and when I would come over here I would see him and get into conversation with him.

ORAL DIRECT EXAMINATION

MR MCGOWAN. Q. Who do you mean by "he". You say he was engaged in the laundry business? A. Both father and son.

Q. How old was this defendant the first time that you ever saw him?

MR ENGELKING. That is a matter for cross examination, and is a matter that should not be brought out now. You might bring it out on redirect examination.

MR MCGOWAN. Very well. We can ask him the questions then just as well.

ORAL CROSS EXAMINATION

MR ENGELKING. Q. You are a cook? A. Yes sir.

Q. And have been a cook all your life? A. Yes sir.

Q. Been a cook in Oakland all your life? A. Yes sir.

Q. As long as you have been in the United States you have been a cook in Oakland? A. Always.

Q. Cooking at the same place all the time; at the same residence in Oakland? A. I have worked for Mr Baker, the lawyer, and also I have worked for Mr English as cook.

Q. You have been there all the time? A. I cook now.

Q. How many years have you been in Oakland? A. Over 20 years. From the 7th year of Quong Sue to the present.

Q. How many years? It is the 34th year now. AI came here in the 7th year and I have been in Oakland all the time since.

Q. What day and month did you begin in Oakland? A. I came in July.

Q. What day? A. I don't remember the day.

Q. You don't remember the day? A. No sir.

Q. Think. Don't you remember what day you landed here in this land of the free? A. I don't remember what day; about the 15th Chinese day, may be. (In English) It is too long time now.

Q. Have you a registration certificate?

A. Yes sir, I have a registration certificate.

Q. A laborer's certificate? A. Yes sir, I cook.

Q. Where did you land in the United States? A. At this wharf, down here in San Francisco.

Q. 27 years ago? A. Yes sir.

Q. Then you went from the wharf to Oakland? A. I stopped here over night at a clansman's store.

Q. And the next day you went to Oakland? A. Yes sir.

Q. How did you go over there? A. My clansman took me over there. He paid my fare over and took me over.

Q. Were the ferryboats running 27 years ago? A. Yes sir, the same.

Q. The same as they are now? A. Yes. (In English) All the same.

Q. You went over there, and went to work there? A. I went to learn to work -- learned to be a cook.

Q. How long did you stay in Oakland before you came back to San Francisco? A. May be two or three months, and then I would come over here for a visit.

Q. Was it not about two or three years before you came over?

A. No sir, not so long.

Q. How long? A. (In English) Sometimes one or two months.

MR ENGELKING. Tell him to talk Chinese or talk English, one or the other. Talk Chinese.

Q. How long did you work in Oakland when you first went there before you crossed the bay back again to Frisco? A. In two or three months my clansman brought me over.

Q. In what month did you land over there at Oakland?

A. July-- American July.

Q. What is your name? A. Lim Jung.

Q. Who was your clansman that brought you over here?

A. Lin Sheah.

Q. Where is Lin Sheah now? A. He is in the country somewhere, but I don't know what town.

Q. When did you see him the last time? A. I have not seen him for two or three years.

Q. Since the earthquake? A. I have not seen him since the earthquake.

Q. When you came over that time did Lin Sheah come with you?

A. He came across with me to buy some clothing (In English) My cousin.

Q. Did you buy some clothes?

Q. How much money did you spend for clothes at that time?

A. Clothes were very cheap in those days, just a few dollars.

Q. Then you went back. Did you take the clothes back with you?

A. Yes sir.

Q. How long did it take you to buy those clothes? A. A few hours.

Q. Then you went right back with them? A. Yes sir.

Q. Then how long was it until you came again. How long was it before those clothes wore out and you came again? A. According as I had work. Sometimes I would come over on Sundays and see my cousin; may be a month or two months apart.

Q. Do you say about a month or two months before you came again, the second time that you came over; this early San Francisco experience of yours, that second visit, that is what I want to know about? A. May be a couple of months or so.

Q. Was it not a little more? A. Well, I could not say for certain. Sometimes it may be two months before I came over, and sometimes three ; I cannot tell.

Q. Every two or three months you would come over; is that right?

A. Sometimes it would be two or three months; sometimes it would be a month or two.

Q. What did you do the second time that you came over?

A. I came to visit my cousin.

Q. How old is Gin Toon? A. 27 years of age.

Q. What did you do on your second trip to San Francisco?

A. Just to see my clansman.

Q. How long did you stay? A. A few hours.

Q. Did you always stay just a few hours when you came? A. Sometimes one day and go back at night.

Q. Come in the morning and go back in the evening? A. It was according to when I stopped my work.

Q. Did you ever stay more than a few hours the first year that you came -- the first year after you had come to Oakland?

A. Somtimes I have been over and stayed over night. But I don't remember whether it was in that year or another year. I cannot remember quite so long as that.

Q. Who did you know the first year that you came, just your clansman Low Sheah? A. I have a good many clansmen here.

Q. Lots of them? A. (In English) Lots of them.

Q. Did you associate with the Lins only? Did you come to visit only your clansmen? A. Well, both clansmen and friends.

Q. Who were some of your other friends? A. How can I remember so many people.

Q. Name a few outside of your clansmen? A. A man comes across here and meets friends, how am I going to remember all that I met.

Q. Cannot you name one of them. If you cannot name them, just say "I don't know". A. There were too many.

Q. Just name one? A. Lim Tin.

Q. I am not talking about your clansmen. Some one outside of your clansmen? A. Some of the Wong family.

Q. Name some one else? A. And the Lee family.

Q. Name some one else. Name a few. Name the individuals now, not the whole blooming family. Don't say the Lee family and the Wong family, but name the individuals whom you visited? A. Men would go across with me, and I would meet men in San Francisco, and say "How do do", and so forth. How would I remember what their names were.

Q. You cannot name one of them, can you, outside of your family?

A. Only I would come over here and see people and I got acquainted with them. I don't remember their names.

Q. Say yes or no, and then we will stop. Can you name one individual outside of your clansmen whom you visited the first year or two that you were here? If you cannot, say so, and we will stop and go to something else? A. I don't remember.

Q. Whom did you cook for the first year? A. I don't remember the boss at that time; it is too long ago.

Q. What sort of a joint was it. What was the character of the place? A. I remember this, that the son of the party I cooked for was a carpenter.

Q. How many years had you been here when you met Chin Chew?

A. The end of that year.

Q. The end of what year? A. The end of the year that I came.

Q. You had been here about a year? A. Just about. I met him while I was over on a visit.

Q. Was it more than a year? A. From the end of the year, that is the last of the year, and I came in the seventh month.

Q. Now you mention him. He does not belong to the Lin family, does he? A. That is a fact.

Q. Didn't you say a while ago that you could not name one family outside of your clansmen whom you had met in the first year?

A. I am speaking with those that came over with me from Oakland. I met him over on this side.

Q. Have you any more ingenious explanations (Addressing the Interpreter) What question did you interpret to him when I asked him that question a little time ago about naming one individual outside of his clansmen whom he met the first time he came.

THE INTERPRETER. Just what you told me to.

Q. MR MCGOWAN. Did he not answer you he met people he spoke and bowed to coming over on the boat?

THE INTERPRETER. Yes. (Addressing Mr Engelking) I am not sure but what your question followed that answer to name any individual, but it followed that answer of coming over in the boat.

MR ENGELKING. Q. Name some of those you met over here in San Francisco the first year? A. Gin Loon Gow. Of course, there were some of the workingmen over there in the store that I did not get acquainted with.

Q. Go ahead and name some other persons outside of this Gin Chew that you met here the first year? A. Gin Loon Gow.

Q. What relation was he to Gin Chew? A. A clansmen; the same company.

Q. Name some more? A. I don't know.

Q. That is two Gins that you can name? A. They were at the same ~~xxx~~ store that I was visiting.

Q. Aren't you inventing this in your own mind? A. It is true. It is not manufactured.

Q. Where was this Gin Chew the first time you laid eyes on him? A. At Tai Wah Hong's.

Q. Is that a store? A. It was a drugstore.

Q. What was he doing there? A. He was visiting there.

Q. Loafing around the place, you mean? A. He would come there after he got through with his work.

Q. And chat and talk? A. Yes sir, talking about that I had been at work and he at work.

Q. Was that over here at San Francisco? A. On Dupont Street, on the corner.

Q. Now how many Chinese were there around that quarter at that time in San Francisco -- around that neighborhood, I mean?

THE INTERPRETER. Taking in the whole of Chinatown.

MR ENGELKING. Yes. How many Chinese were there in the Chinese quarter at that time; about how many.

A. How do I know how many hundreds of people were there. Do you know?

Q. Were there thousands? A. Tens of thousands.

Q. Of Chinese? A. Yes sir.

Q. Ten thousand Chinese? A. I don't know how many. Suppose I ask you how many people are there in San Francisco.

Q. I could come pretty near telling. There were a great many thousand, weren't there? A. There may be from ten to twenty thousand.

Q. 10,000 to 20,000 Chinese? A. Yes sir.

Q. That drugstore was on the corner of Dupont and what street?

A. Sacramento, in that commercial street block.

THE INTERPRETER. That means between Commercial and Sacramento. In that block and on the corner of Sacramento and Dupont.

MR ENGELKING. Q. How long did you see Gin Chew at those times? A. May be 20 minutes or so.

Q. Did you talk with him for 20 minutes? A. Yes sir; one talking and the other talking.

Q. How many of you were there around there? A. 7 or 8 people.

Q. And you were all conversing with each other? A. They would attend to their own affairs, and I would attend to my own affairs.

Q. You just saw him there then. You did not talk with him?

A. Yes sir. We were talking about his being at work and I being at

work.

Q. Did you talk with him personally? A. Yes sir, I asked him about his being at work, and he asked me about being at work.

Q. How long did you talk about that. About 20 minutes do you say?

A. May be 10 or 20 minutes.

Q. Who introduced you to Gin Chew? A. When I got in there I asked what is your surname, and asked the other man "what is your surname" and saluted him in that way. That is the salutation.

Q. No one introduced you at all? A. When we go in like that with friends, you go in the place, and one asks the other "what is your surname" and "where do you come from", and what do you do", and the conversation goes on in that way; in other words, that is the way of introducing.

Q. You had no reason to be attracted to the man at that time?

A. Sometimes I would go in there, and when I would be out of money he would lend me some money -- a good friend.

Q. When did you begin this financial intimacy? A. Well, you see sometimes I may be out of work quite a while, and then I would go and borrow some money.

Q. And you would go to him always? A. Well, sometimes I would borrow from others.

Q. Did you always meet Gin Chew in that drugstore? A. Sometimes I would go to see him.

Q. When did you first go to his home? A. I wanted to borrow some money from him, and he went with me up to the house.

Q. When did you first go to his home. Answer these questions promptly and directly? A. It was at Tai Wong Hong's drugstore that he loaned me the money, and it was about that time that he

took me to the house.

Q. When was it that he loaned you the money. You met him about December of the first year that you came, is that right, the last month? A. Yes sir.

Q. How long were you acquainted with him before you began to borrow some money from him? A. A few months.

Q. 6 months, 9 months, or 12 months? A. About 4 months.

Q. And after that he took you to his house? A. Yes sir.

Q. How long after you borrowed the money did he take you to his house? How many months after you borrowed the money from him?

A. About an hour or two afterwards.

Q. How many times did you go to the house before the boy was born?

A. Three or four times.

Q. How far between were those visits? A. Sometimes a month or so, and sometimes two or three weeks.

Q. When was it that you first saw the boy? A. When I went to the feast and made him a present.

Q. How old was the boy then? A. One month old.

Q. What did the boy do after he was big enough to work in San Francisco? A. Laundry.

Q. Did he work in a laundry all the time? A. Yes sir.

Q. You know that the boy is in El Paso now don't you? A. I don't know where he went, but I know that after the fire he went in the country.

Q. Have you heard from him since? A. I have got a letter about a month or so ago saying he had been arrested in El Paso.

Q. Just about a month or so ago? A. About three months ago; may be three or four months.

Q. You signed a paper for him before he went away, didn't you?

A. No sir; I don't know where he went to.

Q. Did the boy go to school? A. Chinese school.

Q. How long? A. 8 or 10 years.

Q. Where is his father now? A. Gone back to China.

Q. What is his father doing back there? A. I don't know.

Q. Did you ever hear from him? A. I heard that he had gone back to China.

Q. Did you ever get a letter from him? A. No sir.

Q. Are you sure? A. No sir, I met him as he went back.

Q. You saw him as he went back? A. Yes sir.

Q. If you wanted to get his address now, could you write and get it? If you wanted to know his address, could you write to other people, or by inquiry find out where his father is. Could you get into communication with him if you wanted to? A. I don't understand exactly what you mean.

Q. This is what I mean: If you had to write to Gin Toon's father in China on some business that was very important, could you find out where he resides now? A. I have no idea at all. I have not heard in China where his father is.

Q. That is not the question. Supposing you had a thousand dollars for him and it belonged to him, and it had to be sent to him, could you find out where he is so that the money could be sent to him? A. I have no idea where he is at all back in China.

Q. You have no idea where he is in China? A. No sir, I don't know where to go and find him.

Q. Could other persons find out where he is. Would it be difficult to find him. Could he not be found if he had to be found?

MR MCGOWAN. Objected to as incompetent, immaterial and irrelevant, having no bearing on the issues in this case, and calling for the opinion of the witness.

A. China is such a big country and very far. It is so wide in China that I don't know where he is.

MR ENGELKING. Q. Would not Gin Toon know where he is?

MR MCGOWAN. Objected to as incompetent, immaterial and irrelevant and calling for the opinion of the witness.

A. He knows he has gone back to China.

MR ENGELKING. Q. Does not the son know where the father is?

MR MCGOWAN. The same objection.

A. He knows he has gone back to China.

MR ENGELKING. Q. Don't the children correspond with their parents after they go back to China?

MR MCGOWAN. Objected to as calling for the opinion of the witness, and incompetent, immaterial and irrelevant.

A. I don't know about that.

MR ENGELKING. Q. Where is your father? A. In China.

Q. Did you ever write to him? A. Yes sir.

Q. Don't you know whether or not Gin Toon writes to his father?

A. I don't know.

Q. How old are you? A. 45.

Q. Is Gin Chew older than you are? A. Gin Chew is now about 60 or 70 years old.

Q. How do you know that this boy was born in San Francisco?

A. Because the father told me and invited me to drink.

Q. How long after the shaving feast did you see Gin Toon again?

A. About a month or two.

Q. Then when did you see him again? A. May be sometimes it would be two or three months, or may be four or five months between the periods when I would see him. I could not say for certain.

Q. Did you see him every year? A. Yes sir.

Q. Can you name the exact day and the month that this boy was born?

A. In the first month, but I don't remember the day.

Q. What year? A. The 8th year of Quong Sue.

Q. You don't remember the day of the month? A. No sir.

Q. Do you remember any other babies that were born? Can you give the date of any other Chinese babies that were born in the first month of Quong Sue 8th year? A. No sir; I don't remember. They were only friends and I don't know.

Q. Do you remember any other baby that was born in the second month of that year? A. That I don't know.

Q. Can you name any other babies that were born in the third, or fourth or fifth or sixth or seventh or eighth or ninth or 12th month of the year? A. I don't know.

Q. Can you name a single baby in any one year since you have been in this State of California? A. Yes sir. I know there were many babies that were born, but just when they were born I don't know.

Q. You cannot even name the year, can you? A. I don't know, because they would be only friends.

Q. When did Gin Chew go away from here? A. The 29th year.

Q. What was the last time he told you that boy was born in the United States? At the shaving feast, or when? A. What need was there? Having seen him, when I went and made the present to him, at the time of the shaving feast, what need was there of his ever telling me again.

Q. Do you know what year the boy began to go to school?

A. I don't remember. He was a few years old.

Q. Do you know where he went to school? A. At his home, at that place.

Q. Right in the same house? A. It was his father that taught him.

Q. He never had a school teacher? A. At home the father taught him.

Q. What did he teach him? To wash clothes, or to read or write?

A. He taught him to read, and also he taught him his trade.

Q. What trade? A. The laundry business.

Q. So the boy never went to any school at all, is that right?

A. Just the father taught him.

Q. He was born, you say, on Dupont Street at 714, is that right?

A. Yes sir.

Q. Did he live there all the time until he went to El Paso?

A. He went to Pacific Street.

Q. How old was he when he went to Pacific Street? A. It was in the 15th year that he went there; I don't know how old he was.

Q. How long did he live at Pacific Street? A. Until the 25th year, when he went to work (1899).

Q. Where did he live when he went to work? A. He stopped at the laundry where he was working.

Q. Where was the laundry? A. I don't know where the location of the laundry was.

Q. Somewhere around town, and you don't know what street. Was it in Chinatown or out of Chinatown? A. I don't know. I only just met him and he would say he was at work.

Q. The boy? A. Yes sir.

Q. You don't know where he lived, whether in Chinatown or out of Chinatown? A. I think it must be in the white peoples-town.

Q. Outside of Chinatown? A. Yes sir.

Q. How far from Chinatown? A. I never was there.

Q. Where was the boy living while he was working, on Pacific Street, or was he living with his father? A. He was sleeping at the laundry.

Q. Where was the boy living when you last knew him?

A. At the laundry.

Q. And that was somewhere among the white men? A. Yes sir.

Q. It was not in Chinatown; that is what you mean? A. It was in the white people streets, but where I don't know.

Q. Between what numbers of Stockton Street does Chinatown lie?

A. I don't know the numbers.

Q. Stockton Street is in Chinatown, is it not? A. It is on the boundaries of Chinatown.

Q. Did Gin Toon have any relatives here besides his own immediate family? A. I don't know.

Q. Did you know Sam Wah. Do you know the laundry called Sam Wah?

A. I know there was a laundry of that name, and that he was working there.

Q. The boy was working there? A. Yes sir.

Q. Where was that laundry? A. I don't know. All I know is that is the name of the place where he worked.

Q. Were you at the house of Gin Chew shortly before he went to China? A. Yes sir.

Q. Where was he living? A. He had gone into the country a little before he went to China,

Q. How long before he went to China were you at his house the last time? A. He did not have a house after he went in the country, but he had that house until about the 25th year.

Q. Here in San Francisco? A. Yes sir.

Q. How long was his father in the country? A. About 4 years.

Q. What years were those? A. The 25th, 26th, 27th, 28th and 29th.

Q. When he came back in the 29th year did he live in a house here?

A. He went to China.

Q. Right away? A. He did not return to live in San Francisco.

Q. Did he have his wife with him? A. She died in the 21st year.

Q. What date? A. In the beginning of the year some time. I don't remember exactly.

Q. Did you attend her funeral? A. No sir.

Q. Where was she buried? A. I came over here and the father told me she had died, but I had no time to go to the funeral.

Q. Do you know where she was buried, is my question?

A. In the old Mission.

THE INTERPRETER. That means the old cemetery.

MR ENGELKING. Q. How many children did Gin Chew have in all?

A. Just the one.

Q. How many cases have you testified in? A. None.

Q. Did you ever testify in a case for Mr Baker? A. No sir, I only cooked for him.

Q. This is the first case in which you have ever come and stated in a court or elsewhere that the person was born in the United States? A. I am not a witness.

THE INTERPRETER. He means not a professional witness.

MR ENGELKING. Q. Answer the question. Is this the first case?

A. Yes sir, this is the first time. He is my friend and I have come to say a few words.

Q. How did you find out that they needed you? A. He wrote to me from El Paso asking me to testify for him, and then I was notified.

Q. Who notified you here? A. The lawyer sent a man to tell me.

Q. Who was the man that came? A. Fong Leung.

Q. Your name is Lim Jim? A. Lim Junge.

Q. And Fong Leung came to see you? A. He came from the lawyer to tell me to come and testify.

Q. Was that before you heard from El Paso or afterwards, that you were told to come? A. About four months ago he came to see me.

Q. Was that before you heard from El Paso or afterwards that you were told to come? A. The letter came first and then he came to tell me.

Q. You don't know that he came from a lawyer do you?

MR MCGOWAN. Objected to as not being cross examination.

A. He said that the lawyer sent him.

MR ENGELKING. Q. Do you know Jim Wah Hong? A. No sir.

Q. You don't know any uncle of this Gin Toon? A. No sir.

Q. Did you ever go to a theater here? A. I have been there once in a while.

Q. Did you ever see Gin Toon at the theater? A. No sir.

Q. When did Gin Toon leave here? A. Earthquake time, or fire time rather.

Q. When did you last see Gin Toon? A. It was about three days after the earthquake that I saw him over in Oakland -- a few days after the earthquake.

Q. How many times did you see Gin Toon the year before the fire?

A. I saw him the beginning of the year.

Q. Once? A. I saw him once in the first month of the year.

Q. Did you see him the second year before the fire? A. In the first month in the 32nd year I saw him once. Several times I saw him in the 31st year.

Q. Where and when? A. I met him in the street as he would come from his work.

Q. Do you remember the month and date? A. No sir.

Q. Do you remember seeing him in the 30th year? A. In the 8th month and the 10th month, sometimes I would come over here and see him and sometimes I would not.

Q. Do you know that man (Handing a paper with a photograph attached to the witness)? A. This is an old man.

Q. Who is he; what is his name?

MR MCGOWAN. Objected to as not proper cross examination, incompetent, irrelevant and immaterial, and no bearing on anything testified to on the direct examination.

A. I don't know that man.

MR ENGELKING. Q. Who was the man that came to see you?

MR MCGOWAN. Objected to as already in evidence.

A. A friend came from a lawyer.

MR ENGELKING. Q. What is his name?

MR MCGOWAN. Same objection.

A. Leong.

MR ENGELKING. Q. Fong Leong? A. Yes sir.

Q. Is that not Fong Leong? A. No sir.

Q. Who is that?(Handing another paper with a photograph attached to the witness).

MR MCGOWAN. Same objection. -35-

A. I don't know.

MR MCGOWAN. I would suggest that you designate those pictures in some way.

MR ENGELKING. I will. I am going to testify to this in a moment.

Q. Do you know that man (Handing another paper with a photograph attached to the witness).

A. No sir.

MR MCGOWAN. Objected to as incompetent, immaterial, irrelevant, and not proper cross examination, and I would suggest this: The District Attorney is asking the witness whether he knows certain pictures or not, and I want them designated in some way on the record so that the record will show what pictures they are.

MR ENGELKING. You know enough of procedure to know that if I do not identify them as being the pictures of certain persons the evidence will be of no avail.

MR MCGOWAN. It would not be in a proper procedure, but when you brand every Chinaman that comes here as not speaking the truth I do not know about it.

MR ENGELKING. Q. Do you know this face (Handing another paper with a photograph attached to the witness).

MR MCGOWAN. Same objection.

A. No sir, I don't know him.

MR ENGELKING. Q. Do you know that face (Handing another paper with a photograph attached to the witness)? A. I don't know him.

RE-DIRECT EXAMINATION

MR MCGOWAN. Q. What was the defendant's father's name?

A. Gin Chew.

Q. How long did you know him before the defendant was born?

A. Five or six months.

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MR MCGOWAN. I should like to ask the District Attorney if he is going to give his testimony in this matter at this time.

MR ENGELKING. No.

MR MCGOWAN. I desire to call upon the District Attorney to properly mark for identification the photographs he has exhibited to the witness at this time for the reason that if they are produced at the actual trial of the case before the court in the absence of this witness, there is no method of determining whether they are the pictures that have been exhibited to him or not.

MR ENGELKING. To which the District Attorney replies that if he produces the pictures at the trial they will be the pictures that he has produced here.

MR MCGOWAN. Does the District Attorney decline to so mark them for identification at the present time?

MR ENGELKING. Yes.

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

I certify that, in pursuance of the stipulation entered into by and between S. ENGELKING ESQ., Assistant United States Attorney for the Western District of Texas, El Paso Division, and Messrs McGOWN & PRICE, attorneys for the defendant, on Wednesday, June 17th, 1908, before me, E. H. HEACOCK, a United States Commissioner for the Northern District of California, at San Francisco, at my office in Room 214 of the United States Post Office and Court House Building, northeast corner of Seventh and Mission Streets, in the City and County of San Francisco, State of California, personally appeared FONG MOON YIM and LIM JUNG, witnesses called on behalf of the Defendant, in the cause entitled in the caption hereof, and S. ENGELKING ESQ., Assistant United States Attorney for the Western District of Texas, appeared as counsel for the United States, and GEORGE A. MCGOWAN ESQ., appeared as counsel for the Defendant, and the said FONG MOON YIM and LIM JUNG being by me first duly cautioned and sworn to testify the whole truth in said cause, and being carefully examined, deposed and said as appears by their depositions hereto attached.

And I further certify that the reason for taking the foregoing depositions is that the above named witnesses reside more than one hundred miles from the place where this cause is to be tried.

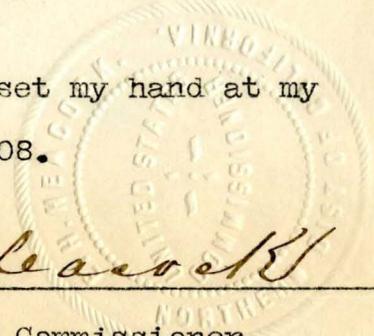
I further certify that the said depositions were then and there taken down in shorthand notes by CLEMENT BENNETT, a skillful

stenographer and disinterested person, and were by him put into typewriting; and I further certify that by stipulation of the attorneys for the respective parties the reading over of the depositions to the witnesses and the signing thereof was duly waived.

And I do further certify that I have retained the said depositions in my possession for the purpose of mailing the same with my own hand to Hon. W. D. HOWE, U. S. Commissioner for the Western District of Texas, El Paso Division thereof, for whom the same were taken.

And I do further certify that I am not of counsel nor attorney for either of the parties in the said depositions and caption named, nor in any way interested in the event of the cause named in the said caption.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office aforesaid, this 23rd day of June, 1908.



Cyril K. ...

United States Commissioner
Northern District of California,
At San Francisco.

