

erty to be executed by the Mayor, as aforesaid, shall vest the right of possession to said property in the said Veterans' Home Association, and the said property may be thereafter granted or leased and disposed of by the Directors of said association for such benevolent or charitable purposes as the Board of Directors of said association may, at any time, designate by order or resolution.

Sec. 2. This Act shall take effect from and after its passage.

---

CHAPTER CXXXIX.

*An Act prescribing the competency and for the protection of witnesses testifying as to crimes against the elective franchise, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-four of said Penal Code.*

[Approved March 20, 1891.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section sixty-four, to read as follows:

64. No person, otherwise competent as a witness, shall be disqualified or excused from testifying concerning any of the offenses enumerated and prescribed in this title, on the ground that such testimony may criminate himself; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution.

No prosecution against witnesses testifying in election cases.

---

CHAPTER CXL.

*An Act to prohibit the coming of Chinese persons into the State, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this State, and fixing penalties and punishments for violation of this Act, and providing for deportation of criminals.*

[Approved March 20, 1891.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. From and after the passage of this Act, it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well as those who are now within the limits of this State, and who may hereafter leave this State and attempt to return, as those who have never been

Chinese prohibition.

here, or having been here have departed from this State (save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the Government of the United States as Ministers Plenipotentiary, or other diplomatic representatives, Consuls-General, consular and commercial agents, including other officers of the Chinese or other Governments traveling upon the business of that Government, with their body and household servants), to come to or within, or to land at or remain in any port or place within this State; and the coming of Chinese persons to this State, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this Act, be and the same is hereby absolutely prohibited.

SEC. 2. The master, purser, or agent of any vessel, who, on clearing from any foreign port and bound to any port of this State, shall knowingly ship as a sailor or marine, or enter upon his crew list, or count upon his "bill of health," or permit the same to be entered or counted, the name of, or bring into this State, any Chinese person, other than those excepted by the statutes of the United States, as such Chinese person or persons, duly accredited to the Government of the United States as Ministers Plenipotentiary, or other representatives, Consuls-General, consular and commercial agents, including other officers of the Chinese or other Governments traveling upon business of that Government, with their body and household servants, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese person so entered, counted, or brought into this State, and may also be imprisoned for a term of not exceeding one year; but the foregoing provisions shall not apply to the case of any master, purser, or agent whose vessel, being bound to a port not within this State, shall come within the jurisdiction of this State by reason of being in distress, or in stress of weather, or touching at any port of this State on its voyage to any other State, or foreign port or place; *provided*, that no Chinese person brought on such vessel shall be permitted to land, except in case of absolute necessity, and must depart with the vessel on its leaving port; and if so permitted to land, such master, purser, or agent shall be liable as in this section provided.

SEC. 3. It is hereby made the duty of all agents of transportation, and ticket agents, in this State, for railroads, stage lines, steamship lines, and vessels of all descriptions, and masters and pursers of the same, when applied to by any Chinese person, or by any other person for the passage of a Chinese person, for a ticket as passenger from one station, town, city, port, or landing in this State, to another station, town, city, port, or landing in this State, or to any other State of the United States, and before selling such ticket, to demand of said person applying permission to see, and shall, before selling a ticket, examine the "certificate of residence" of the applicant, as described in this Act, and insert the number of said certificate

Excep-  
tions.

Rules as to  
vessels and  
masters or  
agents.

Penalty.

Excep-  
tions.

Rules gov-  
erning  
transport-  
ation and  
ticket  
agents.

of residence on said ticket; and should such applicant or Chinese person fail to produce such certificate, then the said agent shall not sell a ticket to, or permit said Chinese person to take passage, and said agent, master, or purser shall arrest, or cause to be arrested, the said Chinese person or applicant, and proceed to file a complaint with any Justice of the Peace or Police Judge, or Court having jurisdiction of the same, as in other cases provided for in this Act, or turn over such Chinese person or applicant to some peace officer, whose duty it is to enforce the provisions of this Act. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every offense, and may be imprisoned for a term of not more than one year.

Same.

Non-compliance a misdemeanor.

SEC. 4. It shall be the duty of all conductors or agents of transportation, who may be authorized to examine tickets and receive fare of Chinese persons upon any railroad, stage line, sail vessel, or steamship plying between points, landings, ports, stations, towns, or cities of this State, or coming into this State from other States of the United States, or any foreign country, to demand at the same time to see and examine the "certificate of residence" described in this Act; and should any such Chinese person refuse or fail to produce, on demand, said certificate, conforming in all particulars to the provisions of section (11) eleven of this Act, it shall be the duty of said agent, or conductor, master, or purser, to arrest and confine such Chinese person until such time as he shall be able to deliver over such person to some peace officer, or file a complaint against said Chinese person in a Court having jurisdiction, as provided for in this Act; and should any such agent, ticket agent, conductor, master of vessel, or purser, refuse, or willfully or knowingly neglect to comply with the provisions of this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, and may be imprisoned for a term of not more than one year.

Duty of railroad conductors and agents.

Neglect of conductor a misdemeanor.

SEC. 5. Any person who shall knowingly bring into or cause to be brought into this State, by land or otherwise, or who shall aid or abet the same, or aid or abet the landing in this State, from any vessel or otherwise, of any Chinese person not lawfully entitled to enter this State, shall be deemed guilty of a felony, and shall on conviction thereof be fined in a sum of not exceeding one thousand dollars, and imprisoned in the State's Prison for a term not exceeding one year, and, if a Chinese person, shall be sentenced to deportation as in other cases.

Penalty for aiding unlawful entrance into this State.

SEC. 6. No Chinese person shall be permitted to enter this State, by land or water, without first producing the certificate in this Act required of Chinese persons resident of this State. And any Chinese person found guilty of being unlawfully within this State, shall be caused to be removed therefrom, by judgment of Court, to China, unless the defendant shall prove that he is a citizen of some foreign country other than China,

Unlawful residents to be removed.

Deporta-  
tion.

then to said country of which he is a citizen. The burden of establishing citizenship shall rest upon the defendant. In every case, when established that such Chinese person is not lawfully in this State, then the judgment of the Court shall be deportation to the country of his citizenship at the cost of said person so to be deported; and judgment and fine may be rendered therefor, and, if collected, paid unto and credited to the Chinese Fund, and if not paid or collected, then, in the first instance, to be paid by this State out of the Chinese Fund, after being brought before some Superior Court Judge of this State, and declared by said judgment to be one not lawfully entitled to be or to remain in this State; *provided*, that after such judgment and finding of any Court having jurisdiction, said Court may transmit such findings and judgment to the Governor, who may forward a copy thereof to the Secretary of the Treasury of the United States, or other officer designated by him, and request that such Chinese person shall be removed from the limits of this State at the expense of the United States; and in all such cases the person who brought or aided in bringing such person to this State shall be liable to the Government of this State for all necessary expenses incurred in such investigation and removal; and all peace officers of the several counties of this State, including all other persons authorized to make arrests, are hereby invested with the same authority as any Sheriff or Constable.

How  
accom-  
plished.

Penalty of  
unlawful  
residence.

SEC. 7. Any Chinese person adjudged guilty of being unlawfully within the jurisdiction of this State, and on conviction thereof, shall be punished by being deported from this State to his or her own country, or by a fine of not less than five hundred dollars nor more than one thousand dollars, and deportation from this State to his or her own country, or by imprisonment in the State Prison for a term not less than one nor more than five years, and on termination of said imprisonment shall be deported to China, or such country of which he is a citizen; all the expenses of deportation, upon approval of the State Board of Examiners, shall be drawn from the Chinese Fund provided for in this Act, and from no other source, when defrayed by the State.

Photo-  
graph to  
accom-  
pany find-  
ings.

SEC. 8. In all cases where the judgment of deportation, or fine and deportation, or imprisonment and deportation, shall be rendered by any Court trying the same, it shall be the duty of the Court to cause to be made a copy of the findings and judgment in the case, attaching to the same a well taken photograph of the defendant, and also stating such distinctive facial marks, or noticeable physical marks or features, as will at any future time assist in a ready detection and conviction on a second offense, and forward the same to the Commissioner of the Bureau of Labor Statistics of this State, for preservation and reference at any future time.

Duty of  
LaborCom-  
missioner.

SEC. 9. Within ninety (90) days after the passage of this Act, it shall be the duty of the Commissioner of the Bureau of Labor Statistics of this State, to cause to be published in one daily or weekly newspaper, if any, of general circulation within each

county of the State, for the period of one month, once each week, a notice to all Chinese persons within the State, and also post a like notice in a conspicuous place at such Post Offices as he may deem proper, written in the Chinese language, directing and commanding all Chinese persons within this State to appear at the office of the Commissioner of the Bureau of Labor Statistics within ninety (90) days from the date of the last publication of such notices, and apply for the certificate of residence provided for in this Act.

SEC. 10. It shall be the duty of every County Clerk to record, in a book kept for that purpose, and with reasonable dispatch, all certificates of residence issued to Chinese persons who may reside in the county, and keep a full record of all such certificates, for future reference and identification, with the photograph of said Chinese person incorporated therein.

Duty of County Clerks.

SEC. 11. The form of "certificate of residence" shall be printed on parchment of convenient size and durable quality, leaving a blank space in center of first page of sufficient size, on which shall be printed or pasted a well taken photograph of applicant, including, when possible, all facial marks or other features calculated to aid in a ready identification. The printing surrounding the photograph shall be in clear type, and contain the name, date of birth, place of birth, and country and citizenship; date of departure from such country; date and year of arrival in the United States, at what port landing; age, sex, Post Office address, number of street, town, city, farm, ranch, county, and State at which he may now reside; family name and tribe, complexion, color, height, weight, and occupation; by whom employed, and Post Office address of employer; if working on own account, at what employment, giving number of street, town, or city, name of farm, ranch, and occupation, and also any particular noticeable facial marks or bodily deformity as may be observed and believed to render ready aid in future identification; and any Chinese person who shall be found within the jurisdiction of this State, unprovided with a certificate of residence of the form above set forth, and bearing the official signature of the Commissioner of the Bureau of Labor Statistics of this State, after the expiration of one year from the date of the passage of this Act, then and in such case he shall be deemed and adjudged as unlawfully within the limits of this State, and subject to punishment as provided for in this Act.

Certificate of residence.

What to contain.

Official signature of Commissioner.

SEC. 12. The County Clerk shall cause to be affixed to the "certificate of residence" of every Chinese person presenting the same for record, his official signature and seal and the date of record.

Official signature of County Clerk.

SEC. 13. It shall be the duty of all Chinese persons within the limits of this State at the date of the passage of this Act, within one year after the passage of this Act to apply for a "certificate of residence" to the Commissioner of the Bureau of Labor Statistics, and on obtaining the same, to present to, and have recorded by the County Clerk of the county of residence of such Chinese person, his "certificate of residence," as hereinbefore provided; and any Chinese person within the

All Chinese must have certificate of residence.

limits of this State, who shall fail or refuse to comply with the provisions of this Act shall be adjudged by the Court before whom he may be tried as being unlawfully within the limits of this State, and subject to the same fines and penalties as in other cases provided for in this Act.

Blank records.

SEC. 14. Immediately after the passage of this Act, the Secretary of State shall cause to be printed by the State Printer and sent to the Clerks of the several counties throughout this State the necessary blank record books, containing blank certificates, provided for herein, in such form as prescribed by this Act and the Commissioner of the Bureau of Labor Statistics.

Fees charged.

SEC. 15. Each Chinese person who shall apply to the Commissioner of the Bureau of Labor Statistics for a certificate as required herein, shall pay to the said Commissioner of the Bureau of Labor Statistics, to be paid into the State Treasury, and credited to the "Chinese Fund," the sum of five dollars, which sum, together with cost of photographs and recording and fee of deputy issuing the certificate of residence, shall be the only compensation allowed for registering and issuing certificates to Chinese persons as herein provided; *and provided*, that the applicant shall pay for or furnish the photograph set forth in section (11) eleven of this Act, satisfactory to the Commissioner of the Bureau of Labor Statistics.

State Printer to furnish certificates.

SEC. 16. Immediately after the passage of this Act, the Secretary of State shall cause to be printed by the State Printer, on parchment, and of the size adopted by the Commissioner of the Bureau of Labor Statistics, blank copies of the "certificate of residence" referred to in this Act, in sufficient quantities to supply the requirements of the Commissioner of the Bureau of Labor Statistics in carrying out this Act.

Chinese Fund Account.

SEC. 17. The Controller of this State shall open a set of books of account, known as the "Chinese Fund Account," in books to be provided by the Secretary of State, in which shall be entered all moneys received under this Act, the date received, and name of persons paying the same, and for what purpose such money was received, upon itemized statements, rendered on the last day of each month by the Commissioner of the Bureau of Labor Statistics, on blank forms furnished by the State for such purpose; and thereupon the Commissioner of the Bureau of Labor Statistics shall pay such moneys into the State Treasury to the credit of said Chinese Fund.

Disposition of fees.

SEC. 18. The fees collected under the provisions of this Act shall be known and set apart by the Treasurer of State as the "Chinese Fund," and shall be held and drawn upon solely to defray the expenses incidental to the execution of this Act.

Reward.

SEC. 19. The Governor of this State is authorized and required, at the expiration of one year from the passage of this Act, to offer a reward of twenty-five (\$25) dollars to any person or persons, as informants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this Act; *provided*, that the same shall be paid from the fund collected under the provisions of this Act and known as the "Chinese Fund," and from no other moneys belonging to

the State; *provided*, that no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this State or municipal ordinances.

SEC. 20. Whenever any peace officer of this State, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this Act, he shall demand of said person permission to see and examine said certificate; and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath, to the nearest Justice of the Peace, or Police Judge, or Judge of any Superior Court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of said Chinese person, and proceed to examine or try the defendant upon said charge.

Any peace officer may demand to see certificates.

Warrant of arrest.

SEC. 21. Whenever it shall appear to any Court having jurisdiction of any case under this Act, that, upon the testimony, the defendant has failed to provide himself or herself with the certificate as set forth in this Act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the Court shall be that such Chinese person shall pay all costs of such investigation, and at that time, without delay, proceed to register and procure a certificate as provided for in this Act; *and provided further*, that should the defendant fail, on demand of the Court, to comply with the judgment of the same, under the provisions of this Act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases; *provided*, that when sufficient excuse is shown for not having registered, and such registration is made, no penalty shall be inflicted except the payment of costs.

When liable for costs only.

SEC. 22. Any person whose race or nationality precludes him from being naturalized under the laws of the United States, or under the laws of this State, found guilty of a violation of any law of this State, or of any ordinance of a municipality of this State, other than a capital offense, shall be deemed and adjudged as having forfeited all right and privilege to remain within the State, and it shall be the duty of the Court trying the cause to pass sentence of deportation as in other cases provided for in this Act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of this State, or ordinance of any municipality of the same; *provided*, that the Court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

Penalty for violation of State laws.

SEC. 23. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued, who shall falsely present any such certificate, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding

Falsely altering or substituting a certificate a felony.

one thousand dollars, and imprisoned in the State Penitentiary for a term of not more than five years.

SEC. 24. For the purpose of carrying out the provisions of this Act, it is hereby provided:

Salary.

Subdivision 1. That the Commissioner of the Bureau of Labor Statistics shall have for his services to be rendered in carrying out this Act the sum of two thousand (\$2,000) dollars per annum, payable out of the Chinese Fund in this Act created and provided for.

Deputies.

Subdivision 2. The Commissioner of the Bureau of Labor Statistics may, with the concurrence and consent of the Governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this Act, and that such deputies shall receive such compensation as may be fixed by the State Board of Examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese Fund hereinbefore specified.

Claims.

Subdivision 3. All claims arising out of and incident in carrying out the provisions of this Act shall be presented the same as other claims against the State, and audited and passed on by the State Board of Examiners, and paid on warrants drawn by the Controller upon the Chinese Fund.

SEC. 25. This Act shall take effect from and after its passage.

## CHAPTER CXLI.

*An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecution for murder, the embezzlement of public moneys, and the falsifications of public records must be commenced, and providing the time within which informations may be filed, or indictments found, for other felonies.*

[Approved March 20, 1891.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven hundred and ninety-nine of the Penal Code is hereby amended so as to read as follows:

No limitation in certain crimes.

799. There is no limitation of time within which a prosecution for murder, the embezzlement of public moneys, and the falsification of public records must be commenced. Prosecution for murder may be commenced at any time after the death of the person killed, and for the embezzlement of public money or the falsification of public records, at any time after the discovery of the crime.

SEC. 2. Section eight hundred of the Penal Code is hereby amended so as to read as follows: