

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. CHIN TZE, DEFENDANT AND APPELLANT.

G.R. No. 1914. August 12, 1905

Ponente: CARSON, J.

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CARSON, J.:

Chin Tze, the appellant in this case, was convicted of violation of the immigration laws, and sentenced in the Court of Customs Appeals in accordance with the provisions of section 11 of an act of Congress of May 6, 1882, as amended by the act of Congress of July 5, 1884, as continued in force and effect by acts of Congress of May 5, 1892, and April 29, 1902, when its provisions were made applicable to the Philippine Islands.

It is urged that the said act of July 5, 1884, was abrogated by the provisions of section 15 of an act of Congress of September 13, 1888. But this section expressly provided that said abrogation should only take effect upon the ratification of a certain treaty with China, then pending, and expressly mentioned in paragraph 1 of said act. This treaty never was ratified, and therefore the express abrogation of section 11 of said act relied upon by counsel for the defense never took effect.

On May 5, 1892, the provisions of the said section 11 of the act of Congress of May 6, 1882, as amended by act of Congress of July 5, 1884, were continued in force for a period of ten years, and by act of Congress of April 29, 1902, said section 11 of said act, being then in force by virtue of said act of Congress of May 5, 1892, was made applicable to the Philippine Islands, and continued in full force and effect up to the date of the commission of the offense and the trial and conviction of the appellant. (U. S. vs. Long Hop, 55 Fed. Rep., 58; Li Sing vs. U. S. 180 U. S., 489; Wan Shing vs. U. S., 140 U. S., 424.)

We are of opinion that the evidence adduced at the trial fully sustains the findings of the trial judge, and that the guilt of the appellant was established beyond a reasonable doubt, and we find no error in the proceeding prejudicial to the rights of the accused.

The sentence appealed from should be affirmed, with costs against the appellant. So ordered.

Arellano, C. J., Torres Mapa, and Johnson, JJ., concur.

Willard, J., did not sit in this case.

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