

WILLIAM CLARK, PLAINTIFF AND APPELLEE, VS. JAMES J. WILSON, DEFENDANT AND APPELLANT.

G.R. No. 7500. February 03, 1913

Ponente: TRENT, J.

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TRENT, J.:

This action was instituted by William Clark for the recovery of P2,000 from the defendant, James J. Wilson, under the provisions of sections 4 and 5 of the general immigration law of 1907. The lower court rendered judgment for the amount prayed for and the defendant appealed.

Section 4, the last two provisos contained in section 2, and section 5 of the Act of February 20, 1907, are as follows:

"SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this Act.

(SEC. 2.) "And provided further, That skilled labor may be imported if labor of like kind unemployed cannot be found in this country: And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

"SEC. 5. That for every violation of any of the provisions of section four of this Act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States, shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States."

But one assignment of error is made by counsel for the appellant, which reads:

"The judgment rendered is contrary to the law and the evidence."

The discussion in the brief of counsel is confined solely to the point that Clark, being a "journeyman pattern maker," was a skilled laborer, and that therefore the defendant was not liable for inducing him to immigrate to this country. Counsel do not even suggest, except as stated in the alleged error, in their argument before this court, that the defendant did not enter into a contract with the plaintiff while the latter was in Scotland, in which it was agreed that the plaintiff should come to this country and perform cheap, unskilled labor for the defendant, and that

in pursuance of this contract the plaintiff did come to Zamboanga and perform such labor. Neither do counsel contend that even admitting that the plaintiff was a skilled laborer and came to this country to pursue and did pursue his vocation, that the defendant attempted to show that unemployed pattern makers could not be found "in this country."

The inquiry arises as to whether or not a skilled laborer who immigrates to this country under contract to perform cheap, unskilled labor, and who does after arriving perform such labor and no other falls within the exempt class.

The case relied upon by counsel for the appellant is that of the *United States vs. Laws* (163 U. S., 258; 41 L. Ed., 151). In that case the Circuit Court of Appeals for the sixth circuit certified to the Supreme Court of the United States the following question:

"Is a contract made with an alien in a foreign country to come to this country as a chemist on a sugar plantation in Louisiana, in pursuance of which contract such alien does come to this country and is employed on a sugar plantation in Louisiana, and his expenses paid by the defendant, a contract to perform labor or service as prohibited in the Act of Congress passed February 26, 1885?"

In answering this question, the court, at page 266, said:

"The question presented to us assumes that the individual is a chemist, and that he has come to this country for the purpose of pursuing his vocation as a chemist on a sugar plantation in Louisiana. It may be assumed that the branch of chemistry which he will practice will be that which relates to and is connected with the proper manufacture of sugar from the sugar cane, or possibly from sorghum or beets. He is none the less a chemist, and none the less occupied in the practice of his profession because he thus limits himself to that particular branch, which is to be applied in the course of the scientific manufacture of sugar any more than a lawyer would cease to practice his profession by limiting himself to any particular branch thereof or a doctor by confining this practice to some specialty which he particularly favored and was eminent in."

After an extensive examination of the law, the question was answered in the negative.

From the above quotation it clearly appears that the judgment of the court rests upon the proposition that Seeliger went under contract to the United States to follow his vocation as a chemist and not to perform cheap, unskilled labor. In the case at bar, Clark came to the Philippines under contract to perform cheap, unskilled labor and no other. The two cases are quite different. If a skilled laborer abandons his trade or vocation and performs common, unskilled labor, he certainly belongs to the ranks of the latter class while so employed. The law applies not to the past history or accomplishments of the immigrant, but to his purpose in coming to the country. Cheap, unskilled labor performed by a person capable of performing skilled labor of some sort has the same tendency to aggravate the evil the law seeks to mitigate as that performed by a person who has never mastered a trade or profession. The law was intended to apply to the manual laborer as distinguished from the professional man or anyone whose toil is that of the brain. The foregoing reasons are sufficient to dispose of this case. The judgment is affirmed, with costs against the appellant. So ordered.

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

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