

Ex Parte Hung Hang

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Court : US Supreme Court

Decided On : May-07-1883

Appeal No. : 108 U.S. 552

Appellant : Ex Parte Hung Hang

Judgement :

Ex Parte Hung Hang - 108 U.S. 552 (1883)

U.S. Supreme Court Ex Parte Hung Hang, 108 U.S. 552 (1883)

Ex Parte Hung Hang

Decided May 7, 1883

108 U.S. 552

ORIGINAL

SYLLABUS

Except in cases affecting ambassadors, other public ministers, or consuls, or those in which a state is a party, the Supreme Court can only issue a writ of habeas corpus under its appellate jurisdiction.

Application for a writ of habeas corpus.

MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

This is an application for a writ of habeas corpus for the purpose of an inquiry into the legality of the detention of the petitioner, Hung Hang, a subject of the Emperor of China, by

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the chief of police, under a warrant for his arrest, issued by the Police Judge of the City and County of San Francisco, California, for a violation of an order or ordinance of the board of supervisors of such city and county, alleged to be in contravention of the Constitution and of a treaty of the United States.

It has long been settled that ordinarily this Court cannot issue a writ of habeas corpus except under its appellate jurisdiction. [*Ex Parte Bollman & Swartwout*](#), 4 Cranch 75; [*Ex Parte Watkins*](#), 7 Pet. 568; [*Ex Parte Yerger*](#), 8 Wall. 85; [*Ex Parte Lange*](#), 18 Wall. 163; *Ex Parte Parks*, [93 U. S. 18](#) ; *Ex Parte Virginia*, [100 U. S. 339](#) ; *Ex Parte Siebold*, [100 U. S. 371](#) .

Section 751 of the Revised Statutes, which reenacts a similar provision in the Judiciary Act of 1789 (sec. 14), gives this Court authority to issue the writ, but, except in cases affecting ambassadors, other public ministers, or consuls, and those in which a state is a party, it can only be done for a review of the judicial decision of some inferior officer or court. This petition presents no such case.

The writ is consequently denied.