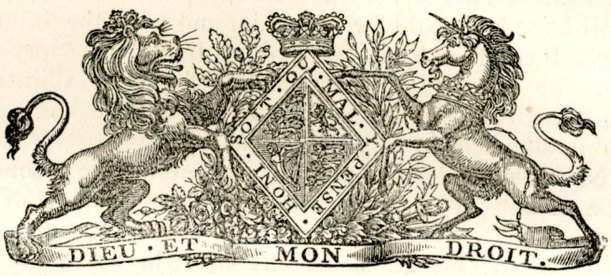

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 26 *September,* 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to regulate and restrict the Immigration of Chinese.

Preamble.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

" Chinese "—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

" Vessel "—Any ship or other sea-going vessel of whatsoever kind or description.

" Master "—The person for the time being in actual command of any such vessel.

Master on arrival to give list of Chinese aboard.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of passengers including the master and crew and cabin passengers than in the proportion of one person to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 and if any of such passengers shall be Chinese the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry. Penalty.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him and with the intent of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony. £10 to be paid for each Chinese arriving by vessel. Penalty. Vessel forfeited.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds. Like sum for Chinese arriving otherwise.

6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony. Payments aforesaid to be paid into Consolidated Fund.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act. Certificate of exemption from payment.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese. Chinese not to be naturalized.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid. Penalty on not paying or having had paid fee for entrance to the Colony.

11. It shall be lawful for the Governor with the advice aforesaid te remit the whole or any part of any penalty or sum of whatever description due or payable by any Chinese under this Act. Governor may remit penalties &c.

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order. Justices may fix time to pay penalties.

13. All penalties under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act. Penalties recovered in a summary manner.

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the twenty-eighth day of February one thousand eight hundred and sixty-two. Short Title and commencement.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 26 *September,* 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

No. .

(*As amended in Committee of the Whole.*)

An Act to regulate and restrict the Immigration of Chinese.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— Preamble.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively— Interpretation.

"Chinese"—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person for the time being in actual command of any such vessel.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds. Master on arrival to give list of Chinese aboard.

3.

NOTE.—The words to be *omitted* are *ruled through* : the words to be *inserted* are printed in **black letter**.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of **Chinese** passengers ~~including the master and crew and cabin passengers~~ than in the proportion of one ~~person~~ to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 ~~and if any of such passengers shall be Chinese~~ the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry. Penalty.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him ~~and~~ with the intent **in any of the above cases** of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony. £10 to be paid for each Chinese arriving by vessel. Penalty. Vessel forfeited.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds. Like sum for Chinese arriving otherwise.

6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony. Payments aforesaid to be paid into Consolidated Fund.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act. Certificate of exemption from payment.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese. Chinese not to be naturalized.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid. Penalty on not paying or having had paid fee for entrance to the Colony.

11. It shall be lawful for the Governor with the advice aforesaid te remit the whole or any part of any penalty or sum of whatever description due or payable ~~by any Chinese~~ **or any forfeiture** under this Act. **Governor may remit penalties &c.**

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order. **Justices may fix time to pay penalties.**

13. All penalties **and sums payable** under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act. **Penalties recovered in a summary manner.**

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the ~~twenty-eighth~~ **thirty-first** day of ~~February~~ **March** one thousand eight hundred and sixty-two. **Short Title and commencement.**

CHINESE IMMIGRANTS REGULATION AND RESTRICTION BILL.

SCHEDULE of the Amendments made by the Legislative Council in the Bill, intituled, "An Act to regulate and restrict the Immigration of Chinese," *returned to the Legislative Assembly with Message of 23rd October,* 1861.

R. O'CONNOR,
Clerk of the Legislative Council.

Page 2,	clause 3,	line 2.	*Before* "passengers" *insert* "Chinese"
"	"	lines 2 and 3.	*After* "passengers" *omit* "including the master and crew and cabin passengers."
"	"	line 3.	*Omit* "person."
"	"	lines 6 and 7.	*Omit* "and if any of such passengers shall be Chinese"
"	clause 4,	line 16.	*Omit* "and"
"	"	"	*After* "intent" *insert* "in any of the above cases."
Page 3	clause 11,	line 3.	*Omit* "by any Chinese"; *insert* "or any forfeiture"
"	clause 13,	line 12.	*After* "penalties" *insert* "and sums payable"
"	clause 14,	line 19.	*Omit* "twenty-eighth"; *insert* "thirty-first"
"	"	line 20.	*Omit* "February"; *insert* "March"

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 26 *September*, 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill, with Amendments.*

Legislative Council Chamber,
Sydney, 23 *October*, 1861.

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No.

An Act to regulate and restrict the Immigration of Chinese.

Preamble.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Interpretation.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

"Chinese"—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person for the time being in actual command of any such vessel.

Master on arrival to give list of Chinese aboard.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds.

3.

NOTE.—The words to be *omitted* are *ruled through:* the words to be *inserted* are printed in **black letter**.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of **Chinese** passengers ~~including the master and crew and cabin passengers~~ than in the proportion of one ~~person~~ to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 ~~and if any of such passengers shall be Chinese~~ the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry. Penalty.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him ~~and~~ with the intent **in any of the above cases** of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony. £10 to be paid for each Chinese arriving by vessel. Penalty. Vessel forfeited.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds. Like sum for Chinese arriving otherwise.

6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony. Payments aforesaid to be paid into Consolidated Fund.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act. Certificate of exemption from payment.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese. Chinese not to be naturalized.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid. Penalty on not paying or having had paid fee for entrance to the Colony.

11. It shall be lawful for the Governor with the advice aforesaid te remit the whole or any part of any penalty or sum of whatever description due or payable ~~by any Chinese~~ **or any forfeiture** under this Act.

Governor may remit penalties &c.

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order.

Justices may fix time to pay penalties.

13. All penalties **and sums payable** under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act.

Penalties recovered in a summary manner.

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the ~~twenty-eighth~~ **thirty-first** day of ~~February~~ **March** one thousand eight hundred and sixty-two.

Short Title and commencement.

Sydney: Thomas Richards, Government Printer.—1861

[*Price*, 1*d*.]

CHINESE IMMIGRANTS REGULATION AND RESTRICTION BILL.

SCHEDULE of Disagreements from Legislative Council's Amendments.—Message, 30th October, 1861.

Page 3, clause 14, lines 19 and 20. *Omit* " thirty-first "; *re-insert* " twenty-eighth "
" " line 20. *Omit* " March " ; *re-insert* " February "

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 26 *September,* 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill, with Amendments.*

Legislative Council Chamber,
Sydney, 23 *October,* 1861.

R. O'CONNOR,
Clerk of the Legislative Council.

The LEGISLATIVE ASSEMBLY *has this day disagreed from some, and agreed to all other of the Amendments made by the* LEGISLATIVE COUNCIL *in this Bill.*

Legislative Assembly Chamber,
Sydney, 30 *October,* 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to regulate and restrict the Immigration of Chinese.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— **Preamble.**

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively— **Interpretation.**

"Chinese"—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person for the time being in actual command of any such vessel.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds. **Master on arrival to give list of Chinese aboard.**

3.

NOTE.—The words to be *omitted* are *ruled through* : the words to be *re-inserted* are printed in **black letter**.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry. Penalty.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him with the intent in any of the above cases of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony. £10 to be paid for each Chinese arriving by vessel. Penalty. Vessel forfeited.

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6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony. Payments aforesaid to be paid into Consolidated Fund.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act. Certificate of exemption from payment.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese. Chinese not to be naturalized.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid. Penalty on not paying or having had paid fee for entrance to the Colony.

11. It shall be lawful for the Governor with the advice aforesaid to remit the whole or any part of any penalty or sum of whatever description due or payable or any forfeiture under this Act. Governor may remit penalties &c.

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order. Justices may fix time to pay penalties.

13. All penalties and sums payable under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act. Penalties recovered in a summary manner.

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the ~~thirty-first~~ **twenty-eighth** day of ~~March~~ **February** one thousand eight hundred and sixty-two. Short Title and commencement.

Sydney: Thomas Richards, Government Printer.—1861.

[*Price*, 1*d*.]

CHINESE IMMIGRANTS REGULATION AND RESTRICTION BILL.

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Legislative Assembly Chamber,
Sydney, 26 September, 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill, with Amendments.*

Legislative Council Chamber,
Sydney, 23 October, 1861.

R. O'CONNOR,
Clerk of the Legislative Council.

The LEGISLATIVE ASSEMBLY *has this day disagreed from some, and agreed to all other of the Amendments made by the* LEGISLATIVE COUNCIL *in this Bill.*

Legislative Assembly Chamber,
Sydney, 30 October, 1861.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to regulate and restrict the Immigration of Chinese.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— **Preamble.**

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively— **Interpretation.**

"Chinese"—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person for the time being in actual command of any such vessel.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds. **Master on arrival to give list of Chinese aboard.**

3.

NOTE.—The words to be *omitted* are *ruled through* : the words to be *re-inserted* are printed in **black letter**.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry. Penalty.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him with the intent in any of the above cases of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony. £10 to be paid for each Chinese arriving by vessel. Penalty. Vessel forfeited.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds. Like sum for Chinese arriving otherwise.

6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Certificate of sum paid to be given to Chinese and to be evidence.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony. Payments aforesaid to be paid into Consolidated Fund.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act. Certificate of exemption from payment.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese. Chinese not to be naturalized.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid. Penalty on not paying or having had paid fee for entrance to the Colony.

11. It shall be lawful for the Governor with the advice aforesaid to remit the whole or any part of any penalty or sum of whatever description due or payable or any forfeiture under this Act. **Governor may remit penalties &c.**

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order. **Justices may fix time to pay penalties.**

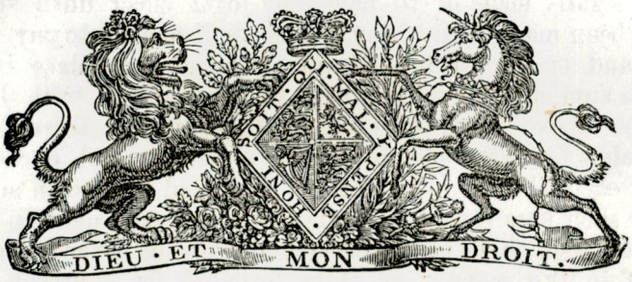
13. All penalties and sums payable under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act. **Penalties recovered in a summary manner.**

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the ~~thirty-first~~ **twenty-eighth** day of ~~March~~ **February** one thousand eight hundred and sixty-two. **Short Title and commencement.**

Sydney: Thomas Richards, Government Printer.—1861.

[*Price*, 1*d*.]

New South Wales.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

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No. III.

An Act to regulate and restrict the Immigration of Chinese.
[Assented to, 22nd November, 1861.]

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into this Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— Preamble.

1. For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively— Interpretation.

"Chinese"—Any male native of China or its dependencies or of any Island in the Chinese Seas not born of British parents or any male person born of Chinese parents.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person for the time being in actual command of any such vessel.

2. The master of every vessel having passengers on board shall immediately on his arrival in any Port of the Colony deliver to the Collector or other Chief Officer of Customs a list of such passengers and shall therein distinctly specify which if any of them are Chinese And for any default herein such master shall be liable to a penalty not exceeding two hundred pounds. Master on arrival to give list of Chinese aboard.

3.

Number of Chinese ships may carry.

3. If any vessel shall arrive in any port in New South Wales having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement fixed by the Merchant Shipping Act of 1854 the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding ten pounds for each Chinese passenger so carried in excess.

Penalty.

£10 to be paid for each Chinese arriving by vessel.

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him with the intent in any of the above cases of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs of this Colony.

Penalty.

Vessel forfeited.

Like sum for Chinese arriving otherwise.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds.

Certificate of sum paid to be given to Chinese and to be evidence.

6. The Collector or other officer as aforesaid receiving such sum from or for any Chinese shall without demand forthwith supply him with a certificate in writing under his hand of the payment of such sum such certificate to be in a form to be settled by the regulations hereinafter mentioned And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid.

Payments aforesaid to be paid into Consolidated Fund.

7. All sums as aforesaid so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony.

Certificate of exemption from payment.

8. All Chinese within the Colony of New South Wales shall on or before the twenty-eighth day of February one thousand eight hundred and sixty-two apply to the nearest Clerk of Petty Sessions or Gold Commissioner for a certificate and such Clerk of Petty Sessions or Gold Commissioner shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinaman applying and the signature of the Clerk of Petty Sessions or Gold Commissioner granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempted from payments under this Act.

Chinese not to be naturalized.

9. The certificate mentioned in the sixth section of the Act of Council eleventh Victoria number thirty-nine shall not hereafter be issued or granted to any Chinese.

Penalty on not paying or having had paid fee for entrance to the Colony.

10. If any Chinese shall enter or attempt to enter the Colony without paying or having paid for him the sum of ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding ten pounds and may be apprehended and taken before any Justice of the Peace most conveniently situated for the purpose who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid.

11. It shall be lawful for the Governor with the advice aforesaid to remit the whole or any part of any penalty or sum of whatever description due or payable or any forfeiture under this Act. Governor may remit penalties &c.

12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money it shall be lawful for the Justice if he shall see fit to order that such sum or any part thereof shall be payable at some future day not being longer than two months from the date of such order provided security by way of recognizance to Her Majesty to the satisfaction of such Justice be given for the payment of the amount mentioned in and at the time fixed by any such order. Justices may fix time to pay penalties.

13. All penalties and sums payable under this Act may be recovered in a summary manner before any two Justices of the Peace And at the hearing such Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act. Penalties recovered in a summary manner.

14. This Act shall be styled and may be cited as the "Chinese Immigrants Regulation and Restriction Act of 1861" and shall commence and come into operation on and from the twenty-eighth day of February one thousand eight hundred and sixty-two. Short Title and commencement.

By Authority: Thomas Richards, Government Printer, Sydney, 1861.

[*Price*, 1*d*.]