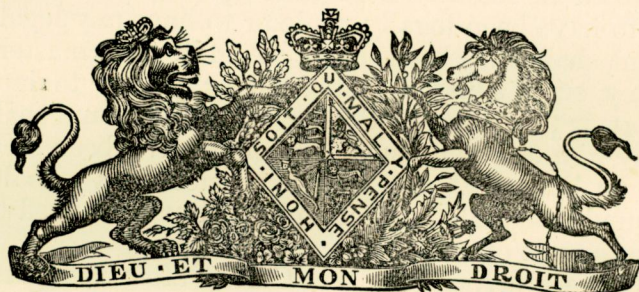


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 20 March, 1879. }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to regulate and restrict Chinese Immigration.

WHEREAS it is expedient to regulate and restrict the Immigration of Chinese into the Colony of New South Wales 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:—

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:—
- 10 "Chinese"—Any person of the Chinese race.
"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.
"Master"—The person other than a pilot for the time being in actual command of any such vessel.

- 15 2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond this Colony in any port of this Colony and before making any entry at the Customs deliver to the Collector
- Master on arrival to give list of Chinese on board.

Chinese Immigration Regulation.

Collector or other principal officer of Customs a list of such Chinese specifying the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese And for each default herein such

5 master shall be liable to a penalty not exceeding two hundred pounds.

3. If any vessel shall arrive in any port in this Colony 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 prescribed by the Act of the Imperial Legislature seven-
10 teenth and eighteenth Victoria chapter one hundred and four being the "Merchant Shipping Act of 1854" the owner master or charterer of such vessel shall be liable on conviction to a penalty not exceeding
15 ten pounds for each Chinese passenger so carried in excess.

4. Before any Chinese arriving from beyond this Colony shall be permitted to land therein from any vessel and before making any entry at the Customs the master of the vessel shall pay to such Collector or other principal officer the sum of ten pounds for every such Chinese to be applied in manner hereinafter provided and no entry
20 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 port or place in this Colony before such sum shall have been paid for or by him or before such list shall have been delivered
25 such master shall be liable for every such offence to a penalty not exceeding fifty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum.

5. Every Chinese arriving in this Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him
30 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.

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

7. If any Chinese shall enter or attempt to enter this 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
45 pounds and shall be liable to imprisonment for twelve months in default of payment thereof unless sooner paid and may be apprehended and taken before any Justice of the Peace who may take bail in a sum of not less than twenty pounds for his appearance at the next Court of Petty Sessions or remand him to such Court as to such Justice shall
50 seem fit.

8. At the hearing of any prosecution under this Act the Justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act.

9. It shall be lawful for the Colonial Treasurer or any person authorized by him upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this Act a *bond fide* resident of this Colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate
55 that

Number of Chinese ships may carry.

Penalty.

Ten pounds to be paid for each Chinese arriving by vessel.

Penalty.

Like sum for Chinese arriving otherwise.

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

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

Evidence of person being a Chinese.

Certificate of exemption may be granted in certain cases.

Chinese Immigration Regulation.

that he is exempt from the provisions of this Act for a time to be specified in such certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act.

5 10. Notwithstanding anything herein to the contrary any person arriving in the Colony as a Chinese who produces evidence to the Collector of Customs that he is a British subject shall be wholly exempt from the operation of this Act and the certificate in this respect of the Governor of any British Colony or of a British Consul resident in any
10 foreign country shall be the evidence giving him such exemption.

Exemption of British subjects.

11. All Chinese within the Colony of New South Wales shall on or before the thirtieth day of June one thousand eight hundred and seventy-nine apply to the nearest Clerk of Petty Sessions or Warden for a certificate and such Clerk of Petty Sessions or Warden shall
15 deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinese applying and the signature of the Clerk of Petty Sessions or Warden granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempt from payments under
20 this Act.

Certificate of exemption from payment.

12. The sum of ten pounds aforesaid shall not be payable by any Chinese duly accredited to the Colony by the Government of China or by any public body on any special mission or in respect of any Chinese who is one of the crew of any vessel unless he shall land
25 from such vessel for other than the temporary and necessary purposes of such vessel or unless such vessel is at the time registered at any port or place in this Colony or is a coast-trade ship within the meaning of the Act thirty-fifth Victoria number seven wherever registered.

Exemption of crews of vessels in certain cases.

13. All penalties and sums of money under this Act shall be sued
30 for and recovered in the name of some officer of Customs thereunto authorised by the Colonial Treasurer before any two or more Justices of the Peace in accordance with the provisions of the Acts regulating procedure on summary conviction before Justices. And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any
35 such officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence under section four of this Act. And such detention may be either at the port or place where such vessel is found or at any port or place to which the said Treasurer may order such vessel to be brought. And thereupon any such officer
40 so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference to seizure of vessels or goods. But such detention shall be for safe
45 custody only and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid by the Justices as hereinafter provided. Provided that if default be made in payment of any penalty incurred by such master in terms of
50 any conviction adjudging the payment thereof which conviction may be in the form in the Schedule hereto it shall be lawful for such officer of Customs to seize such vessel and to take all proper proceedings in the Vice-Admiralty Court of this Colony for the purpose of procuring the condemnation and sale of such vessel as for a breach of the Customs
55 or Revenue Laws of the said Colony. And the said Court shall and may upon any such proceedings being taken have and exercise the jurisdiction powers and authorities given by the Imperial Acts twenty-six Victoria chapter twenty-four and thirty and thirty-one Victoria chapter forty-five and any Acts amending the same and by any of Her Majesty's

Penalties how recovered.

Chinese Immigration Regulation.

Majesty's Orders in Council made under the authority of the said first cited Act Provided lastly that the proceeds of sale of any such vessel sold under the sentence of the said Court shall after payment of the amount of such penalty and of all costs incurred (including the proceeds in the Vice-Admiralty Court) be held by the Colonial Treasurer in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

14. No Chinese immigrant arriving in this Colony after the passing of this Act (other than a naturalized or British subject) shall acquire hold or enjoy real estate any law to the contrary notwithstanding. Incapacity in respect of real estate.

15. This Act may be cited as the "Chinese Immigration Regulation Act of 1879." Short title.

SCHEDULE.

Form of Conviction.

15 New South Wales }
To wit }

Be it remembered that on the day of in the year of our Lord one thousand eight hundred and at in the said Colony A.B. the master of the vessel " " is convicted before the undersigned two of

20 Her Majesty's Justices of the Peace for the said Colony for that he the said A.B. [*&c. stating the offence and the time and place when and where committed*] and we adjudge the said A.B. for his said offence to forfeit and pay the sum of [*stating the penalty*] to be paid and applied according to law and also to pay the sum of for costs and we order that the said A.B. do pay within seven days from the date of this conviction

25 the said several sums.

Given under our hand and seals the day and year first abovementioned at in the Colony aforesaid.

Y.Z. (L.S.)
L.M. (L.S.)