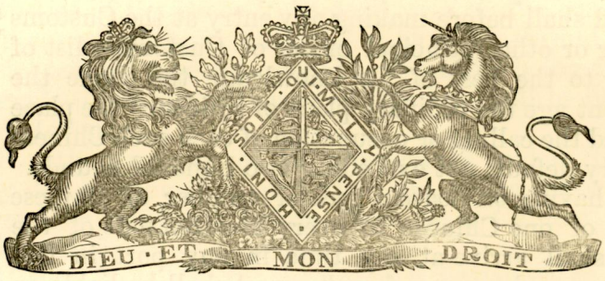

This Public Bill *originated in the* Legislative Assembly, *and, having this day passed, is now ready for presentation to the* Legislative Council *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 2 *August,* 1881.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.

DIEU ET MON DROIT

ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to restrict the Influx of Chinese into New South Wales.

Preamble.

WHEREAS it is expedient to regulate and restrict the Immigration and Introduction of Chinese into 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:—

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 person of the Chinese race.

"Vessel"—Any ship or vessel of whatsoever kind or description.

"Master"—The person (other than a pilot) for the time being in actual command or charge of any vessel.

Vessels with Chinese on board to perform quarantine.

2. Upon the arrival of any vessel at any port or place in this Colony from parts beyond the Colony such vessel if there be any Chinese on board shall be deemed to be a vessel liable to quarantine for all purposes of the Acts in force for the time being relating to quarantine whether any contagious or infectious disease shall have prevailed or existed on board such vessel at any time during the

voyage or not And all powers conferred on the Governor with the advice of the Executive Council and on Health Officers and other persons and all obligations and penalties imposed upon masters officers passengers or crew in respect of vessels ordered into quarantine under the said Acts shall apply to and be exercisable and imposed by and upon all such officers and persons respectively in respect of vessels made liable by this Act to perform quarantine Provided always that such quarantine shall not extend over a longer period than twenty-one days unless during that period a Health or other authorized officer shall report to the Government that the same ought to be extended for a further period in which case it shall be lawful for the Governor with the advice aforesaid to order and enforce such further detention in quarantine of any such vessel together with her master officers passengers and crew as may be appointed by him in that behalf.

Master on arrival to give list of Chinese on board.

3. The master of every vessel upon arrival as aforesaid and having Chinese on board shall before making any entry at the Customs deliver to the Collector or other principal officer of Customs a list of such Chinese specifying to the best of his knowledge 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 under a penalty for every default not exceeding two hundred pounds.

Number of Chinese to be brought to Colony by vessel.

4. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in this Colony the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each Chinese so carried in excess of the foregoing limitation For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry and if not or if the said certificate shall not be produced then according to the rules of measurement prescribed by the "Merchant Shipping Act 1854" being the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four.

Penalty.

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

5. Before any Chinese arriving from parts beyond this Colony shall be permitted to land from any vessel at any port or place in the said Colony and before making any entry at the Customs the master of the vessel by which such Chinese shall so arrive shall pay to the said Collector or other principal officer the sum of ten pounds for every such Chinese and no entry shall be deemed to have any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said Collector or other principal officer a certificate to that effect And if any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in the said Colony any Chinese before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offence to a penalty of fifty pounds for each Chinese so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.

Penalty.

The like sum to be paid for Chinese arriving otherwise than by sea.

6. Every Chinese arriving in this Colony after the passing of this Act otherwise than by a vessel shall pay or there shall be paid for him to some officer whom and at such places as the Governor with the advice aforesaid may appoint at on or near the borders of the Colony or otherwise conveniently situated for that purpose the sum of ten pounds.

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

7. Such Collector or officer as aforesaid upon receiving such sum from or for any Chinese shall forthwith give a certificate in writing under his hand to such Chinese of the payment of such sum

which

which certificate shall be in a form to be prescribed by the Governor with the advice aforesaid 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 Any police constable may at any time demand the production of such certificate and any Chinese neglecting or refusing to produce such certificate when so demanded shall be liable to a penalty of ten pounds.

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

8. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and to the payment in addition thereto of the said sum of ten pounds required to be paid by section five hereof and on default of payment either of such penalty or sum shall be liable to imprisonment for twelve months unless such penalty and sum be sooner paid and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law.

Appropriation of penalties and payments under Act.

9. All sums paid by or on behalf of any Chinese and the amount of all penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Evidence of person being a Chinese.

10. For the purposes of all proceedings 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.

Certificate of exemption may be granted in certain cases.

11. 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 *bonâ 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 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.

Exemption of Chinese who are British subjects.

12. Notwithstanding anything in this Act contained any Chinese arriving in the Colony who produces evidence to the Collector of Customs or other duly authorized officer that he is a British subject shall be wholly exempt from the operation of this Act and a certificate of the Governor of any British Colony or of a British Consul shall be sufficient evidence of the claim of such Chinese to exemption under this section.

Certificate of exemption from payment.

13. All Chinese within the Colony of New South Wales shall on or before the thirtieth day of September one thousand eight hundred and eighty-one apply to the nearest Clerk of Petty Sessions or Warden of a Mining District for a certificate and such Clerk of Petty Sessions or Warden shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of such Chinese and the signature of the Clerk of Petty Sessions or Warden granting such certificate and all other matters which the Governor with the advice aforesaid may deem necessary and the holder of such certificate shall thereupon be exempt from all payments under this Act Any Chinese not producing such certificate when required to do so by any duly authorized person shall be liable to a penalty of ten pounds.

Exemption of certain officials &c.

14. The aforesaid sum of ten pounds shall not be payable by or for any Chinese duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission.

Exemption of crews.

15. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in

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New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel Provided that nothing herein contained shall be held to exempt any vessel with Chinese on board from liability to quarantine as provided for in section two.

Penalties how recovered.

16. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer before any two or more Justices of the Peace in accordance with the provisions of the Acts regulating proceedings on summary conviction And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence or be a defaulter under this Act 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 For the purposes of such detention the officer 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 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 under the provisions of this Act Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

Incapacity in respect of real estate.

17. No Chinese arriving in this Colony after the passing of this Act shall be competent to acquire real estate in the said Colony any law to the contrary notwithstanding unless such Chinese be a British subject either by birth or naturalization.

Provision against evading Act by transhipping Chinese into other vessels.

18. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony and shall be subject to the provisions of this Act relating to quarantine and to all other the requirements thereof.

Short title.

19. This Act may be cited as the "Influx of Chinese Restriction Act of 1881."

Sydney : Thomas Richards, Government Printer.—1881.

1881.

NEW SOUTH WALES.

Legislative Council.

CHINESE IMMIGRATION.

(TELEGRAPHIC CORRESPONDENCE WITH HONG KONG RESPECTING.)

Ordered by the Council to be printed, 17 *August*, 1881.

SCHEDULE.

No. 1.

Telegram from Colonial Secretary, New South Wales, to Colonial Secretary, Hong Kong.

Sydney, 20 April, 1881.

SEVERAL vessels from Hong Kong have arrived here within the last few weeks, bringing large numbers of Chinese (1,800) within the last month. Will you be good enough to inform me under what auspices these people are leaving China, and whether other vessels are announced to sail for this port?

No. 2.

Telegram from Acting Colonial Secretary, Hong Kong, to Colonial Secretary, New South Wales.

Hong Kong, 21 April, 1881.

THE information you require will be transmitted; meanwhile I am to assure you that the Hong Kong Government is carefully watching the Chinese emigration to Australia.

No. 3.

Telegram from Colonial Secretary, New South Wales, to Colonial Secretary, Hong Kong.

Sydney, 17 June, 1881.

SMALL-POX having been introduced here by Chinese recently arrived, this Government has by Proclamation notified that Hong Kong and all the ports of China will be treated as places from which all vessels arriving in Sydney will be placed in quarantine.

No. 4.

Telegram from Acting Colonial Secretary, Hong Kong, to Colonial Secretary, New South Wales.

Hong Kong, 20 June, 1881.

HEALTH Officer reports Hong Kong free from any epidemic of infectious or contagious disease, and that out of 3,585 Chinese he examined this month as emigrants none was suffering from small-pox. The Governor therefore hopes that quarantine will not be enforced against Hong Kong.

No. 5.

Telegram from Colonial Secretary, New South Wales, to Colonial Secretary, Hong Kong.

Sydney, 21 June, 1881.

From terms of your telegram 21st April I have been expecting to hear from you respecting Chinese Emigrants for Australia. Will you now be good enough to inform me what ships have recently left or are about leaving for Sydney or other Australian ports? How many of the 3,585 examined this month are for Australia?

No. 6.

Telegram from Acting Colonial Secretary, Hong Kong, to Colonial Secretary, New South Wales.

Hong Kong, 27 June, 1881.

Of the 3,585 only fifty-seven left for Australia. These fifty-seven are in the only vessel now *en route* for Australia. No ship at present about leaving for Sydney or other Australian ports with Chinese passengers.

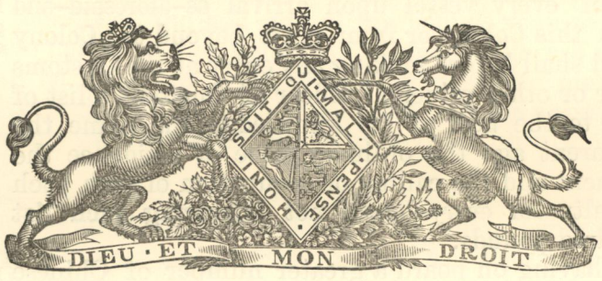
Sydney: Thomas Richards, Government Printer.—1881.

[3*d*.]

INFLUX OF CHINESE RESTRICTION BILL.

SCHEDULE of the Amendments referred to in Message of 21st September, 1881.

Pages 1 and 2, clause 2. *Omit* clause 2.
Page 2, clause ~~3.~~ **2**, line 15. *Omit* "as aforesaid and" *insert* "**at any port or place in "this Colony or from parts beyond the Colony**"
" clause ~~3.~~ **2**, line 22. *Omit* "every default" *insert* "**not delivering such list**"
" " ~~4.~~ **3**, line 25. *Omit* "one" *insert* "**two**"
" " ~~4.~~ **3**, line 28. *Omit* "so"
" " ~~4.~~ **3**, line 29. *After* "limitation" *insert* "**unless the defendant shall "show that the Chinese so carried is a British subject or one of the "crew or has not been landed in the Colony and is not intended to be "so landed**"
" clause 5. *Omit* clause 5.
" " 6. *Omit* clause 6.
Page 3, " 7. *Omit* clause 7.
" " 8. *Omit* clause 8.
" " ~~9.~~ **4**, lines 21 and 22. *Omit* "all sums paid by or on behalf of any Chinese "and the amount of"
" clause ~~10.~~ **5**, line 27. *Omit* "charged or"
" " ~~11.~~ **6**, line 35. *After* "certificate" *omit* remainder of clause.
" " 13. *Omit* clause 13.
" " ~~14.~~ **8**, line 56. *Omit* "The aforesaid sum of ten pounds shall not be "payable by or for" *insert* "**The provisions of this Act shall not be "applicable to**"
Page 4, clause ~~15.~~ **9**, line 2. *Omit* "the case" *insert* "**respect**"
" " ~~15.~~ **9**, line 5. *After* "vessel" *omit* Proviso.
" " 17. *Omit* clause 17.
" " ~~18.~~ 11, line 51. *After* "Act" *omit* remainder of clause.



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, 2 *August,* 1881.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

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

Legislative Council Chamber,
Sydney, 21*st September,* 1881.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.

ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

* *

No. .

An Act to restrict the Influx of Chinese into New South Wales.

Preamble.

WHEREAS it is expedient to regulate and restrict the Immigration and Introduction of Chinese into 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:—

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 person of the Chinese race.
"Vessel"—Any ship or vessel of whatsoever kind or description.
"Master"—The person (other than a pilot) for the time being in actual command or charge of any vessel.

Vessels with Chinese on board to perform quarantine.

2. Upon the arrival of any vessel at any port or place in this Colony from parts beyond the Colony such vessel if there be any Chinese on board shall be deemed to be a vessel liable to quarantine for all purposes of the Acts in force for the time being relating to quarantine whether any contagious or infectious disease shall have prevailed or existed on board such vessel at any time during the ~~voyage~~

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

voyage or not A nd all powers conferred on the Governor with the advice of the Exe cutive Council and on Health Officers and other persons and all obli gations and penalties imposed up on masters officers passengers or crew in respect of vessels ordered int o quarantine under the said Acts shall apply to and be exercisable an d imposed by and upon all such offic ers and persons respectively in respect of vessels made liable by this Act to perform quarantine Pr ovided always that such quarantine sh all not extend over a longer perio d than twenty-one days unless during that period a Health or other authorized officer shall report to the Government that the same oug ht to be extended for a further period in which case it shall be lawfu l for the Governor with the advice afo resaid to order and enforce such further detention in quarantine of a ny such vessel together with h er master officers passengers and cre w as may be appointed by him i n that behalf.

~~3.~~ **2.** The master of every vessel upon arrival ~~as aforesaid and~~ **at any port or place in this Colony or from parts beyond the Colony** having Chinese on board shall before making any entry at the Customs deliver to the Collector or other principal officer of Customs a list of such Chinese specifying to the best of his knowledge 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 under a penalty for ~~every default~~ **not delivering such list** not exceeding two hundred pounds.

Master on arrival to give list of Chinese on board.

~~4.~~ **3.** If any vessel having on board a greater number of Chinese than in the proportion of ~~one~~ **two** Chinese to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in this Colony the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each Chinese ~~so~~ carried in excess of the foregoing limitation **unless the defendant shall show that the Chinese so carried is a British subject or one of the crew or has not been landed in the Colony and is not intended to be so landed** For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry and if not or if the said certificate shall not be produced then according to the rules of measurement prescribed by the "Merchant Shipping Act 1854" being the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four.

Number of Chinese to be brought to Colony by vessel.

Penalty.

5. Before an y Chinese arriving from parts b eyond this Colony shall be permitted t o land from any vessel at any p ort or place in the said Colony and be fore making any entry at the Cu stoms the master of the vessel by which such Chinese shall so arrive sh all pay to the said Collector or other principal officer the sum of ten pounds for every such Chinese and no entry shall be deemed to ha ve any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said Collector or other principal officer a certificate to that effect And i f any master shall neglect to pay any such sum or shall land or perm it to land or suffer to land or to escap e from such vessel at any port o r place in the said Colony any Chines e before such sum shall have been paid by such master or his agen t or before such list shall have b een delivered such master shall be liab le for every such offence to a pen alty of fifty pounds ~~Penalty.~~ for each Chinese so landed or permitted or suffered t o land or to escape and in addition to s uch penalty shall also pay the su m hereby required ~~to be paid for each such Chinese.~~

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

6. Every C hinese arriving in this Colony a fter the passing of this Act otherwise than by a vessel shall pay or t here shall be paid for him to some o fficer whom and at such place s as the Governor with the advice afo resaid may appoint at on or near the borders of the Colony or otherwis e conveniently situated for that purpose the sum ~~of ten pounds.~~

The like sum to be paid for Chinese arriving otherwise than by sea.

~~7.~~

7. Such Collector or officer as aforesaid upon receiving such sum from or for any Chinese shall forthwith give a certificate in writing under his hand to such Chinese of the payment of such sum which certificate shall be in a form to be prescribed by the Governor with the advice aforesaid 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 Any police constable may at any time demand the production of such certificate and any Chinese neglecting or refusing to produce such certificate when so demanded shall be liable to a penalty of ten pounds. Certificate of sum paid to be given to Chinese and to be evidence.

8. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and to the payment in addition thereto of the said sum of ten pounds required to be paid by section five hereof and on default of payment either of such penalty or sum shall be liable to imprisonment for twelve months unless such penalty and sum be sooner paid and may be apprehended and taken before any Justice of the Peace to be dealt with in due course ~~of law.~~ Penalty on not paying or having had paid fee for entrance to the Colony.

~~9.~~ **4.** ~~All sums paid by or on behalf of any Chinese and the amount of~~ All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue. Appropriation of penalties and payments under Act.

~~10.~~ **5.** For the purposes of all proceedings 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. Evidence of person being a Chinese.

~~11.~~ **6.** 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 *bonâ 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 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.~~ Certificate of exemption may be granted in certain cases.

~~12.~~ **7.** Notwithstanding anything in this Act contained any Chinese arriving in the Colony who produces evidence to the Collector of Customs or other duly authorized officer that he is a British subject shall be wholly exempt from the operation of this Act and a certificate of the Governor of any British Colony or of a British Consul shall be sufficient evidence of the claim of such Chinese to exemption under this section. Exemption of Chinese who are British subjects.

13. All Chinese within the Colony of New South Wales shall on or before the thirtieth day of September one thousand eight hundred and eighty-one apply to the nearest Clerk of Petty Sessions or Warden of a Mining District for a certificate and such Clerk of Petty Sessions or Warden shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of such Chinese and the signature of the Clerk of Petty Sessions or Warden granting such certificate and all other matters which the Governor with the advice aforesaid may deem necessary and the holder of such certificate shall thereupon be exempt from all payments under this Act Any Chinese not producing such certificate when required to do so by any duly authorized person shall be liable to a penalty of ten pounds. Certificate of exemption from payment.

~~14.~~ **8.** ~~The aforesaid sum of ten pounds shall not be payable by or for~~ **The provisions of this Act shall not be applicable to** any Chinese duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission. Exemption of certain officials &c.

~~15.~~

~~15.~~ **9.** The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in ~~the case~~ respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel Provided that nothing herein contained shall be held to exempt any vessel with Chinese on board from liability to quarantine as provided ~~for in section two.~~ **Exemption of crews.**

~~16.~~ **10.** All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer before any two or more Justices of the Peace in accordance with the provisions of the Acts regulating proceedings on summary conviction And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence or be a defaulter under this Act 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 For the purposes of such detention the officer 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 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 under the provisions of this Act Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. **Penalties how recovered.**

17. No Chinese arriving in this Colony after the passing of this Act shall be competent to acquire real estate in the said Colony any law to the contrary notwithstanding unless such Chinese be a British subject either by birth or naturalization. **Incapacity in respect of real estate.**

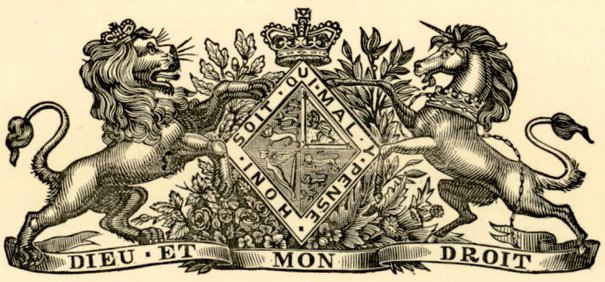
~~18.~~ **11.** Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony and shall be subject to the provisions of this Act ~~relating to quarantine and to all other the requirements thereof.~~ **Provision against evading Act by transhipping Chinese into other vessels.**

~~19.~~ **12.** This Act may be cited as the "Influx of Chinese Restriction Act of 1881." **Short title.**

Sydney: Thomas Richards, Government Printer.—1881.

[3*d*.]

New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

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No. XI.

An Act to restrict the Influx of Chinese into New South Wales.
[Assented to, 6th December, 1881.]

WHEREAS it is expedient to regulate and restrict the Immigration and Introduction of Chinese into 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:— 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 person of the Chinese race.

"Vessel"—Any ship or vessel of whatsoever kind or description.

"Master"—The person (other than a pilot) for the time being in actual command or charge of any vessel.

2. The master of every vessel upon arrival at any port or place in this Colony from parts beyond the Colony having Chinese on board shall before making any entry at the Customs deliver to the Collector or other principal officer of Customs a list of such Chinese specifying to the best of his knowledge 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 under a penalty for not delivering such list not exceeding two hundred pounds. Master on arrival to give list of Chinese on board.

3.

Number of Chinese to be brought to Colony by vessel.

Penalty.

3. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in this Colony the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is a British subject or one of the crew or has not been landed in the Colony and is not intended to be so landed For the purposes of this Act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry and if not or if the said certificate shall not be produced then according to the rules of measurement prescribed by the "Merchant Shipping Act 1854" being the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four.

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

Penalty.

4. Before any Chinese arriving from parts beyond this Colony shall be permitted to land from any vessel at any port or place in the said Colony and before making any entry at the Customs the master of the vessel by which such Chinese shall so arrive shall pay to the said Collector or other principal officer the sum of ten pounds for every such Chinese and no entry shall be deemed to have any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said Collector or other principal officer a certificate to that effect And if any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in the said Colony any Chinese before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offence to a penalty of fifty pounds for each Chinese so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.

The like sum to be paid for Chinese arriving otherwise than by sea.

5. Every Chinese arriving in this Colony after the passing of this Act otherwise than by a vessel shall pay or there shall be paid for him to some officer whom and at such places as the Governor with the advice aforesaid may appoint at on or near the borders of the Colony or otherwise conveniently situated for that purpose the sum of ten pounds.

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

6. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and to the payment in addition thereto of the said sum of ten pounds required to be paid by section four hereof and on default of payment either of such penalty or sum shall be liable to imprisonment for twelve months unless such penalty and sum be sooner paid and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law.

Appropriation of penalties and payments under Act.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act shall be paid into the Consolidated Revenue.

Evidence of person being a Chinese.

8. For the purposes of all proceedings under this Act the Justices may decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Certificate of exemption may be granted in certain cases.

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 *bonâ 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 that he is exempt from the provisions of this Act for a time to be specified in such certificate.

10. Notwithstanding anything in this Act contained any Chinese arriving in the Colony who produces evidence to the Collector of Customs or other duly authorized officer that he is a British subject shall be wholly exempt from the operation of this Act and a certificate of the Governor of any British Colony or of a British Consul shall be sufficient evidence of the claim of such Chinese to exemption under this section. Exemption of Chinese who are British subjects.

11. The provisions of this Act shall not be applicable to any Chinese duly accredited to this Colony by the Government of China or by or under the authority of the Imperial Government on any special mission. Exemption of certain officials &c.

12. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Exemption of crews.

13. All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some officer of Customs authorized by the Colonial Treasurer before any two or more Justices of the Peace in accordance with the provisions of the Acts regulating proceedings on summary conviction And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence or be a defaulter under this Act 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 For the purposes of such detention the officer 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 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 under the provisions of this Act Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs Laws of the said Colony Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. Penalties how recovered.

14. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony and shall be subject to the provisions of this Act. Provision against evading Act by transhipping Chinese into other vessels.

15. This Act may be cited as the "Influx of Chinese Restriction Act of 1881." Short title.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1881.

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