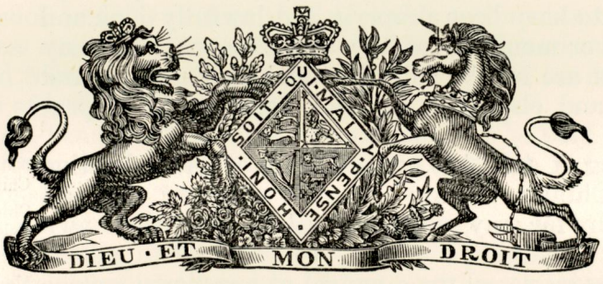

*This* Public Bill *originated in the* Legislative Assembly, *and, having this day passed, is now ready for presentation to the* Legislative Council *for its concurrence.*

*Legislative Assembly Chamber,*
*Sydney*, 17 *May*, 1888, A.M.

F. W. WEBB,
*Clerk of Legislative Assembly.*

# New South Wales.

ANNO QUINQUAGESIMO PRIMO

# VICTORIÆ REGINÆ.

* * *

## No. .

An Act to repeal the "Influx of Chinese Restriction Act of 1881"; to provide for the protection of the Colony from the disturbances and national dangers of Chinese immigration; to provide specially for the regulation of Chinese at present resident within the Colony; and to indemnify the Government for all acts done by Executive or Ministerial authority in relation to Chinese immigrants, or vessels carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight.

Preamble.

WHEREAS it is expedient to provide for the protection of the Colony of New South Wales from the disturbances and national dangers which may arise from the influx of Chinese under restrictions hitherto existing, and also to provide for the regulation of Chinese resident within the said Colony: And whereas it is just and expedient to indemnify the Executive Government for all acts done by any member thereof in relation to Chinese immigrants, or any ship carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight: 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:—

Repeal of 45 Vic., No. 11.

1. The Act, entitled "*An Act to restrict the Influx of Chinese into New South Wales,*" forty-fifth Victoria number eleven, is hereby repealed. But the repeal hereby enacted shall not affect the past

operation of the said Act, or, save as hereinafter provided, the rights of any Chinese resident in this Colony at the time of the passing of this Act, or any offence committed, penalty incurred, or proceeding taken under or pursuant to the said repealed Act before the passing of this Act.

Date when Act comes into operation.

2. This Act shall be held to have come into operation and to have had the force of law on and after the first day of May, one thousand eight hundred and eighty-eight, and all acts done by any member of the Executive Government in preventing the landing of Chinese or otherwise in relation to Chinese immigrants or to vessels carrying such immigrants since the date aforesaid shall in all Courts and elsewhere be deemed to have been properly and lawfully done and executed and the member or members of the Government who may have done any such Acts are hereby fully justified, indemnified, and shall in all such Courts and elsewhere be held harmless in respect thereof.

Members of Government indemnified.

Naturalization of Chinese not allowed.

Chinese to leave Colony at their own risk.

3. After the passing of this Act no certificate of naturalization shall be issued to any Chinese on any ground whatever, and all Chinese leaving the Colony for any purpose shall do so at their own risk.

Master on arrival to give list of Chinese on board.

4. 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 the 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.

Number of Chinese to be brought to Colony by vessel.

Penalty.

5. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every three 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 five 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.

One hundred pounds to be paid for each Chinese arriving by vessel.

Penalty.

6. 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 one hundred 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 five hundred 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.

7. 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 one hundred pounds.

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

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 one hundred pounds, he shall be liable to a penalty of fifty pounds, and to the payment in addition thereto of the said sum of one hundred pounds required to be paid by section six hereof, and on default of payment either of such penalty or sum shall be liable to imprisonment for two years, 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. 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. 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.

Evidence of person being a Chinese.

11. The Governor, with the advice of the Executive Council, may by proclamation in the *Gazette* set apart a defined area where Chinese arriving in this Colony, after the passing of this Act, with their families and establishments shall be allowed to reside for the purpose of carrying on their mercantile pursuits without molestation or restraint at such cities, towns, or other places (not being more than five) as the Governor with the advice aforesaid may appoint.

Chinese to reside and carry on trade in defined areas.

12. No Chinese who shall arrive in this Colony after the passing of this Act shall be permitted to reside at or trade with any place or part of the Colony, except as prescribed by last preceding section, and no such Chinese shall be permitted to travel in the interior without a passport under the hand and seal of the Colonial Secretary, under a penalty for breach in either case of any sum not exceeding twenty pounds.

Restrictions as to residence, trading, and travelling of Chinese.

13. No Chinese so arriving as aforesaid shall be permitted to engage in the work of any gold, silver, or other mine, or in any mining pursuit whatever, without express authority under the hand and seal of the Minister in charge of the Department of Mines.

Not to be allowed to engage in mining.

14. 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. 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.

16. It shall be obligatory upon any Chinese resident in the Colony who shall have arrived in the said Colony before the passing of this Act to report himself within one calendar month to the nearest Police Magistrate or Officer in charge of a Police District, stating his place of abode, and his trade or calling, and thereupon to take out a yearly license in the form set forth in Schedule A hereto, for which license he shall pay the sum of ten shillings, and at the expiration of the year for which such license is granted and for each succeeding year thereafter, another license shall be similarly taken out, for which the like sum of ten shillings shall be paid.

Chinese to report themselves and to take out license.

17. Any such Chinese as last aforesaid may, after the period of one calendar month from the passing of this Act, be required by any officer of Police of or above the rank of a senior-constable to produce his license, and failing to produce such license he shall be liable to a penalty of five pounds.

Penalty for not producing license.

18. 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, or of other officers appointed for such purpose, by like authority 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 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.

19. 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 by birth 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.

20. 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.

21. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law.

Power to make regulations.

22. 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.

23. This Act may be cited as the "Chinese Restriction and Regulation Act of 1888." Short title.

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## SCHEDULE A.

S. 16.

"CHINESE RESTRICTION AND REGULATION ACT OF 1888."

*Form of Annual License.*

PURSUANT to the aforesaid Act, this license has been issued to . [*The holder of the license should be described by age, height, appearance, and all other means of identification.*] The said license entitles the said from the day of , 18 , to the day of , 18 , but no longer, to reside within the Colony of New South Wales.

A.B., Police Magistrate
(*or* Officer in charge of the Police District of ).

Sydney: Charles Potter, Government Printer.—1888.

[6*d*.]

784—B

# CHINESE IMMIGRATION AND RESTRICTION BILL.

*SCHEDULE of Amendments referred to in Message of 13th June, 1888.*

Page 1, Title. *Omit* "to provide for the protection of the Colony from the disturbances and national "dangers of Chinese immigration; to provide specially for the regulation of Chinese at present "resident within the Colony" *insert* **"and to more effectually regulate and restrict the "immigration and introduction of Chinese into New South Wales"**

Page 1, Preamble, lines 1 to 5. *Omit* "to provide for the protection of the Colony of New South Wales "from the disturbances and national dangers which may arise from the influx of Chinese under "restrictions hitherto existing, and also to provide for the regulation of Chinese resident within "the said Colony" *insert* **"to more effectually regulate and restrict the immigration and "introduction of Chinese into New South Wales"**

Page 2, clause 1, line 7. *Omit* "save as hereinafter provided"

Page 2, clause 2. *Omit* clause 2, *insert* new clause **2.**

Page 2, clause 3, line 37. *After* "Colony" *omit* remainder of clause, *insert* **"except those who have "been naturalized therein shall, on returning, be subject to all the provisions of this Act"**

Page 2, clause 5, line 55. *After* "is" *insert* **"by birth"**

Page 2, clause 5, line 56. *Omit* "is" *insert* **"was"**

Page 2, clause 5, line 57. *After* "landed" *insert* **"or who shall prove to the satisfaction of the "Collector of Customs or other duly authorized officer that he is the bona fide holder "of a certificate of naturalization in New South Wales, or of an exemption certificate "duly granted under the provisions of the 'Influx of Chinese Restriction Act of 1881'"**

Page 3, clause 7, line 29. *Omit* "aforesaid" *insert* **"of the Executive Council"**

Page 3, clause 8, line 37. *Omit* "either"

Page 3, clause 8, line 37. *Omit* "or" *insert* **"and"**

Page 3, clause 10, line 44. *After* "Act" *insert* **"the Stipendiary or Police Magistrate or"**

Page 3, clause 10, line 45. *After* "upon" *insert* **"his or"**

Page 3, clauses 11 and 12. *Omit* clauses 11 and 12.

Page 4, clause ~~13.~~ **11,** line 1. *Omit* "so arriving as aforesaid" *insert* **"who shall arrive in this Colony "after the passing of this Act"**

Page 4, clauses 16 and 17. *Omit* clauses 16 and 17.

Page 4, clause ~~18.~~ **14,** line 33. *After* "any" *insert* **"Stipendiary or Police Magistrate or"**

Page 5, clause ~~19.~~ **15,** line 8. *Before* "Collector" *insert* **"satisfaction of the"**

Page 5, clause ~~19.~~ **15,** line 11. *Omit* "claim" *insert* **"right"**

Page 5, clause ~~19.~~ **15.** At end of clause *add* **"nor shall anything in this Act apply to any Chinese "who shall prove to the satisfaction of the Collector of Customs or other duly "authorized officer that he is the bona fide holder of a certificate of naturalization in "New South Wales, or of an exemption certificate duly granted under the provisions "of the 'Influx of Chinese Restriction Act of 1881'"**

Page 5, clause ~~23.~~ **19,** lines 38 and 39. *Omit* "and Regulation"

Page 5, Schedule. *Omit* the Schedule.

*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,* 17 *May,* 1888, A.M.

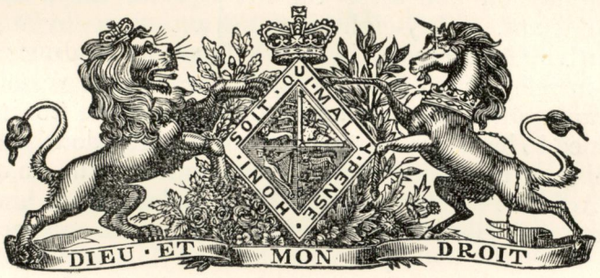
F. W. WEBB,
*Clerk of Legislative Assembly.*

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

*Legislative Council Chamber,*
*Sydney,* 13*th June,* 1888.

JOHN J. CALVERT,
*Clerk of the Parliaments.*

# New South Wales.




ANNO QUINQUAGESIMO PRIMO

# VICTORIÆ REGINÆ.

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## No. .

An Act to repeal the "Influx of Chinese Restriction Act of 1881"; ~~to provide for the protection of the Colony from the disturbances and national dangers of Chinese immigration; to provide specially for the regulation of Chinese at present resident within the Colony;~~ **and to more effectually regulate and restrict the immigration and introduction of Chinese into New South Wales**; and to indemnify the Government for all acts done by Executive or Ministerial authority in relation to Chinese immigrants, or vessels carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight.

WHEREAS it is expedient ~~to provide for the protection of the~~ Preamble.
Colony of New South Wales from the disturbances and national dangers which may arise from the influx of Chinese under restrictions hitherto existing, and also to provide for the regulation of ~~Chinese resident within the said Colony~~ **to more effectually regulate and restrict the immigration and introduction of Chinese into New South Wales**: And whereas it is just and expedient to indemnify the Executive Government for all acts done by any member thereof in relation to Chinese immigrants, or any ship carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with



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

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. The Act, entitled "*An Act to restrict the Influx of Chinese into New South Wales,*" forty-fifth Victoria number eleven, is hereby repealed. But the repeal hereby enacted shall not affect the past operation of the said Act, or, ~~save as hereinafter provided,~~ the rights of any Chinese resident in this Colony at the time of the passing of this Act, or any offence committed, penalty incurred, or proceeding taken under or pursuant to the said repealed Act before the passing of this Act. Repeal of 45 Vic. No. 11.

2. This Act shall be held to have come into operation and to have had the force of law on and after the first day of May, one thousand eight hundred and eighty-eight, and all acts done by any member of the Executive Government in preventing the landing of Chinese or otherwise in relation to Chinese immigrants or to vessels carrying such immigrants since the date aforesaid shall in all Courts and elsewhere be deemed to have been properly and lawfully done and executed and the member or members of the Government who may have done any such Acts are hereby fully justified, indemnified, and shall in all such Courts and elsewhere be held harmless in respect ~~thereof.~~ Date when Act comes into operation. Members of Government indemnified.

**2. All Members of the Executive Government, or any Member thereof, and all persons duly authorized by the said Executive Government, or any Member thereof in that behalf who may have committed any illegal act in preventing the landing of Chinese, or otherwise in relation to Chinese immigrants, or to vessels carrying such immigrants since the first day of May, one thousand eight hundred and eighty-eight, are hereby fully indemnified, and shall in all Courts of Law in New South Wales and elsewhere be held harmless in respect thereof. Provided that nothing in this Act shall be taken to deprive any person or corporation whatsoever of any right or cause of action against the Government of New South Wales which, by reason of any such illegal acts, exists or shall have accrued before the passing of this Act.** Members of Government indemnified. Proviso.

3. After the passing of this Act no certificate of naturalization shall be issued to any Chinese on any ground whatever, and all Chinese leaving the Colony ~~for any purpose shall do so at their own risk~~ **except those who have been naturalized therein shall on returning be subject to all the provisions of this Act.** Naturalization of Chinese not allowed. Chinese to leave Colony at their own risk.

4. 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 the 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.

5. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every three 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 five hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is by birth a British subject or one of the crew, or has not been landed in the Colony, and ~~is~~ was not intended to be so landed, or who shall prove to the satisfaction of the Collector of Customs or other duly authorized officer, that he is the bona fide holder of a certificate of naturalization in New South Wales, or of an exemption Number of Chinese to be brought to Colony by vessel. Penalty.

**exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881."** 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.

One hundred pounds to be paid for each Chinese arriving by vessel.

6. 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 one hundred 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 five hundred 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.

7. 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~~ **of the Executive Council** may appoint at, on, or near the borders of the Colony, or otherwise conveniently situated for that purpose, the sum of one hundred 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 one hundred pounds, he shall be liable to a penalty of fifty pounds, and to the payment in addition thereto of the said sum of one hundred pounds required to be paid by section six hereof, and on default of payment ~~either~~ of such penalty ~~or~~ **and** sum shall be liable to imprisonment for two years, 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 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 Stipendiary or Police Magistrate or** the Justices may decide, upon **his or** their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

Chinese to reside and carry on trade in defined areas.

11. The Governor, with the advice of the Executive Council, may by proclamation in the *Gazette* set apart a defined area where Chinese arriving in this Colony, after the passing of this Act, with their families and establishments shall be allowed to reside for the purpose of carrying on their mercantile pursuits without molestation or restraint at such cities, towns, or other places (not being more than five) as the Governor with the advice aforesaid may appoint.

Restrictions as to residence, trading, and travelling of Chinese.

12. No Chinese who shall arrive in this Colony after the passing of this Act shall be permitted to reside at or trade with any place or part of the Colony, except as prescribed by last preceding section, and no such Chinese shall be permitted to travel in the interior without a passport under the hand and seal of the Colonial Secretary, under a penalty for breach in either case of any sum not exceeding twenty ~~pounds.~~

~~13.~~ **11.** No Chinese ~~so arriving as aforesaid~~ **who shall arrive in this Colony after the passing of this Act** shall be permitted to engage in the work of any gold, silver, or other mine, or in any mining pursuit whatever, without express authority under the hand and seal of the Minister in charge of the Department of Mines. Not to be allowed to engage in mining.

~~14.~~ **12.** 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.~~ **13.** 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.

16. It shall be obligatory upon any Chinese resident in the Colony who shall have arrived in the said Colony before the passing of this Act to report himself within one calendar month to the nearest Police Magistrate or Officer in charge of a Police District, stating his place of abode, and his trade or calling, and thereupon to take out a yearly license in the form set forth in Schedule A hereto, for which license he shall pay the sum of ten shillings, and at the expiration of the year for which such license is granted and for each succeeding year thereafter, another license shall be similarly taken out, for which the like sum of ten shillings shall be paid. Chinese to report themselves and to take out license.

17. Any such Chinese as last aforesaid may, after the period of one calendar month from the passing of this Act, be required by any officer of Police of or above the rank of a senior-constable to produce his license, and failing to produce such license he shall be liable to a ~~penalty of five pounds.~~ Penalty for not producing license.

~~18.~~ **14.** 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, or of other officers appointed for such purpose, by like authority before any **Stipendiary or Police Magistrate or** 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 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 Penalties how recovered.

Revenue

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.

Exemption of Chinese who are British subjects.

~~19.~~ **15.** Notwithstanding anything in this Act contained, any Chinese arriving in the Colony who produces evidence to the **satisfaction of the** Collector of Customs or other duly authorized officer that he is by birth 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~~ **right** of such Chinese to exemption under this section, **nor shall anything in this Act apply to any Chinese who shall prove to the satisfaction of the Collector of Customs, or other duly authorized officer, that he is the bona fide holder of a certificate of naturalization in New South Wales, or of an exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881."**

Provision against evading Act by transhipping Chinese into other vessels.

~~20.~~ **16.** 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.

Power to make regulations.

~~21.~~ **17.** The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law.

Interpretation.

~~22.~~ **18.** 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.

Short title.

~~23.~~ **19.** This Act may be cited as the "Chinese Restriction ~~and Regulation~~ Act of 1888."

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## SCHEDULE A.

S. 16.

"CHINESE RESTRICTION AND REGULATION ACT OF 1888."

*Form of Annual License.*

PURSUANT to the aforesaid Act, this license has been issued to . [*The holder of the license should be described by age, height, appearance, and all other means of identification.*] The said license entitles the said from the day of , 18 , to the day of , 18 , but no longer, to reside within the Colony of New South Wales.

A.B., Police Magistrate
(*or* Officer in charge of the Police District of ).

Sydney: Charles Potter, Government Printer.—1888.

# CHINESE RESTRICTION AND REGULATION BILL.

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*SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments.*

Page 1, Title. *Re-insert* "to provide for the protection of the Colony from the dis-"turbances and national dangers of Chinese immigration; to provide "specially for the regulation of Chinese at present resident within the "Colony" *omit* **"and to more effectually regulate and restrict the immigra-"tion and introduction of Chinese into New South Wales"**

Page 1, Preamble, lines 1 to 5. *Re-insert* "to provide for the protection of the "Colony of New South Wales from the disturbances and national dangers "which may arise from the influx of Chinese under restrictions hitherto "existing, and also to provide for the regulation of Chinese resident within "the said Colony" *omit* **"to more effectually regulate and restrict the im-"migration and introduction of Chinese into New South Wales"**

Page 2, clause 1, line 7. *Re-insert* "save as hereinafter provided"

Page 2, new clause 2, line 25. *Omit* "illegal"

Page 2, new clause 2, line 33. *Omit* "illegal"

Page 2, clause 3, lines 37 and 38. *After* "Colony" *re-insert* "for any purpose shall "do so at their own risk" *omit* **"except those who have been naturalized "therein shall, on returning, be subject to all the provisions of this Act"**

Page 2, clause 3. *Add* to clause "Provided that any Chinese holding a certificate "of naturalization or an exemption certificate issued under the 'Influx of "Chinese Restriction Act of 1881,' and at present absent from the Colony, "shall be permitted to return at any time before the first day of January, "one thousand eight hundred and eighty-nine"

Page 2, clause 5, line 56. *Re-insert* "is" *omit* **"was"**

Pages 2 and 3, clause 5, line 57. *After* "landed" *omit* **"or who shall prove to the "satisfaction of the Collector of Customs or other duly authorized officer "that he is the bona fide holder of a certificate of naturalization in New "South Wales, or of an exemption certificate duly granted under the "provisions of the 'Influx of Chinese Restriction Act of 1881'"**

Page 4, clause ~~13.~~ 11, lines 1 and 2. *Omit* "who shall arrive in this Colony"

Page 4, clause ~~13.~~ 11, line 2. *After* "after" *insert* "six months from"

Page 4, clause 16. *Re-insert* clause 16

Page 4, clause 16, line 15. *Insert* at commencement of clause "For the purposes "of sanitary and police regulation"

Page 4, clause 16, lines 16 and 17. *Omit* "who shall have arrived in the said "Colony before the passing of this Act"

Page 4, clause 17. *Re-insert* clause 17

Page 5, clause ~~19.~~ **15**, lines 7 and 8. *Omit* **"satisfaction of the"**

Page 5, clause ~~19.~~ **15**, line 11. *Re-insert* "claim" *omit* **"right"**

Page 5, clause ~~19.~~ **15**. At end of clause *omit* **"nor shall anything in this Act apply "to any Chinese who shall prove to the satisfaction of the Collector of "Customs or other duly authorized officer that he is the bona fide holder "of a certificate of naturalization in New South Wales, or of an exemption "certificate duly granted under the provisions of the 'Influx of Chinese "Restriction Act of 1881'"**

Page 5, clause ~~23.~~ **19**, lines 38 and 39. *Re-insert* "and Regulation"

Page 5, Schedule A. *Re-insert* Schedule A.

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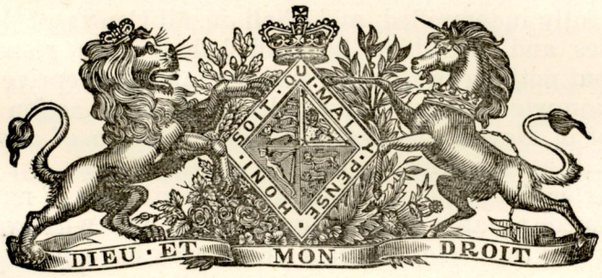
NOTE.—These references are to the Council's reprint of the Assembly Bill.



# New South Wales.

ANNO QUINQUAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## No. IV.

An Act to repeal the "Influx of Chinese Restriction Act of 1881"; to provide for the protection of the Colony from the disturbances and national dangers of Chinese immigration, to provide specially for the regulation of Chinese at present resident within the Colony, and to indemnify the Government for all acts done by Executive or Ministerial authority in relation to Chinese immigrants, or vessels carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight. [Assented to, 11th July, 1888.]

Preamble.

WHEREAS it is expedient to provide for the protection of the Colony of New South Wales from the disturbances and national dangers which may arise from the influx of Chinese under restrictions hitherto existing, and also to provide for the regulation of Chinese resident within the said Colony: And whereas it is just and expedient to indemnify the Executive Government for all acts done by any member thereof in relation to Chinese immigrants, or any ship carrying such immigrants, since the first day of May, one thousand eight hundred and eighty-eight: 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:—

Repeal of 45 Vic. No. 11.

1. The Act, entitled "*An Act to restrict the Influx of Chinese into New South Wales,*" forty-fifth Victoria number eleven, is hereby repealed. But the repeal hereby enacted shall not affect the past

operation

operation of the said Act, or the rights of any Chinese resident in this Colony at the time of the passing of this Act, or any offence committed, penalty incurred, or proceeding taken under or pursuant to the said repealed Act before the passing of this Act.

Members of Government indemnified.

2. All Members of the Executive Government, or any Member thereof, and all persons duly authorized by the said Executive Government, or any Member thereof in that behalf who may have committed any act in preventing the landing of Chinese, or otherwise in relation to Chinese immigrants, or to vessels carrying such immigrants since the first day of May, one thousand eight hundred and eighty-eight, are hereby fully indemnified, and shall in all Courts of Law in New South Wales and elsewhere be held harmless in respect thereof.

Proviso.

Provided that nothing in this Act shall be taken to deprive any person or corporation whatsoever of any right or cause of action against the Government of New South Wales which, by reason of any such acts, exists or shall have accrued before the passing of this Act.

Naturalization of Chinese not allowed.

Chinese leaving Colony to be subject on returning to provisions of Act.

3. After the passing of this Act no certificate of naturalization shall be issued to any Chinese on any ground whatever, and all Chinese leaving the Colony except those who have been naturalized therein shall on returning be subject to all the provisions of this Act.

Master on arrival to give list of Chinese on board.

4. 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 the 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.

Number of Chinese to be brought to Colony by vessel.

Penalty.

5. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every three 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 five hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is by birth a British subject or one of the crew, or has not been landed in the Colony, and is not intended to be so landed, or who shall prove to the satisfaction of the Collector of Customs or other duly authorized officer, that he is the *bonâ fide* holder of a certificate of naturalization in New South Wales, or of an exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881." 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.

One hundred pounds to be paid for each Chinese arriving by vessel.

6. 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 one hundred 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

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 five hundred 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.

7. 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 of the Executive Council, may appoint at, on, or near the borders of the Colony, or otherwise conveniently situated for that purpose, the sum of one hundred pounds.

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

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 one hundred pounds, he shall be liable to a penalty of fifty pounds, and to the payment in addition thereto of the said sum of one hundred pounds required to be paid by section six hereof, and on default of payment of such penalty and sum shall be liable to imprisonment for two years, 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. 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. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

Evidence of person being a Chinese.

11. No Chinese who shall arrive in this Colony after the passing of this Act shall be permitted to engage in the work of any gold, silver, or other mine, or in any mining pursuit whatever, without express authority under the hand and seal of the Minister in charge of the Department of Mines.

Not to be allowed to engage in mining.

12. 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.

13. 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.

14. 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, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or 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 Customs with reference to

Penalties how recovered.

seizure

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.

Exemption of Chinese who are British subjects.

15. 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 by birth 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, nor shall anything in this Act apply to any Chinese who shall prove to the satisfaction of the Collector of Customs, or other duly authorized officer, that he is the *bonâ fide* holder of a certificate of naturalization in New South Wales, or of an exemption certificate duly granted under the provisions of the "Influx of Chinese Restriction Act of 1881."

Provision against evading Act by transhipping Chinese into other vessels.

16. 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.

Power to make regulations.

17. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in Session, and if not then in Session, within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter, they shall have the force of law.

Interpretation.

18. 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.

Short title.

19. This Act may be cited as the "Chinese Restriction and Regulation Act of 1888."

By Authority: CHARLES POTTER, Government Printer, Sydney, 1888.

[3*d*.]