

## No. III.

CHINESE  
IMMIGRATION.

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

Preamble.

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

Interpretation.

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

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

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

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

Master on arrival to give list of Chinese aboard.

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

Number of Chinese ships may carry.

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

Penalty.

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

4. Before any of such Chinese shall be permitted to land and before making any entry the master shall pay to such Collector or other proper officer ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him with the intent in any of the above cases of evading the payment thereof such master shall be liable for every such offence to a penalty not exceeding twenty pounds for each Chinese so landed

Penalty.

or

*Chinese Immigration.*

or permitted to land in addition to the amount of such sum And in Vessel forfeited.  
every such case in addition to any such penalty the vessel shall be  
forfeited and may be seized condemned and disposed of in like manner  
as ships forfeited for a breach of any law relating to the Customs of  
this Colony.

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

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

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

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

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

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

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

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

13. All penalties and sums payable under this Act may be Penalties recovered  
recovered in a summary manner before any two Justices of the Peace in a summary man-  
And at the hearing such Justices may decide upon their own view and  
judgment

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*Gold Fields.*

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judgment whether any person charged before them is a Chinese within the meaning of this Act.

Short title and commencement.

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

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