

No. XI.

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

INFLUX
OF
CHINESE
RESTRICTION.

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.

Master on arrival to
give list of Chinese
on board.

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.

Number of Chinese
to be brought to
Colony by vessel.

Penalty.

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

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.

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

Influx of Chinese Restriction.

master shall be liable for every such offence to a penalty of fifty pounds Penalty. 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.

5. Every Chinese arriving in this Colony after the passing of this The like sum to be paid for Chinese arriving otherwise than by sea. 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.

6. If any Chinese shall enter or attempt to enter this Colony Penalty on not paying or having had paid fee for entrance to the 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.

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

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

9. It shall be lawful for the Colonial Treasurer or any person authorized by him upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this Act a *bond side* 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. Certificate of exemption may be granted in certain cases.

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 Exemption of certain officials &c. 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.

12. The penalties and restrictions imposed by this Act shall Exemption of crews. 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.

13. All penalties and sums of money recoverable under this Act Penalties how recovered. 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

Trade Union.

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.

Provision against
evading Act by
transhipping Chinese
into other vessels.

Short title.

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.

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