

Hon. Mr. Reeves.

ASIATIC AND OTHER IMMIGRATION RESTRICTION.

ANALYSIS.

- Title.
Preamble.
1. Short Title.
2. Interpretation.

PART I.

ASIATICS.

3. Limitation of Asiatic passengers.
4. Master to furnish list of Asiatics.
5. Master to pay £100 for every Asiatic passenger.
6. Penalty for breach.
7. Certificate of payment to be given.
8. Penalty on evasion of Act.
9. Imprisonment not a discharge of liability for poll-tax.
10. Governor may remit penalties.
11. Justices may give time.
12. Crew of any ship exempt.
13. Transshipping of Asiatics.
14. Asiatic not to carry on business of hawker or pedlar. Penalty.
15. Asiatics now in the colony.
16. Colonial Treasurer may grant exemption.
17. Court to decide nationality.

PART II.

PROHIBITED PERSONS.

18. Master to furnish list of passengers.
19. No immigrant to land until examination made. Penalty.
20. Immigration Officer may make examination.
21. Immigration Officer to furnish list of prohibited persons.
22. Master to give receipt therefor.

23. Notice to be given to prohibited persons.
24. Master to take prohibited person back. Penalty.
25. Penalty on prohibited person landing.
26. Appeal against decision of Immigration Officer.
27. Prohibited person may attend Court.
28. Costs of appeal.
29. If appeal allowed, name to be erased from list.
30. Ship not to be cleared until appeal decided.
31. If appeal dismissed, master to take prohibited person back. Penalty.
32. Prohibited person to return to ship.
33. If passenger becomes a charge on charitable funds, owner, &c., liable.
34. Inspector-General to report what amount payable.
35. Owners, &c., not liable in certain cases.
36. Penalty on master failing to furnish list or obstructing owner.
37. Exceptions from operation of Act.

PART III.

MISCELLANEOUS PROVISIONS.

38. Recovery of penalties.
39. Burden of proof.
40. No ship to be cleared out until Act complied with.
41. Rules and regulations.
42. Repeal. Saving.
43. Exceptions to operation of Act.
44. Act reserved.
Schedule.

A BILL INTITULED

AN ACT to prevent the Influx into the Colony of certain Classes of Persons who are likely to be hurtful to the Public Welfare. Title.

WHEREAS it is expedient to safeguard the race-purity of the people Preamble.

5 of New Zealand by preventing the influx into the colony of persons of alien race; and also to check the influx of persons who, by reason of disease, crime, or other cause, are likely to injure the public health or burden the public funds; and also to protect New Zealand workmen from the unfair competition of labourers coming from abroad
10 under contract :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Asiatic and other Immigration Restriction Act, 1895," and it is divided into three Parts, namely:—

Part I. Relating to Asiatics;

Part II. Relating to prohibited persons; and

Part III. Relating to miscellaneous provisions.

5

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Asiatic" means any native of any part of Asia, or of the islands adjacent to Asia or in Asiatic seas, and the descendants of any such natives; but it does not include persons of European or Jewish extraction: 10

"Contagious or infectious disease" means any disease which the Governor from time to time by Order in Council declares to be so loathsome or contagious or infectious as to be dangerous to the public health: 15

"Contract workman" includes any worker of either sex coming to New Zealand, there to perform any form of skilled or unskilled manual labour pursuant to any agreement or engagement wholly or partly made on behalf of any person in New Zealand or elsewhere; but it does not include any workman so coming for the purpose aforesaid if the labour which he is to perform consists of a new industry, or one for which suitable workmen cannot conveniently be obtained in New Zealand; nor does it include artists, nor persons engaged or to be engaged in teaching any branch of literature, science, or art, nor such other persons or classes of persons as the Governor from time to time specifies by Order in Council: 20 25

"Immigrant" means any person arriving in New Zealand waters in any ship, excepting any person whom the master of the ship declares to be a tourist, and excepting any person *bonâ fide* an officer of or member of the crew of the ship, and excepting any person born or at any time domiciled in New Zealand: 30

"Immigration Officer" means any person appointed by the Minister to perform the duties of such officer under this Act: 35

"Master" includes every commander, captain, first or other officer, other than a pilot, for the time being in actual command or control of any ship: 40

"Minister" means any member of the Executive Council whom the Governor appoints to administer this Act:

"Owner" includes charterer, and the agents in New Zealand of such owner or charterer:

"Prescribed" means prescribed by rules or regulations to be made by the Governor in Council under this Act: 45

"Prohibited person" includes every contract workman, imbecile, idiot, insane person, habitual drunkard, every person likely from any cause to speedily become a charge on the public charities or funds, every person suffering from any contagious or infectious disease, and every person who has been adjudged guilty in any country of any offence in- 50

volving (if such offence were committed in New Zealand) imprisonment for not less than twelve months :

“Ship” includes steamer and sailing-vessel of every description, whether British or foreign :

5 “Tourist” includes every person *bona fide* arriving in New Zealand for any temporary purpose of health, recreation, business, or necessity, and not suffering from any contagious or infectious disease.

PART I.

10

ASIATICS.

3. If any ship arrives in any port or place in New Zealand having on board a greater number of Asiatics than in the proportion of one Asiatic to every *two* hundred tons of the tonnage of such ship, according to the registry thereof if British, and, if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner or master of such ship is liable to a penalty not exceeding *one hundred* pounds for each Asiatic so carried in excess.

Limitation of Asiatic passengers.

15

4. (1.) The master of every ship having Asiatics on board shall, immediately on his arrival in any port or place in New Zealand, deliver to the Collector or other principal officer of Customs at such port or nearest to such place a list of such Asiatics, specifying the name, the place of birth, the apparent age, and the former place of residence of each such Asiatic.

Master to furnish list of Asiatics.

25

(2.) For any default in complying with this provision such master is liable to a penalty not exceeding *two hundred* pounds.

5. Before making any entry at the Customs, and before any Asiatic is permitted to land in New Zealand, the master shall pay to such Collector or other principal officer, by way of poll-tax, the sum of *one hundred* pounds for every such Asiatic ; and no entry shall have any legal effect until such payment has been made.

Master to pay £100 for every Asiatic passenger.

30

6. (1.) If the master of any ship which has brought any Asiatic to New Zealand neglects to pay such poll-tax, or lands any Asiatic in New Zealand, or permits any Asiatic so to land, or permits any Asiatic to escape from such ship, before such poll-tax has been paid, with the intent in any of the above cases to evade the payment thereof, such master in addition to such poll-tax is liable to a penalty not exceeding *fifty* pounds for each Asiatic so landed or permitted to land or suffered to escape from such ship.

Penalty for breach.

40

(2.) And in every such case, in addition to the liability to pay any such poll-tax and penalty, the ship 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.

45

7. (1.) On payment of such poll-tax, and of any such penalty as aforesaid, in respect of any Asiatic, the Collector or other officer as aforesaid shall, without demand, forthwith supply such Asiatic with a certificate in writing under his hand of the payment of such poll-tax.

Certificate of payment to be given.

(2.) Such certificate shall be in the prescribed form, and, whensoever or wheresoever produced by such Asiatic, shall be conclusive evidence on behalf of himself, and of any other person who may have paid such poll-tax for him, that such poll-tax has been duly paid.

(3.) All sums so paid by or on behalf of any Asiatic shall be paid into the Public Account and form part of the Consolidated Fund. 5

Penalty on evasion of Act.

8. If any Asiatic lands or attempts to land in New Zealand without paying or having paid for him the poll-tax aforesaid, then, in addition to such poll-tax, he is liable to a penalty not exceeding *fifty* pounds, or to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any Justice of the Peace to be dealt with in due course of law. 10

Imprisonment not a discharge of liability for poll-tax.

9. No imprisonment in default of the payment of a penalty as aforesaid shall be a discharge to any Asiatic of his liability to pay the aforesaid poll-tax; but at any time after any such imprisonment, if he is at large within New Zealand, he may be apprehended and taken before any Justice of the Peace, who may take sufficient bail for his appearance at any sitting of a Magistrate's Court, or remand him to such Court as to such Justice seems fit, until such Asiatic produces a certificate of payment as aforesaid. 15 20

Governor may remit penalties.

10. The Governor may remit the whole or any part of any penalty, forfeiture, or sum of whatever description payable under this Part of this Act.

Justices may give time.

11. Upon the conviction of any Asiatic under this Act, whereby he is adjudged to pay a sum of money, the Court if it sees fit may 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 recognisance to Her Majesty to the satisfaction of the Court is given for the payment of the amount mentioned in and at the time fixed by any such order. 25 30

Crew of any ship exempt.

12. This Part of this Act shall not apply to any Asiatic being one of the crew of any ship arriving in any port or place in New Zealand:

Provided that if such Asiatic is discharged or landed in New Zealand, or if at any time he goes or is permitted to go on shore, except in the performance of his duties in connection with such ship, both he and the master of the ship are severally liable to a penalty of *one hundred* pounds, and shall straightway become subject to all the provisions of this Part of this Act. 35

Transshipping of Asiatics.

13. Any ship on board which Asiatics are transhipped from another ship and brought to any port or place in New Zealand shall be deemed to be a ship bringing Asiatics into New Zealand from parts beyond New Zealand, and shall be subject to all the provisions of this Part of this Act; and all Asiatics so transhipped and brought to such port or place shall be deemed to be Asiatics arriving from parts beyond New Zealand. 40 45

Asiatic not to carry on business of hawker or pedlar. Penalty.

14. Every Asiatic who carries on or attempts to carry on in New Zealand the business of a hawker or pedlar is liable to a penalty of *fifty* pounds, and to a further penalty of *ten* pounds for every day after the first during which he continues to carry on such business. 50

Asiatics now in the colony.

15. (1.) Every Asiatic within New Zealand at the date when this Act comes into operation may, within two months thereafter,

apply to a Magistrate's Court for a certificate of exemption from payments under this Act.

(2.) Any Stipendiary Magistrate exercising jurisdiction at such Court shall thereupon deliver to such Asiatic a certificate, bearing
5 on its face the name of such Asiatic, the signature of the Magistrate, and such other matters as are prescribed in the regulations; and such Asiatic shall thereupon be exempted from payments under this Act.

(3.) For the purposes of this section the term "Magistrate"
10 includes a Warden having jurisdiction within any mining district proclaimed under any Act for the time being in force relating to mining.

16. (1.) The Colonial Treasurer, or any person authorised by him,
15 may, upon the application of any Asiatic, and upon being satisfied that such Asiatic was, at the time of the coming into operation of this Act, a *bonâ fide* resident in New Zealand, and that he desires to be absent therefrom for a temporary purpose only, grant to him a certificate that he is exempt from the provisions of this Act for a
20 time to be specified in such certificate.

Colonial Treasurer
may grant
exemption.

(2.) And, during the time so specified, the holder of such certificate shall be exempt from all payments under this Part of this Act.

17. In any proceeding under this Part of this Act the Court may
decide upon its own view and judgment whether any person charged
before it is an Asiatic within the meaning of this Act.

Court to decide
nationality.

25

PART II.

PROHIBITED PERSONS.

18. (1.) The master of every ship arriving in New Zealand shall,
immediately upon arrival, deliver to the Immigration Officer a
30 declaration containing a full and true list of all passengers on board.

Master to furnish
list of passengers.

(2.) Such declaration shall be in the Form A in the Schedule
hereto, and shall be signed by the master.

(3.) Such declaration, purporting to be signed by the master,
shall be conclusive evidence as against the master, owners, charterers,
and agents of the ship, of the matters stated therein.

35 19. (1.) The master shall not permit any immigrant to land in
New Zealand, nor shall it be lawful for any immigrant so to do, until
he has been examined by the Immigration Officer as hereinafter pro-
vided.

No immigrant to
land until
examination made.

(2.) If any immigrant lands in breach of this section he is liable
40 to a penalty of *ten* pounds.

Penalty.

20. Upon the delivery of the said declaration the Immigration
Officer shall, with or without the assistance of a medical officer, make
such examination as he thinks expedient of all immigrants, either on
board such ship or at the nearest quarantine-station, and for that pur-
45 pose may have all or any of the immigrants removed from the ship
at the expense of the owners thereof to such quarantine-station;
but such removal shall not be deemed a landing in New Zealand.

Immigration Officer
may make
examination.

21. When the Immigration Officer has made his examination, he
shall sign and deliver to the master a certificate in the Form B in the

Immigration Officer
to furnish list of
prohibited persons.

Schedule hereto containing a list of all the immigrants who, in the opinion of the Immigration Officer, are prohibited persons; and all such persons shall be deemed to be prohibited persons accordingly.

Master to give receipt therefor.

22. (1.) The master forthwith upon receiving the said certificate shall sign and deliver to the Immigration Officer a receipt therefor in the Form C in the Schedule hereto, containing a correct copy of the aforesaid list of prohibited persons. 5

(2.) Such receipt shall be conclusive evidence of the due delivery of the aforesaid certificate B, and of the contents thereof.

Notice to be given to prohibited persons.

23. The Immigration Officer shall also deliver to each prohibited person a notice in the Form D in the Schedule hereto. 10

Master to take prohibited person back.

24. (1.) It shall be the duty of the master to keep on shipboard each prohibited person, and carry him back to the port whence he came.

Penalty.

(2.) If the master fails or neglects so to do he is liable in each instance to a penalty of not less than *twenty* pounds nor more than *one hundred* pounds. 15

Penalty on prohibited person landing.

25. If any prohibited person lands in New Zealand he is liable to a penalty not exceeding *twenty* pounds.

Appeal against decision of Immigration Officer.

26. The master, owner, or any prohibited person may, within the prescribed time and in the prescribed manner, appeal to a Stipendiary Magistrate against the Immigration Officer's decision pronouncing the said person to be a prohibited person, and the Magistrate's decision shall be final. 20

Prohibited person may attend Court.

27. For the purposes of such appeal, the said person may temporarily leave the ship, and attend the Court, without being deemed to land in New Zealand. 25

Costs of appeal.

28. The Magistrate may dismiss the appeal with or without costs, or may allow the appeal without costs.

If appeal allowed, name to be erased from list.

29. If the Magistrate allows the appeal, he shall strike the said person's name out of the list in the certificate B, and in the receipt C, and initial the erasure; and thereupon the person whose name is so erased shall cease to be a prohibited person. 30

Ship not to be cleared until appeal decided.

30. During the pendency of the appeal, the ship shall not be cleared at the Customs until the owners have satisfied the Immigration Officer that they can and will receive the said person on shipboard in the event of the appeal being dismissed. 35

If appeal dismissed, master to take prohibited person back.

31. (1.) If the appeal is dismissed, the master, owners, charterers, and agents shall straightway receive the said person on shipboard, and there keep him until they take him back to the port whence he came. 40

Penalty.

(2.) If they refuse or neglect so to do, they are severally liable to a penalty of *one hundred* pounds; and the Immigration Officer shall cause the said person to be so taken back at their cost and expense, and in the meantime to be maintained at their cost and expense in all things. 45

(3.) All such costs and expenses shall be a debt jointly and severally payable to Her Majesty by the master, owners, charterers, and agents of such ship, and may be recovered from time to time from each and every of them accordingly, in manner provided by "The Crown Suits Act, 1881."

32. If any prohibited person who has left the ship pending an appeal neglects or refuses, on the dismissal of the appeal, to go on ship-board, he shall be deemed to have landed unlawfully in New Zealand, and be liable to imprisonment for any term not exceeding *three* months, in addition to the penalty prescribed by section *twenty-five* of this Act.

Prohibited person to return to ship.

33. If at any time within three months after any ship's arrival in New Zealand any passenger by such ship—

If passenger becomes a charge on charitable funds, owner, &c., liable.

10 (1.) Becomes in any way a charge on any charitable institution or asylum, or

(2.) Applies to any local authority, or Government department, for work or assistance on the ground that he is destitute,—all moneys and expenses incurred out of the funds of any such institution or asylum or out of the public funds in respect of such passenger during the space of four years from the date of such arrival shall be a debt jointly and severally payable to Her Majesty by the master, owners, charterers, and agents of such ship, and may be recovered from time to time from each and every of them accordingly, in manner provided by "The Crown Suits Act, 1881."

20 34. (1.) It shall be the duty of the Inspector-General of Hospitals and Charitable Aid, or such other person as the Minister directs in that behalf, to ascertain and report to the Minister the amount for the time being payable in respect of any such charge or debt as aforesaid, together with the ship's name, and the name of the passenger in respect of whom, and the master, owners, charterers, and agents by whom the same is payable.

Inspector-General to report what amount payable.

(2.) Such report shall, until the contrary is proved, be sufficient evidence of the facts therein stated.

30 35. In any proceedings for the recovery of any such debt it shall be a sufficient defence if the defendants prove that the passenger (not being a prohibited person) became a charge or applied for work or assistance as aforesaid, by reason of special circumstances that occurred after his landing in New Zealand.

Owners, &c., not liable in certain cases.

35 36. If any master refuses or neglects to deliver to the Immigration Officer the declaration A required by section *eighteen*, or the receipt C required by section *twenty-two* of this Act, or delivers a declaration or receipt which is false in any material point, or permits any immigrant to land in breach of section *nineteen*, or refuses or neglects to produce for examination any immigrant, or obstructs or hinders the Immigration Officer in the discharge of his duties, he is liable to a penalty not exceeding *fifty* pounds.

Penalty on master failing to furnish list or obstructing owner.

40 37. This Part of this Act shall not apply to persons who are specially excepted therefrom from time to time by the Governor by Order in Council, nor to shipwrecked mariners brought to New Zealand without charge by the master of some other ship than that in which they were wrecked.

Exceptions from operation of Act.

PART III.

MISCELLANEOUS PROVISIONS.

Recovery of penalties.	38. Except as elsewhere expressly provided in this Act, all penalties and sums payable under this Act may be recovered in a summary manner, upon the prosecution of the Immigration Officer or of some officer of Customs, or other person authorised for that purpose by the Governor.	5
Burden of proof.	39. In any proceeding taken under any of the provisions of this Act (excepting appeals under section <i>twenty-six</i> hereof), the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions.	10
No ship to be cleared out until Act complied with.	40. No ship shall be cleared out of any port in New Zealand unless and until all the provisions of this Act relating to such ship, its master, owner, charterer, and agent have been duly complied with, nor until all penalties and other moneys payable by such master, owner, charterer, and agent have been fully paid and satisfied.	15
Rules and regulations.	41. The Governor in Council may, from time to time, make such rules and regulations as he deems necessary for prescribing forms and generally giving effect to this Act, and all such regulations shall be gazetted.	20
Repeal.	42. (1.) "The Chinese Immigrants Act, 1881," "The Imbecile Passengers Act, 1882," "The Chinese Immigrants Act Amendment, Act, 1888," and "The Chinese Immigrants Act Amendment Act Continuance Act, 1889," are hereby repealed.	25
Saving.	(2.) But such repeal shall not affect any bond or other instrument given, executed, or made under the repealed Acts or any of them, nor be deemed to release or discharge any person from any subsisting liability thereunder.	30
Exceptions to operation of Act.	43. This Act shall not apply to— (1.) Her Majesty's land and sea forces, nor to (2.) The officers and crew of any ship of war, nor to (3.) Any person duly accredited to New Zealand by or under the authority of the Imperial or any other Government.	35
Act reserved.	44. This Act shall be reserved for the signification of Her Majesty's pleasure thereon.	35

SCHEDULE.

FORM A.—MASTER'S DECLARATION, WITH LIST.

Name in full :
Age :
Nationality :
Port of embarkation :
Whether a tourist :
Whether a contract workman :
What the condition of health, mentally and physically :
Whether suffering from any contagious or infectious disease, and, if so, what

95

PURSUANT to the provisions of "The Asiatic and other Immigration Restriction Act, 1895," I, A.B., Master of the ship " , " hereby declare that the foregoing list contains the full name of every passenger by this ship, and that, to the best of my knowledge, information, and belief, the information contained in the list is as to each passenger named therein correct.

Dated at , this day of , 18 . A.B., Master.

Signed by the said in the presence of— X.Y.

FORM B.—IMMIGRATION OFFICER'S CERTIFICATE.

To the Master and Owners of the Ship " , " which arrived at the Port of on the day of , 18 .

THIS is to certify that, having this day examined the immigrants arriving by this ship, I am of opinion that the following are prohibited persons (in all) within the meaning of "The Asiatic and other Immigration Restriction Act, 1895," that is to say,—

Dated at , this [Full names.] day of , 189 . C.D., Immigration Officer.

FORM C.—MASTER'S RECEIPT.

RECEIVED this day of , 18 , from the Immigration Officer, his certificate containing the full names (in all) of the following immigrants by this ship who, in his opinion, are prohibited persons within the meaning of "The Asiatic and other Immigration Restriction Act, 1895," that is to say:—

[Full names.]

A.B., Master, ship " , " Port of .

FORM D.—NOTICE TO PROHIBITED PERSON.

To , Immigrant by Ship " . " TAKE notice that I have this day placed you on the list of prohibited persons within the meaning of "The Asiatic and other Immigration Restriction Act, 1895," and that it is not lawful for you to land in New Zealand.

You have the right to appeal within days to a Stipendiary Magistrate. Dated at , this day of , 189 .

C.D., Immigration Officer.