

Hon. Mr. Seddon.

ASIATIC RESTRICTION (No. 2).

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation.</p> <p style="padding-left: 40px;">(1.) <i>Poll-tax.</i></p> <p>3. Limitation of Asiatic passengers. 4. Master to furnish list of Asiatics. 5. Master to pay £100 for every Asiatic. 6. Penalty for breach, or if Asiatic lands or escapes. 7. Certificate of payment of poll-tax. 8. Certificate to be evidence of payment. 9. Penalty on Asiatic for evading the Act. 10. Transshipping of Asiatics. 11. Crew of any ship exempt. Proviso.</p>	<p>12. Certificate for temporary absence from colony. 13. No ship to be cleared out until Act complied with. 14. Court may give time to pay. 15. Governor may remit penalties.</p> <p style="padding-left: 40px;">(2.) <i>General.</i></p> <p>16. Non-naturalised Asiatics to be deemed aliens. Identification of such aliens. 17. Court to decide nationality. 18. Moneys received payable to Public Account. 19. Recovery of sums and penalties. Burden of proof. 20. Regulations. 21. Repeals. Saving. 22. Exceptions to operation of Act.</p>
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A BILL INTITULED

AN ACT to prevent the Influx into New Zealand of Persons of Title.
Alien Race who are likely to be hurtful to the Public Welfare.

5 WHEREAS it is expedient to safeguard the race-purity of the people Preamble.
of New Zealand by preventing the influx into the colony of persons of
alien race :

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

10 1. The Short Title of this Act is "The Asiatic Restriction Act, Short Title.
1896."

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

15 "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—

(1) Persons of European or Jewish extraction; nor (2) British
subjects, being natives of that portion of Her Majesty's
Dominions known as the Indian Empire :

20 "Master" means the person, other than a pilot, for the time
being in actual command of any ship :

"Owner" includes charterer :

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

25 "Ship" includes steamer and sailing-vessel of every descrip-
tion, whether British or foreign :

(1.) *Poll-tax.*

Limitation of
Asiatic passengers.

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 and master of such ship are severally liable to a penalty not exceeding *one hundred* pounds for each Asiatic so carried in excess. 5

Master to furnish
list of Asiatics.

4. (1.) Such master 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 all the Asiatics on board, specifying the name, the place of birth, the apparent age, and the former place of residence of each such Asiatic. 10

(2.) For any default in complying with this provision such master is liable to a penalty not exceeding *two hundred* pounds. 15

Master to pay £100
for every Asiatic.

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. 20

Penalty for breach,
or if Asiatic lands
or escapes.

6. (1.) If the master neglects to pay such poll-tax for any Asiatic, or if before the same is paid any Asiatic either lands in New Zealand or escapes from the ship, such master is liable to a penalty not exceeding *fifty* pounds for each such Asiatic: 25

Provided that neither the payment of such penalty nor the suffering of imprisonment for the non-payment thereof shall be a discharge of the master's liability to pay such poll-tax.

(2.) And in every such case, in addition to the liability to pay 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. 30

Certificate of
payment of poll-tax.

7. 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. 35

Certificate to be
evidence of
payment.

8. 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. 40

Penalty on Asiatic
for evading the Act.

9. If any Asiatic lands or attempts to land in New Zealand, or escapes from such ship, without paying or having paid for him such poll-tax, 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, who may take sufficient bail for his appearance at any sitting of a Magistrate's Court, or remand him to such Court to be there dealt with in due course of law: 45

Provided that neither the payment of such penalty nor the suffering of imprisonment for the non-payment thereof shall be a discharge of such Asiatic's liability to pay such poll-tax, but proceedings 50

for the recovery thereof may be taken from time to time until the same is fully paid.

10. 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, together with the owner and master thereof and all such Asiatics, shall be subject to all the foregoing provisions of this Act.

Transshipping of Asiatics.

11. The foregoing provisions 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 :

Crew of any ship exempt.

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.

Proviso

12. (1.) The Colonial Secretary, or any person authorised by him, may, upon the application of any Asiatic, and upon being satisfied that such Asiatic was, at the time when "The Chinese Immigrants Act, 1881," came into operation, and still is, 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 time to be specified in such certificate ; and

Certificate for temporary absence from colony.

25 (2.) During the time so specified, such Asiatic, whilst holding such certificate, as also the owner and master of any ship arriving in New Zealand with him on board, shall be exempt from payment of poll-tax in respect of such Asiatic.

13. 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 owner and master, have been duly complied with, nor until all penalties and other moneys payable by such owner or master have been fully paid and satisfied.

No ship to be cleared out until Act complied with.

14. Upon the conviction of any Asiatic under any of the foregoing provisions of 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.

Court may give time to pay.

15. The Governor may remit the whole or any part of any penalty, forfeiture, or sum of money payable under any of the foregoing provisions of this Act.

Governor may remit penalties.

45 (2.) *General.*

16. (1.) Every Asiatic not already naturalised within the colony is hereby declared to be an alien within the meaning of "The Aliens Act, 1880."

Non-naturalised Asiatics to be deemed aliens.

50 (2.) The Governor may from time to time make such regulations as he thinks fit in order to prevent evasions of that Act or this Act by Asiatic aliens.

Identification of such aliens.	(3.) Such regulations may prescribe that the memorial referred to in section four of that Act, the letters of naturalisation granted under that Act, and the certificate, letters, and memorandum referred to in section three of "The Aliens Act Amendment Act, 1892," shall bear a clear and distinct photograph of the applicant for naturalisation, or a clear and distinct impress of his thumb or some other specified part of his hand, or shall be otherwise marked in such way as to clearly identify him.	5
Court to decide nationality.	17. In any proceeding under 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.	10
Moneys received payable to Public Account.	18. All sums and penalties paid by or on behalf of any Asiatic shall be paid into the Public Account and form part of the Consolidated Fund.	
Recovery of sums and penalties.	19. (1.) All sums and penalties payable under this Act may be recovered in a summary manner, upon the prosecution of an officer of Customs or other person authorised for that purpose by the Governor.	15
Burden of proof.	(2.) In any proceeding taken under any of the provisions of this Act the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions.	20
Regulations.	20. 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.	25
Repeals.	21. (1.) "The Chinese Immigrants Act, 1881," "The Chinese Immigrants Act Amendment Act, 1888," and "The Chinese Immigrants Act Amendment Act Continuance Act, 1889," are hereby repealed.	
Saving.	(2.) But such repeal shall not affect any regulations made nor 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; and all such regulations may be revoked and liabilities enforced under this Act.	30
Exceptions to operation of Act.	22. 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 of any Asiatic Government, nor to (3.) Any person duly accredited to New Zealand by or under the authority of the Imperial or any other Government.	35 40