

(Hon. Sir H. Atkinson.)

CHINESE IMMIGRANTS ACT AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Chinese Immigrants Act, 1881."

Title.

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

1. The Short Title of this Act is "The Chinese Immigrants Act Amendment Act, 1888." Short Title.

2. In this Act, "The Chinese Immigrants Act, 1881," is referred to as "the said Act." Interpretation.

10 3. The third section of the said Act is hereby repealed, and in lieu thereof it is enacted:— Limitation in number of Chinese to be brought to colony by vessel.

If any vessel shall arrive in any port or place in New Zealand having on board a greater number of Chinese passengers than in the proportion of one to every *one hundred* tons of the tonnage of such vessel, according to the registry thereof if British, and, if not, then according to the measurement prescribed by the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable on conviction to a penalty not exceeding *one hundred* pounds for each Chinese passenger so carried

20 in excess.

4. The penalty prescribed by the sixth section of the said Act shall henceforth be *fifty* pounds in lieu of twenty pounds as therein provided. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."

25 It shall also be an offence within the meaning of the said section, as amended by this Act, if the master of any vessel which shall have brought Chinese to the colony shall permit or suffer any Chinese to escape from such vessel before the prescribed amount shall have been paid on behalf of such Chinese.

Chinese not paying penalty may be imprisoned.

5. If any Chinese who becomes liable to the penalty prescribed by the ninth section of the said Act shall make default in payment of such penalty he shall be liable 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. 5

Exemption of Chinese immigrants who are British subjects.

6. Notwithstanding anything in the said Act or this Act, any Chinese arriving in New Zealand who produces evidence to the satisfaction of the Collector or other principal officer of Customs 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 shall, on being verified to the satisfaction of such Collector or other principal officer of Customs, be sufficient evidence of the claim of such Chinese to exemption under this section. 10

Exemption of certain Chinese officials.

7. The sum of *ten* pounds required to be paid by the said Act shall not be payable by or for 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. 15

Exemption of crews of vessels who do not land in colony.

8. The penalties and restrictions imposed by the said Act as amended by this Act shall not nor shall any of them be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in New Zealand, and no such Chinese being one of such crew shall be discharged and landed from such vessel within the colony, or shall at any time go on shore, except in the performance of his duties in connection with such vessel, and every such Chinese so discharged and landed shall be liable to a penalty of *twenty* pounds. 20

Provision against evading Act by transshipping Chinese into other vessels.

9. 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 all the requirements and provisions of the said Act and this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond New Zealand. 30

Burden of proof to be on defendant.

10. For the purpose of any proceeding taken under any of the provisions of the said Act or this Act the burden shall lie on the defendant of proving that he is exempt from the operation of any of such provisions; and it shall not be necessary in any information, summons, or conviction, or other document to state or negative any exception in or exemption under the said Acts. 35

Prohibition against alien Chinese voting at elections of local authority.

11. No Chinese, notwithstanding that he holds a miner's right or other document now or hereafter in force relating to mining, or is a ratepayer, shall be entitled to vote at any election of a member of a local authority unless such Chinese is a natural-born or naturalised subject of Her Majesty; and where the fact that a name appears on a valuation-roll or rate-roll is a qualification to vote at any such election the Returning Officer or Deputy Returning Officer shall, in the case of a Chinese, reject any vote tendered or given by such Chinese unless evidence is then and there produced to the satisfaction of such Returning Officer or Deputy Returning Officer that such Chinese is a natural-born or naturalised subject of Her Majesty. 40

Officers of local authority to cancel names of Chinese

12. The proper officer shall, when preparing the voters' list in respect of any local authority, omit therefrom the names of all 45

Chinese who are not known to him to be natural-born or naturalised subjects of Her Majesty; and every such officer shall for such purpose decide upon his own belief or view or knowledge or judgment whether any such Chinese is or is not such an alien Chinese.

from voters' lists in certain cases.

5 To each Chinese so omitted from such voters' list the proper officer shall send a notice in the form of the Schedule hereto, or to the like effect.

In any proceedings taken for the insertion of the name of such Chinese upon any voters' list of a local authority no costs shall be given against the proper officer by reason of such omission.

Procedure thereon.

10 Every Court for revising the voters' list of a local authority shall expunge therefrom the names of all Chinese against whom objections shall have been lodged, unless such Chinese prove to the satisfaction of the Court that they are natural-born or naturalised subjects of Her Majesty.

Revision Court to strike out names of alien Chinese.

15 13. For the purposes of this Act, if not inconsistent with the context,—

Interpretation.

20 "Court" means any Court or authority having the duty of revising the voters' list of a local authority as hereinafter respectively defined:

"Local authority" means and includes any Borough Council, County Council, Town Board, Road Board, Harbour Board, or River Board, and any Licensing Committee:

25 "Proper officer" means the clerk or other officer or person whose duty it is to prepare any voters' list of or relating to a local authority, or the corporation which it represents:

"Ratepayer" means any person entitled to vote at an election of a member of any local authority:

30 "Voters' list" includes any list or roll, howsoever designated (but not being a valuation list or roll), setting forth the names of persons entitled to vote in the election of members of a local authority, and whether for an entire district or for any subdivision thereof, by whatever name such subdivision may be called.

SCHEDULE.

Schedule.

To [name] residing at [residence].

You are required to take notice that I have omitted your name from [State what] prepared by me under [State provision of Act requiring preparation of voters' list] for the [State district or subdivision, however named], on the ground that I believe you are a Chinese, and that you are not known to me as being either a natural-born or a naturalised subject of Her Majesty Queen Victoria.

If you feel aggrieved at being so omitted, and think that your name has been improperly omitted from such [State what], you may claim to have your name inserted therein, in accordance with [State provision of Act under which such claim can be made].

Dated at _____, this day of _____, 188 .

A.B.,

[Add in what capacity notice is given.]