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Hon. Major Atkinson.

CHINESE IMMIGRANTS.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate the Immigration of Chinese.

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, 1881."

Short Title.

2. This Act shall come into operation when the Governor in Council is satisfied that the number of Chinese in the colony exceeds five thousand souls; and thereupon he shall, by Order in Council, declare this Act to be in operation from and after a date to be specified therein.

Act only to come into operation when Governor in Council satisfied that Chinese population exceeds 5,000.
Interpretation.

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

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"Chinese" means any person born of Chinese parents, and any native of China or its dependencies, or of any island in the China seas, not born of British parents:

"Vessel" means any ship or other seagoing vessel of whatsoever kind or description:

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"Master" means the person, other than a pilot, for the time being in actual command of any such vessel.

4. If any vessel shall arrive in any port in New Zealand, 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 prescribed by any Act for 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 ten pounds for each Chinese passenger so carried in excess.

Number of Chinese ships may carry.

5. The master of every vessel having Chinese on board shall, immediately on his arrival in any port of the colony, deliver to the Collector or other principal officer of Customs a list of such Chinese, specifying the name, the place of birth, the apparent age, and the former place of residence of each such Chinese. For

Penalty.

Master on arrival to give list of Chinese passengers on board.

any default in complying with this provision, such master shall be liable to a penalty not exceeding *two hundred* pounds.

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

6. Before making any entry at the Customs, and before any Chinese shall be permitted to land, the master shall pay to such Collector or other principal 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. 5

Not to apply to crew of vessel.

The sum of *ten* pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel, unless he lands with the intention of remaining in the colony. 10

Penalty on not paying for Chinese on arrival.

7. 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 such Chinese, with the intent, in any of the above cases, to evade the payment thereof, such master in addition to such sum shall be liable, for every such offence, to a penalty not exceeding *twenty* pounds for each Chinese so landed or permitted to land. 15

Vessel forfeited.

And in 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.

Certificate of sum paid to be given to Chinese, and to be evidence.

8. On payment of such sum in respect of any Chinese, the Collector or other officer as aforesaid shall, without demand, forthwith supply each Chinese in respect of whom any such payment is made with a certificate, in writing under his hand, of the payment of such sum. 20

Such certificate shall be in a form to be prescribed by the regulations hereinafter mentioned, and, whensoever or 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. 25

Moneys to be paid into the Public Account.

9. All sums so paid by or on behalf of any Chinese shall be paid into the Public Account and form part of the Consolidated Fund, and may be applied thereout by the Colonial Treasurer in manner following, that is to say,— 30

Application thereof in certain cases.

If at any time within *three* years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid, such Chinese shall depart from the colony to parts beyond the seas, and shall, before his departure, prove to the satisfaction of the Colonial Treasurer,—

- (1.) That, during his residence in the colony, he has not been confined in any gaol or lock-up after conviction of any offence; 35
- (2.) That he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the colony;
- (3.) That he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital, charitable institution, lunatic asylum, or other place for the care, treatment, or cure of the sick, poor, or insane; 40
- (4.) And that no expense or charge has fallen upon the revenue for his support: 45

Then, upon the production to the Collector, or other principal officer of Customs at the port of embarkation, of the certificate given to such Chinese on his arrival, the amount so paid in respect of such Chinese shall be repaid to him on board of the vessel by which he shall so depart.

But if he shall fail to make such proof within the period aforesaid, the amount shall be paid into the Public Account and form part of the Consolidated Fund. 50

10. If any Chinese shall enter or attempt to enter the colony without paying or having paid for him the sum of *ten* pounds aforesaid, he shall, besides such sum, be liable to a penalty not exceeding *ten* pounds, 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 Resident Magistrate's Court at or nearest to the place where such Chinese may be, or remand him to such other Court as to such Justice shall seem fit, until such Chinese shall produce a certificate of payment as aforesaid.
11. It shall be lawful for the Governor to remit the whole or any part of any penalty, forfeiture, or sum of whatever description due or payable under this Act.
12. Upon the conviction of any Chinese under this Act whereby he may be awarded to pay a sum of money, it shall be lawful for the Justices, if they 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 Justices 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 recovered in a summary manner before two Justices of the Peace, upon the prosecution of some officer of Customs, or other person authorized for that purpose by the Governor. At any hearing the Justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act.
14. Every Chinese within the Colony of New Zealand, at the date when this Act comes into operation, may, within two months thereafter, apply to the Resident Magistrate's Court nearest to his place of abode for a certificate of exemption from payments under this Act.
- Any Resident Magistrate exercising jurisdiction at such Court shall deliver to any Chinese so applying a certificate, which shall bear on the face of it the name of such Chinese, and the signature of the Magistrate granting such certificate, and such other matters which may be prescribed in the regulations; and the holder of such certificate shall be exempted from payments under this Act.
- For the purposes of this section the term "Resident Magistrate" shall include a Warden having jurisdiction within any gold field proclaimed under any Act for the time being in force relating to gold fields.
15. The Colonial Treasurer, or any person authorized by him, may, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the coming into operation of this Act, a *bona fide* resident of the colony, and that he desires to be absent therefrom for a temporary purpose only, 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.
- And, during the time so specified, the holder of such certificate shall be exempt from all payments under this Act.
16. The Governor in Council may, from time to time, make such regulations as he shall deem necessary for giving effect to this Act, and all such regulations shall be gazetted.

Penalty on not paying or having had paid fee for entrance to the colony.

Governor may remit penalties, &c.

Justices may fix time for payment of penalties.

Penalties recovered in a summary manner.

Certificate of exemption from payment.

Certificate of exemption may be granted in cases of temporary absence from the colony.

Governor may make regulations.