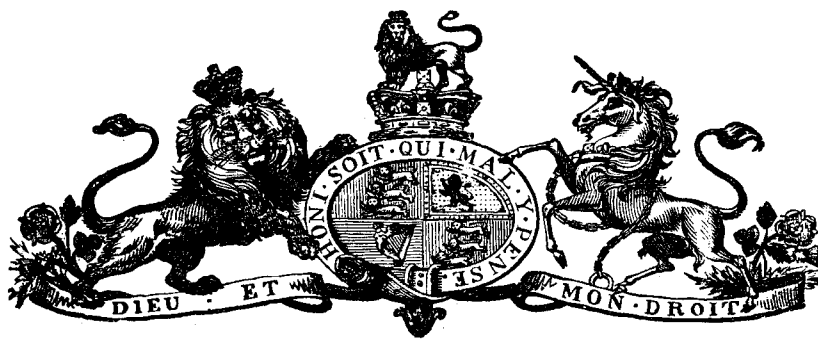


T A S M A N I A.



1887.

ANNO QUINQUAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 9.

AN ACT to regulate and restrict *Chinese* A.D. 1887.
Immigration. [7 November, 1887.] —

WHEREAS it is expedient to regulate and restrict the immigration and introduction of *Chinese* into *Tasmania*: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 In this Act, unless the context otherwise determines— Interpretation.
- “*Chinese*” means any male person of whatever age of the *Chinese* race:
 - “Vessel” means any ship or vessel of whatsoever kind or description:
 - “Master” means the person (other than a pilot) for the time being in actual command or charge of any vessel:
 - “Collector of Customs” includes the principal Officer of Customs at every port and place in *Tasmania*.

2 The master of every vessel having *Chinese* on board shall immediately upon his arrival from beyond *Tasmania* in any port or place in *Tasmania*, and before making any entry at the Customs, deliver to the Collector of Customs a list of such *Chinese*, specifying 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 every default not exceeding Two hundred Pounds. Master on arrival to give list of *Chinese* on board.

Chinese Immigration.

A.D. 1887.

Number of
Chinese to be
brought to Colony
by vessel.
Penalty.

17 & 18 Vict.,
c. 104.

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

Penalty.

Chinese to be
vaccinated.

46 Vict. No. 19.

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

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

Appropriation of
penalties and pay-
ments under Act.

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 not exceeding Ten Pounds for each *Chinese* so carried in excess of the foregoing limitation.

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," or any amendment thereof.

4 Before any *Chinese* arriving from parts beyond *Tasmania* shall be permitted to land from any vessel at any port or place in *Tasmania*, 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 the sum of Ten Pounds for every such *Chinese*. And if any master shall neglect to pay any such sum, or shall land or permit to land, or suffer to land from such vessel at any port or place in *Tasmania* any *Chinese* before such sum shall have been paid for or by him, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding Twenty Pounds for each *Chinese* so landed or permitted or suffered to land, and in addition to such penalty shall also pay the sum hereby required to be paid for each such *Chinese*. 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.

5 Before any *Chinese* shall be allowed to land from any vessel every such *Chinese* shall be vaccinated by the Health Officer of the port at which such *Chinese* shall be landed, or other Medical Officer appointed by the Governor in Council for that purpose: Provided that no such vaccination shall be performed where such *Chinese* shall be exempt under the provisions of "The Vaccination Act, 1882."

6 The Collector of Customs upon receiving such sum of Ten Pounds from or for any *Chinese*, shall without demand forthwith give a certificate in writing under his hand to such *Chinese* of the payment of such sum, and such certificate, whensoever and 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.

7 If any *Chinese* shall land or attempt to land in *Tasmania* who shall not have paid or had paid for him the said sum of Ten Pounds, he shall, besides such sum, be liable to a penalty of Ten Pounds, and may be apprehended and taken before any Justice of the Peace to be dealt with according to law.

8 All sums paid by or on behalf of any *Chinese*, and the amount of all penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this Act, shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

Chinese Immigration.

- 9** For the purposes of all proceedings under this Act, the Justices may decide upon their own view and judgment whether any person charged or produced before them is a *Chinese* within the meaning of this Act. A.D. 1887.
Evidence of person being a *Chinese*.
- 10** It shall be lawful for the Treasurer of *Tasmania*, or any person authorised by him, upon the application of any *Chinese*, and upon being satisfied that such *Chinese* was at the time of the passing of this Act a *bonâ fide* resident of *Tasmania* and that he desires to be absent therefrom for a temporary purpose only, to grant to such *Chinese* a certificate that such *Chinese* 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. Certificate of exemption may be granted in certain cases.
- 11** The said sum of Ten Pounds shall not be payable by or for, nor shall the penalties or restrictions imposed by this Act nor any of them be held applicable in respect of, any *Chinese*, being one of the crew of any vessel arriving in any port or place in *Tasmania*, and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Exemption of crews of vessels.
- 12** Notwithstanding anything in this Act contained, any *Chinese* arriving in *Tasmania* who produces evidence to the Collector 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 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.
- 13** The provisions of this Act shall not be applicable to 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. Exemption of certain Officials, &c.
- 14** For the purpose of 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, 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 this Act. Burden of proof.
- 15** All penalties and sums of money recoverable under this Act shall be recovered in a summary way at the suit of some Officer of Customs authorised by the said Treasurer before any two or more Justices of the Peace, in the mode prescribed by "*The Magistrates Summary Procedure Act*." Penalties how recovered.
19 Vict. No. 8.
- 16** This Act may be cited as "The *Chinese* Immigration Act, 1887." Short title.

