

VICTORIA.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. CC.

An Act to consolidate the Laws affecting the Chinese emigrating to or resident in Victoria.

[20th April, 1864.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows that is to say —

1. This Act shall be called and may be cited as "*The Chinese Immigration Statute 1864.*" Title of Act.

2. From and after the commencement and coming into operation of this Act the Acts set forth in the schedule hereto to the extent to which the same are therein expressed to be repealed shall be and the same are hereby repealed. Repeal of Acts.

3. In the interpretation and for the purposes of the provisions of this Act the following words shall unless inconsistent with or repugnant to the context have the respective meanings hereby assigned to them that is to say— Interpretation.

The word "Master" shall be held to apply to any person in command of any vessel.

The word "Ship" shall mean any sea going vessel of any kind or description.

The word "Tonnage" shall signify tonnage according to the measurement fixed by certain Acts of the Imperial Parliament called "*The Merchant Shipping Act 1854*" and "*The Merchant Shipping Act Amendment Act 1862.*"

And the word "Immigrant" shall mean any male adult native of China or its dependencies or of any islands in the Chinese seas not born of British parents or any person born of Chinese parents.

4. The Governor in Council may appoint such and so many persons to carry out the provisions of this Act with such designations as to the Governor in Council shall seem necessary or desirable. Governor in Council to appoint officers.

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Governor may make rules and regulations.

5. The Governor in Council may make such rules and regulations as may be deemed necessary for defining the duties and conduct of the officers to be appointed under the authority of this Act the registration of immigrants on their arrival at the district or place to which they may proceed the removal from such district of all or any of such immigrants if it shall be found necessary or desirable to do so the circumstances under which any such registration or removal shall be required the period for which such registry or removal is to last and the mode time and place of any such registration or removal also for the protection of immigrants and the adjustment of disputes between them and generally for the management and good government of immigrants and any such rules and regulations may alter vary or annul and substitute others as occasion may require and any immigrant or other person who shall be wilfully guilty of any breach or infringement of any such rule or regulation shall forfeit and pay a penalty not exceeding five pounds.

Sums to be paid for entering Victoria.

6. From and after the thirtieth day of June one thousand eight hundred and sixty-five every immigrant shall pay or shall have paid for him as hereinafter provided towards the consolidated revenue of Victoria the following sums for permission to enter Victoria for the purpose of residing therein that is to say—

The sum of ten pounds if any such immigrant shall arrive in Victoria in any ship.

The sum of four pounds if any such immigrant shall arrive in or enter Victoria from any place by any other means than by a ship.

Passengers list to state whether immigrants as defined by this Act are aboard or not,

7. The master of every ship upon arrival at any port in Victoria having passengers on board shall distinctly specify and state in the list of passengers required by any Act now or hereafter to be in force relating to passengers arriving in Victoria to be exhibited or delivered to the collector or other chief officer of customs at the port of arrival whether any and which of such passengers are immigrants within the meaning of this Act and in default of his delivering such list without so specifying as aforesaid such master shall be liable to a penalty not exceeding two hundred pounds.

Number of immigrants ships may carry.

8. If any ship shall on or after the thirtieth day of June one thousand eight hundred and sixty-five arrive in any port of Victoria having on board a greater number of passengers including the master and crew and cabin passengers than in the proportion of one person to every ten tons of the tonnage of such ship and any of such passengers shall be immigrants the owner charterer or master of such ship shall be liable on conviction to a penalty not exceeding ten pounds for each passenger so carried in excess.

Rate to be paid for immigrants.

9. From or after the thirtieth day of June one thousand eight hundred and sixty-five on arrival in any port of Victoria of any ship having any immigrants on board the master of such ship shall before permitting any immigrants to land and before making entry pay to the collector or other proper officer of customs a rate of ten pounds for every such immigrant conveyed in such ship and no entry shall be deemed to have been legally made or to have any legal effect whatever until such payment shall have been made and if any master neglect to pay such rate within the time aforesaid or shall land or permit any such immigrant to land at any place in Victoria before such payment shall have been made and with the intention of evading the payment of any such rate he shall on conviction be liable to a penalty not exceeding twenty pounds for each immigrant so landed or permitted to land in addition to the amount

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amount of such rate and in every such case in addition to the pecuniary fine hereby imposed upon the master the ship conveying such immigrants shall be forfeited and may be seized condemned and disposed of in the same manner as ships forfeited for a breach of any laws relating to the customs of Victoria.

10. From and after the thirtieth day of June One thousand eight hundred and sixty-five on the arrival in any port in Victoria of any ship having any immigrants on board thereof the collector or other proper officer of customs shall deliver to every such immigrant for or on account of whom the rate of ten pounds imposed by this Act shall be paid a certificate in writing under his hand of the payment of the said rate and every person who shall receive or collect the amount payable under this Act by immigrants arriving in Victoria otherwise than by a ship shall give to each immigrant a certificate of such payment having been so made such certificates respectively to be in such form as the Governor in Council shall approve.

Immigrant on landing to obtain receipt for money paid for him.

11. The Governor in Council may if he shall so see fit appoint any person or persons either by the general designation of the office such persons shall hold or by name to collect and receive any payments to be made on or after the thirtieth day of June One thousand eight hundred and sixty-five by immigrants for permission to reside in Victoria who shall not arrive in Victoria by any ship and all such appointments shall be inserted in the *Government Gazette* and made public in such other manner as to such Governor in Council shall seem desirable.

Governor to name persons to whom money is to be paid.

12. If any immigrant from and after the thirtieth day of June One thousand eight hundred and sixty-five shall enter or attempt to enter the colony of Victoria without paying or having had paid for him the authorized sum for permission to enter as herein provided every such immigrant shall forfeit besides the authorised sum for such entrance a penalty not exceeding ten pounds and if found so entering or attempting to enter without such payment having been made such immigrant may be apprehended and taken before the nearest justice of the peace or the justice most conveniently situated for that purpose and such justice may take sufficient bail for the appearance of such immigrant at the nearest court of petty sessions or remand such immigrant to such court as to such justice may seem fit and if any such immigrant shall not at the time of hearing the case produce a certificate or receipt authorised under this Act the proof that such immigrant had paid the sum directed to be paid by this Act shall lie upon the defendant but the production of any such certificate license or receipt applicable to the defendant shall be sufficient evidence of the authorised payment having been made.

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

13. If any person shall hinder molest obstruct or assault any officer appointed under this Act or any person acting under his authority or under any power or authority given by this Act every such person shall on conviction forfeit and pay a penalty not exceeding ten pounds.

Penalty for obstructing officers.

14. The Governor in Council may remit the whole or any part of any penalty or sum of whatever description due or payable under the provisions of this Act.

Governor may remit penalties &c.

15. Upon the conviction of any immigrant under the provisions of this Act whereby any such immigrant may be awarded to pay a sum of money it shall be lawful for the justice or justices if he or 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 justice or justices shall be given for the payment of the amount mentioned in or at the time fixed by any such order.

Justices may fix time to pay penalties.

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Immigrants imprisoned may be set to labor on local works approved of by the Governor.

16. The Governor in Council whenever any immigrants are sentenced to imprisonment or imprisonment and hard labor may direct that such immigrants so sentenced shall be worked and employed at such places and on such public work or local work for the public benefit or convenience and may make such rules and regulations and may alter or annul the same for the safe custody control and general management of such immigrants so sentenced as aforesaid as such Governor in Council shall deem desirable.

Penalties recovered in a summary manner.

17. All offences under this Act shall be heard and determined and all penalties recovered in a summary manner before any two or more justices and at the hearing of any case the justices adjudicating shall decide upon their own view and judgment whether any person charged before them is or is not an immigrant within the meaning of this Act.

Immigrant not to vote at elections for mining boards.

18. No immigrant within the meaning of this Act notwithstanding that he holds a miner's right or business license or other document under any Act now or hereafter to be in force relative to the gold fields shall be entitled to vote at the election of members for any mining board.

Commencement of this Act.

19. This Act shall commence and come into operation on the first day of January next after the passing hereof and not before.

SCHEDULE A.

Date of Act.	Titles of Acts.	Extent of Repeal.
22 Vic. No. 80 ..	<i>"An Act to consolidate and amend the laws affecting the Chinese emigrating to or resident in Victoria"</i>	So much as has not been already repealed.
25 Vic. No. 132..	<i>"An Act to amend an Act intituled 'An Act to consolidate and amend the laws affecting the Chinese emigrating to or resident in Victoria'"</i>	The whole.
27 Vic. No. 170..	<i>"An Act to amend an Act intituled 'An Act to consolidate and amend the laws affecting the Chinese emigrating to or resident in Victoria'"</i>	The whole.

MELBOURNE :

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