



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 213.

An Act to regulate and restrict Chinese Immigration.

[Assented to, November 18th, 1881.]

WHEREAS it is expedient to regulate the immigration of Chinese into the Province of South Australia, and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants, and of any fines or penalties imposed upon them—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in Parliament assembled, as follows:

Preamble.

1. For the purposes of this Act the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively—

Interpretation.

“Chinese”—Any person of the Chinese race not being a British subject:

“Vessel”—Any ship or other sea-going vessel of whatsoever kind or description:

“Master”—The person other than a pilot for the time being in actual command of any such vessel.

2. None of the provisions of this Act shall apply to that portion of the said province known as the Northern Territory: Provided always that any ship carrying Chinese, and all Chinese in such ship, arriving from the Northern Territory, or any port in the said province, and situate in such Territory, shall be deemed to have arrived

This Act not applicable to Northern Territory.

Proviso.

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arrived from beyond the province, and be liable to the provisions of this Act accordingly: Provided also that section 5 of this Act shall apply to every Chinese arriving otherwise than by a vessel from any part of this province within one thousand miles north of Adelaide.

Master on arrival to give list of Chinese on board.

3. The master of every vessel having Chinese on board shall, immediately on his arrival from beyond the said province in any port of the said province, and before making any entry at the Customs, 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, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese, so far as such information can be obtained by such master. And for each default herein such master shall be liable to a penalty not exceeding Two Hundred Pounds.

Number of Chinese ships may carry.

4. If any vessel shall arrive in any port in the said province having on board a greater number of Chinese passengers for any port in the said province 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 defined by "The Merchant Shipping Act, 1854," 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.

Penalty.

£10 to be paid for each Chinese arriving by vessel.

5. Before any Chinese arriving from beyond the said province shall be permitted to land from any vessel, and before making any entry at the Customs, the master of the vessel shall pay to such Collector or other principal officer the sum of Ten Pounds for every such Chinese, to be applied in manner hereinafter provided; and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.

Penalty.

And if any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the said province 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 to land in addition to the amount of such sum.

Like sum for Chinese arriving otherwise.

6. Every Chinese arriving in the said province after the passing of this Act, otherwise than by any vessel, shall pay or have paid for him to some officer whom the Governor may appoint, at any places on or near the borders of the said province or otherwise conveniently situate for that purpose, a like sum of Ten Pounds.

Chinese to be vaccinated.

7. Before any Chinese shall be allowed to land from any vessel, every such Chinese shall be vaccinated by a medical man duly appointed for the purpose, unless such medical man certifies, in writing, that such Chinese has been already vaccinated. **8.** The

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- 8.** The Collector or other officer receiving such sum from or for any Chinese shall, without demand, forthwith give him a certificate in writing under his hand 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. Certificate of sum paid to be given to Chinese and to be evidence.
- 9.** All sums paid by or on behalf of any Chinese, and all penalties under this Act, shall be paid over to the Treasurer, for the public use of the province. Mode of application of payments.
- 10.** If any Chinese shall enter or attempt to enter the said province 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 to be dealt with according to law. Penalty on not paying, or having had paid, fee for entrance to the province
- 11.** At the hearing of any prosecution 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. Evidence of person being a Chinese.
- 12.** It shall be lawful for the Treasurer, 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 the said province, and that he desires to be absent therefrom for a temporary purpose only, to 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. Certificate of exemption may be granted in certain cases.
- 13.** 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 shall land from such vessel without having previously obtained the consent of such Collector or other principal officer of Customs. Act not to apply to crew.
- 14.** All penalties and forfeitures imposed by this Act shall be sued for, prosecuted, and recovered before a Justice of the Peace in a summary way, in the name of some officer of Customs, or other person thereunto authorised. Penalties, how recovered.
- 15.** This Act may be styled, and may be cited as, “The Chinese Immigrants Regulation Act of 1881.” Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.