

A.D. 1884.



CHAP. 3.

An Act to prevent the Immigration of Chinese.

[18th February, 1884.]

WHEREAS by the "British North America Act, 1867," section 95, it is enacted as follows:—

Preamble.

"In each Province the Legislature may make laws in relation to agriculture in the Province and to immigration into the Province, and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the Provinces, and to immigration into any or all of the Provinces; and any law of the Legislature of a Province relative to agriculture or to immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada:—"

And whereas it is expedient to prevent the immigration of Chinese into British Columbia:

And whereas the provisions hereinafter contained are not repugnant to any Act of the Parliament of Canada:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The word "Chinese" in this Act shall mean and include any 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.

Interpretation of "Chinese."

2. It shall be unlawful for any Chinese to come into the Province of British Columbia, or any part thereof. Any Chinese who hereafter shall come into British Columbia, shall forfeit and pay the sum of fifty dollars, to be recovered in a summary way before any Justice of the Peace, and in default of payment shall suffer imprisonment, with hard labour, for any period not exceeding six months. The Chinese convicted shall remain liable to the payment of the said sum of fifty dollars, until he shall have paid the same, notwithstanding he may undergo such imprisonment; and so long as such sum remains unpaid, any Collector of Provincial Revenue tax,

Chinese Immigration prohibited.

Imposes penalty of \$50, on every Chinese coming into the Province.

A.D. 1884.

Recovery of penalty.
Chinese immigrants may be arrested without warrant.

Imposes penalty on persons who assist in bringing Chinese into the Province.

Arrest of persons bringing, etc., Chinese into the Province.

Act not to apply to Chinese employed on vessels, etc.

Chinese residents wishing to leave the Province may obtain certificate exempting them from the provisions of this Act.

The Justice may decide on his own view whether person produced is a Chinese.

Operation of Act postponed.

or any Constable may, without warrant, levy such sum by distress and sale of the goods and chattels of the Chinese convicted. Any Chinese who shall come into British Columbia may be arrested, without warrant, by any Constable, and brought before any Justice of the Peace, to be dealt with according to law.

3. Any person who shall bring, or assist in bringing, into British Columbia, any Chinese, or who shall assist in any way any Chinese in coming into British Columbia, shall forfeit and pay, in respect of each such Chinese, the sum of two hundred dollars, to be recovered in a summary way before any Justice of the Peace, and in default of payment shall be liable to be imprisoned for any period not exceeding six months.

4. Any person who shall be found violating the provisions of the next preceding section, may be arrested, without warrant, by any Constable, and brought before any Justice of the Peace, to be dealt with according to this Act.

5. Nothing in this Act shall apply to any Chinese actually employed as seaman, cook, steward, or waiter, upon any vessel wherein the number of Chinese so employed shall not exceed twenty.

6. It shall be lawful for the Provincial Secretary, or any person authorized 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 bona fide resident of the 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 term to be specified in such certificate, and during the time so specified the holder of such certificate shall be exempt from the provisions of this Act: Provided that, before such certificate shall be granted, the Chinese shall have his photograph taken, at his own expense, by some photographer nominated by the officer granting the certificate, and a copy of the photograph shall be retained and marked with a number corresponding with the number of the certificate. Each certificate shall be numbered and shall state the name, age, and general description and appearance of the applicant.

7. At the hearing of any prosecution under this Act, the Justice may decide, upon his own view and judgment, whether any person charged or produced before him is a Chinese within the meaning of this Act.

8. This Act shall come into force from and after the 31st day of March, 1884.