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No. 8.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Importation and
Employment of Aliens.

First reading, February 9, 1898.

MR. TAYLOR.

OTTAWA

Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1898

An Act respecting the Importation and Employment
of Aliens.

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows :—

1. From and after the passing of this Act it shall be unlaw- Assisting im-
ful for any person in any manner to prepay the transportation, migration of
or in any way assist or encourage the importation or immigra- foreigners un-
tion of any alien or foreigner into Canada, under contract or der contract to
agreement, parole or special, express or implied, made previous perform labour
to the importation or immigration of such alien or foreigner, in Canada
to perform labour or service of any kind in Canada. prohibited.

2. All contracts or agreements, express or implied, parole Such contract
or special, hereafter made between any person and any alien or to be void.
foreigner, to perform labour or service, or having reference to
the performance of labour or service by any person in Canada,
previous to the immigration or importation of the person
whose labour or service is contracted for into Canada, shall be
void.

3. For every violation of any of the provisions of section Penalty.
one of this Act, the person violating it by knowingly assisting,
encouraging or soliciting the immigration or importation of
any alien or foreigner into Canada, to perform labour or service
of any kind under contract or agreement, express or implied,
parole or special, with such alien or foreigner previous to
becoming a resident in or citizen of Canada, shall forfeit and
pay for every such offence the sum of one thousand dollars,
which may be sued for and recovered by the Dominion of Mode of re-
Canada, or by any person who first brings his action therefor, covery.
including any such alien or foreigner who is a party to such
contract or agreement, as debts of like amount are now re-
covered in any competent court in Canada, the proceeds to be
paid to the Minister of Finance and Receiver General; and
separate suits may be brought for each alien or foreigner being
a party to such contract or agreement; and it shall be the duty
of the county attorney of the proper county to prosecute
every such suit at the expense of the Dominion of Canada.

4. The master of every vessel who knowingly brings into As to master
Canada on any such vessel and lands or permits to be landed of ship land-
from any foreign port or place any alien labourer, mechanic ing such im-
or artisan who, previous to embarkation on such vessel, had migrant in
Canada

entered into contract or agreement, parole or special, express or implied, to perform labour or service in Canada, shall be deemed guilty of an indictable offence and on conviction thereof shall be punished by a fine of not more than five hundred dollars for every such alien labourer, mechanic or artisan so brought into Canada, and may also be imprisoned for a term not exceeding six months at hard labour. 5

Exemptions. 5. Nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in his private or his official capacity, from engaging, under contract or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner; nor shall this Act be so construed as to prevent any person from engaging, under contract or agreement, skilled workmen in foreign countries to perform labour in Canada in or upon any new industry not at present established in Canada, provided that skilled labour for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers or singers, nor to persons employed as personal or domestic servants, nor to ministers of any religious denomination, nor to persons belonging to any recognized profession or professors of colleges or seminaries: and nothing in this Act shall be construed as prohibiting any individual from assisting any member of his family to migrate from any foreign country to Canada for the purpose of settlement here. 10 15 20 25

Duties and powers of Attorney General. 6. The Attorney General of Canada is hereby charged with the duty of executing the provisions of this Act; and for this purpose, he shall have power to enter into contracts with the government of any province of Canada, or any commission, board or officers, designated by the Governor of any such province to take charge of local affairs of immigration, in the ports within such province under the laws and regulations prescribed by the said Attorney General; and it shall be the duty of such provincial government, commission, board or officer, so designated, to examine into the condition of passengers arriving at the ports within such province, in any ship or vessel, and for that purpose all or any of such commissioners, board or officers, or such other person as they appoint, shall go on board of and through any such ship or vessel; and if in such examination there is found among such passengers any person included in the prohibition of this Act, they shall report the fact, in writing, to the collector of such port, and such person shall not be permitted to land. 30 35 40

Regulations. 7. The Attorney General of Canada shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he deems best calculated to carry out the provisions of this Act; and he shall prescribe all forms of bonds, entries and other papers to be used under and in the enforcement of the various provisions of this Act. 45 50

Provincial authorities. 8. The Attorney General of Canada may designate the board of charities, or commission, or person in any province, whose duty it shall be to execute the provisions of this Act, and shall fix their compensation.

9. All persons included in the prohibition of this Act shall upon arrival in Canada be sent back to the country whence they came. Returning immigrants to country of origin.

10. The Attorney General of Canada shall make regulations for the return of the aforesaid persons to the country whence they came, and shall furnish instructions to the commission, board, or persons charged with the execution of the provisions of this Act, as to the time of procedure in respect thereto. Regulations therefor.

11. The expenses of the aforesaid person not permitted to land, shall be borne by the owners of the vessel in which he came, and any vessel, the owners of which refuse to pay such expenses, shall not thereafter be permitted to enter or clear from any port in Canada; and such expenses shall be a lien on such vessel. Expenses.

12. The Attorney General of Canada, when he is satisfied that an immigrant has been allowed to land contrary to the prohibition of this Act, shall cause such immigrant, within one year after his landing, to be taken into custody and returned to the country whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for his services. Duty of Attorney General as to returning immigrants.

13. It shall be deemed a violation of this Act to assist or encourage the importation or immigration of any alien, by promise of employment through advertisements printed or published in any foreign country; and any alien coming into Canada in consequence of any such advertisement shall be treated as coming under a contract, as contemplated by this Act, and the penalties hereby enacted shall be applicable in such case. Advertisements in foreign country.

14. Any person who brings into or lands in Canada, by vessel or otherwise, or who aids in bringing into or landing in Canada any alien not lawfully entitled to come into Canada, shall be guilty of an indictable offence and shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment. Penalty for importation of aliens.

15. All aliens unlawfully coming into Canada, shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner of the vessel; and if the master, agent, consignee, or owner of such vessel refuses or neglects to return them to the port whence they came, or to pay the cost of their maintenance while on land, he shall be guilty of an indictable offence, and shall be liable to a fine of not less than three hundred dollars for each offence, and such vessel shall not be allowed to clear from any port in Canada while any such fine is unpaid. Duty of owner, etc., of vessel. Penalty.

Time for
return of
immigrant
limited.

16. Any alien who comes into Canada in violation of the law, may be returned as by law provided, at any time within one year thereafter, at the expense of the person, vessel, transportation company or corporation bringing him into Canada; and any alien who becomes a charge upon the public within one year after his arrival in Canada, from causes existing prior to his landing therein, shall be deemed to have come in violation of law and may be returned as aforesaid. 5

Application
of Act.

17. This Act shall apply only to such foreign countries as have enacted and retained in force, or as enact or retain in force, laws or ordinances, applying to Canada, of a character similar to this Act. 10

1897, c. 11
repealed.

18. Chapter 11 of the statutes of 1897, intituled *An Act to restrict the Importation and Employment of Aliens*, is hereby repealed. 15