

AUSTRALASIA.

No 2.

CORRESPONDENCE

RELATING TO

CHINESE IMMIGRATION INTO THE AUSTRALASIAN COLONIES,

WITH A

RETURN OF ACTS PASSED BY THE LEGISLATURES
OF THOSE COLONIES AND OF CANADA AND
BRITISH COLUMBIA ON THE SUBJECT.

Presented to both Houses of Parliament by Command of Her Majesty,
July 1888.



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R E S P E C T I N G

C H I N E S E I M M I G R A T I O N

I N T O T H E

A U S T R A L A S I A N C O L O N I E S ,

W I T H A

R E T U R N O F A C T S P A S S E D B Y T H E L E G I S L A T U R E S O F T H O S E
C O L O N I E S A N D O F C A N A D A A N D B R I T I S H C O L U M B I A
O N T H E S U B J E C T .

No. 1.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR, Foreign Office, December 21, 1887.
I AM directed by the Marquis of Salisbury to transmit to you a copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and requesting that an inquiry may be instituted into the laws enacted against his countrymen by some of the Colonial Legislatures of Australia and the Dominion of Canada.

I am to request that, in laying this letter before Secretary Sir H. Holland, you will move him to cause Lord Salisbury to be informed what reply should be returned to the Chinese Minister.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 1.

MY LORD, Chinese Legation, December 12, 1887.
THE Chinese Commissioners, who recently visited the Australian Colonies for the purpose of inquiring into the condition of Chinese subjects residing in these parts of Her Britannic Majesty's Dominions, report that, in each of the Colonies they visited, a poll tax of 10*l.* is imposed on Chinese subjects, from which the subjects of other Powers are exempt. I am also informed that at the present moment a Bill, which passed the House of Assembly of Tasmania in September last, is under the consideration of the Legislative Council of that Colony, having for its object the imposition of a similar tax on all Chinese subjects who may hereafter visit the Island for the purpose of trade.

In my despatch of 13th July 1886,* I had occasion to draw the attention of your Lordship's predecessor to the invidious position in which Chinese subjects were placed by the operation of a peculiarly offensive Act which had been passed by the Government of British Columbia. Having in that despatch very fully discussed the question of the injustice of making Chinese subjects, who on the faith of treaties and international usage had entered the Colony, the objects of discriminative legislation, I need not here revert to the matter, more especially as the Chinese Government is convinced that where Colonial Legislatures have enacted regulations, inimical to Chinese and which were incompatible with Her Majesty's international engagements, the omission of the Crown to exercise its right of veto is not to be taken as showing that the Central Government approved them.

* See Appendix I.

In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other Powers, and it is difficult to understand why it should be otherwise in those Colonies on whom a certain amount of self-government has been conferred. It has never been alleged that Chinese immigrants were unruly. For, not only in Hong Kong and the Straits Settlements, but also in Australia, the Colonial Governors have repeatedly borne testimony to the orderly conduct of the Chinese population, and to their value in developing the Colonial resources. There does not, therefore, appear to be any sufficient reason for their being deprived of the immunities accorded to them by the treaties and the law of nations, or to their being treated differently from the subjects of other Powers residing in the same parts of Her Britannic Majesty's dominions.

The Imperial Government sees with regret the continued existence of the exceptional and exceptionable laws which some of the Colonial Legislatures of Australia and the Dominion have at different times enacted against Chinese subjects, and hopes that, with a view to the elimination of any part of them which may be found to be at variance with treaty obligations and international usage, Her Majesty's Government will be pleased to institute an inquiry into their nature, and how far they are compatible with the increasing growth of the friendly relations which now happily exist between the two countries.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) LEW.

No. 2.

SIR H. T. HOLLAND to the GOVERNORS OF THE AUSTRALASIAN
COLONIES AND THE GOVERNOR-GENERAL OF CANADA.

Circular.

MY LORD,

SIR,

Downing Street, January 23, 1888.

I HAVE the honour to transmit to you, for communication to your Government, a copy of a letter* from the Foreign Office, enclosing a copy of a note from the Chinese Minister at this Court, calling attention to the position of Chinese subjects in Her Majesty's Colonies.

I should be glad if your Government would furnish me with a report on the subject of any exceptional legislation affecting Chinese subjects which is in force in the Colony under your Government, showing the objects for which such legislation was adopted and the measure of success which has attended it.

I have, &c.,
(Signed) H. T. HOLLAND.

The Governors of New South Wales,
Victoria, Queensland, South
Australia, Western Australia,
Tasmania, and New Zealand, and
the Governor-General of Canada.

No. 3.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 2, 1888.)

TELEGRAPHIC.

Sydney, 31st March 1888.—At special request of Prime Minister I send following message, considering it matter of greatest importance, and not to be delayed.

Australian feeling much exercised in reference to Chinese immigration and the inquiry made by Marquis of Salisbury; your Excellency's advisers beg briefly to explain that the law of this Colony for some years past has imposed the restrictions of a poll tax of

10% on each immigrant, and a limitation of one immigrant to every 100 tons of the ship's burden, but owing to recent occurrences severer measures are now demanded throughout all the Colonies. This state of things has given rise to new reflections in dealing with a difficulty which threatens to become a calamity; as these Colonies form an important part of the Empire, it is submitted that our cause of contention is of sufficient national concern to be taken up by the Empire; if we have no voice in the making of treaties, it seems only just that our interests should be considered and protected by those who exercise that power. We learn by public report that the United States Government have entered into a treaty with the Government of China by which Chinese immigration into America is no longer permitted. We fail to see why Australia may not be similarly protected. On behalf of this Colony we desire, through your Excellency, to impress upon Her Majesty's Imperial advisers the more prominent phases of the Chinese question as it specially and almost exclusively affects the Australian section of the British people; firstly, the Australian ports are within easy sail of the ports of China; secondly, the climate, as well as certain branches of trade and industry in Australia, such as the cultivation of the soil for domestic purposes, and tin and gold mining are peculiarly attractive to the Chinese; thirdly, the working-classes of the British people in all the affinities of race are directly opposed to their Chinese competitors; fourthly, there can be no sympathy, and in the future it is to be apprehended that there will be no peace, between the two races; fifthly, the enormous number of the Chinese population intensifies every consideration of this class of immigration in comparison with the immigration of any other nation; sixthly, the most prevailing determination in all the Australian communities is to preserve the British type in the population; seventhly, there can be no interchange of ideas of religion or citizenship, nor can there be intermarriage or social communion between the British and the Chinese. It is respectfully submitted that the examination of these principal phases of the question can only lead to one conclusion, namely, that the Chinese must be restricted from emigrating to any part of Australasia. It will be seen that while the question scarcely touches the people of the United Kingdom it vitally concerns these great Colonies, whose importance in their political and commercial relations entitles them to be protected by the diplomatic influence and the powers of treaty which belong to the Empire. With renewed expressions of our loyal attachment to Her Majesty, we urge that immediate steps be taken to open such negotiations with the Emperor of China as will result in affording permanent security to the Australian Colonies from the disturbance of Chinese immigration in any form; the matter is too grave and urgent to admit of long delay. However desirable it may be to avoid the irritation and conflict of interests which may arise from local legislation of a drastic character, if protection cannot be afforded as now sought, the Australian Parliaments, must act from the force of public opinion in devising measures to defend the Colonies from consequences which they cannot relax in their efforts to avert.

No. 4.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 3, 1888.)

TELEGRAPHIC.

Sydney, 3rd April.—Referring to my telegram of 31st March* on Chinese immigration, am desired by my responsible advisers to inform you that there is every prospect of all Colonial Governments making similar representations to Her Majesty's Government.

No. 5.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 7, 1888.)

Government House, Sydney,
March 1, 1888.

MY LORD,

I HAVE the honour to report to your Lordship that attention has been directed by the Government Resident of the Northern Territory, which is under the Government

* No. 3.

of South Australia, to the fact that there has been a large influx of Chinese into Port Darwin, and much apprehension has been caused that they will spread over all the Colonies.

The Premiers of the various Colonies have communicated with the Premier of South Australia, strongly advocating measures for the restriction of the Mongolians, and the South Australian Government have communicated to this Government that, fully realising the position of affairs, they have established a quarantine of twenty-one days on all vessels from Chinese ports, and have imposed a poll tax of ten pounds upon Chinamen landing in the Northern Territory.

The Right Hon. the Secretary of State
for the Colonies.
&c. &c. &c.

I have, &c.,
(Signed) CARRINGTON.

No. 6.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 7, 1888.

Sir L. West,
March 19,
1888.
"New York
Herald,"
March 8,
1888.

I AM directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Secretary Lord Knutsford, copy of a despatch, with its enclosure as marked in the margin, which has been received from Her Majesty's Minister at Washington, in regard to a treaty which has now been signed between China and the United States to provide for the absolute exclusion of Chinese immigrants.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 6.

MY LORD,

Washington, March 19, 1888.

I HAVE the honour to inform your Lordship that a treaty with China has been signed and sent to the Senate, providing for the absolute exclusion of Chinese immigrants, and for the payment of an indemnity by the United States for injuries inflicted on Chinamen.

I enclose herewith a summary of its provisions as published in the newspapers.

The Marquis of Salisbury, K.G.,
&c. &c. &c.

I have, &c.,
(Signed) L. S. SACKVILLE WEST.

EXTRACT from the "NEW YORK HERALD" of 8th March 1888.

*New Chinese Treaty :—One which will absolutely prohibit the landing of immigrants.—
China wants it too.*

[By telegraph to the "Herald."]

Herald Bureau,
Corner Fifteenth and G Streets, N.W.,
Washington, March 7, 1888.

The new treaty with China will probably be sent to the Senate within a few days. The President is preparing a message of transmittal which will set forth the progress of the negotiations and their successful issue.

The sole object of the treaty is the prevention of Chinese immigration into this country, and the Chinese Government, instead of being affronted by the feeling here, is as anxious as our Government to put a stop to this immigration. The proposal for a new treaty came from the Chinese Minister in August, about a year and a half ago.

He sent a draft of a treaty to Secretary Bayard before visiting Europe, and on his return received a corrected draft from Mr. Bayard. Since then the negotiations have progressed with the usual diplomatic deliberation, until they have at last reached fruition. A good many erroneous reports have been floating about during the last few days, and some of them have alarmed the Californians with the fear that the new treaty was no better than the old.

Those who have seen it say, however, that it is a strong document and will be entirely satisfactory to the most pronounced opponents of Chinese immigration. One of the embarrassing features of the present treaty is that it authorises the suspension merely of Chinese immigration for prescribed periods.

Absolute Exclusion.

The new treaty will authorise the absolute exclusion of the Chinese during the ten years for which the treaty is made, and thus enable the United States to proceed with legislation which could not well be enacted under the suspension clause. One question of difference that was not easily settled arose in the demand of the Chinese Minister that Chinamen who had lived in the United States and had acquired a residence here should be permitted to pass between this country and their native land *ad libitum*.

The trouble in regard to this matter arose from the belief that, under the law restricting Chinese immigration, the plea of former residence had been utilised to bring in tens of thousands of new Chinamen. It was finally arranged that any Chinaman who had made the United States his home and had acquired possession of property valued at \$1,000 shall be permitted to visit China and return, provided he has certain debts and property rights here. The class permitted to return is a limited one, and is to be carefully restricted by appropriate legislation.

There is a clause in the treaty also admitting married women whose husbands remain in this country to go to China and return upon proper identification. This clause is looked upon with a deal of suspicion by the Californians, and they fear that it will permit the entrance of women who have never been here.

Indemnity.

The treaty provides for the payment by the United States of between \$200,000 and \$300,000 as an indemnity for certain depredations committed by citizens of this country upon Chinamen here. There has been some haggling over this amount between Secretary Bayard and the Chinese Minister, the Minister being inclined at first to demand more than the American statesman thought ought to be paid. The treaty having left to this country the power of absolute exclusion, except of merchants and diplomats, it remains for our Government to adopt such legislation as is necessary.

The House Committee on Foreign Affairs is ready to take the initiative in this matter as soon as the treaty is approved by the Senate. The subject was informally discussed at the meeting of the Sub-Committee on Chinese Legislation this morning.

Mr. Morrow, of California, was a little exercised for fear the new treaty left too many loopholes for fraud by the Chinese and those who import them, but he was assured that the treaty would be found ironclad, and that it only remained for the Committee to adopt the appropriate legislation, in the way of Customs legislation, Court procedure, and registration, to enforce the provisions of the treaty.

No. 7.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

April 13.—I have received your Lordship's telegrams of 31st March, and 3rd April,* Chinese Immigration; subject under consideration.

* Nos. 3 and 4.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 13, 1888.

I AM directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, copies of two telegrams* which have been received from the Governor of New South Wales urging that treaty arrangements similar to those just concluded between the Governments of the United States and of China, should be made for putting a stop to the Immigration of Chinese into the Australian Colonies.

The question thus raised by the Colonial Government is one of great importance as well as of considerable difficulty. It is certain that the feeling in the Australian Colonies has rapidly increased in intensity on this subject, and Lord Knutsford apprehends that there is no probability that those Colonies, whose proximity to China renders them easily accessible to large numbers of Chinese, will be content with less stringent provisions than have been adapted in the United States.

His Lordship would be glad to be favoured with any observations which Lord Salisbury may have to offer on the question, and also with the text of the Treaty between the United States and China, which, according to press telegrams, appears to have been signed at Washington on the 17th ultimo, referred to in your letter of the 7th instant,† together with any further information which his Lordship may be able to obtain.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) ROBERT G. W. HERBERT.

No. 9.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received April 16, 1888.)

TELEGRAPHIC.

YOUR Lordship's telegram of 14th April‡ (for 13th April) stating that Her Majesty's Government are taking into consideration question of Chinese Immigration, received with much satisfaction. Feeling on the subject increasing. All classes agree unanimously with views (of) Prime Minister, New South Wales.

No. 10.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, April 16, 1888.

I LAID before the Marquis of Salisbury your letter of the 13th instant§ enclosing copies of two telegrams from the Governor of New South Wales, urging that treaty arrangements similar to those concluded between the Governments of the United States and of China should be made for putting a stop to the immigration of Chinese into the Australian Colonies.

I am directed by Lord Salisbury to transmit to you, to be laid before Lord Knutsford, a newspaper extract which has been received from Her Majesty's Minister at Washington giving the text of the treaty in question, and I am to request that you will inform his Lordship that Sir L. West has been instructed by telegraph to send whatever information he can obtain as to the negotiations that led to the treaty.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) J. PAUNCEFOTE.

* Nos. 3 and 4.

† No. 6.

‡ No. 7.

§ No. 8.

Enclosure in No. 10.

EXTRACT from the "NEW YORK TRIBUNE" of 28th March 1888.

A NEW TREATY WITH CHINA.

Full text of Mr. Bayard's recent Diplomatic effort.

Restriction which does not restrict—property qualification clause and damages to be paid—Mr. Bayard's explanatory letter.

[By telegraph to the Tribune.]

WASHINGTON, March 27.—The new Chinese treaty recently concluded in this city by Secretary Bayard and Chang Yen Hoon, the Chinese Minister, together with the letter of the President transmitting the treaty, and an explanatory letter of Secretary Bayard to the Senate, is herewith given in full. The injunction of secrecy has not yet been removed from the treaty by the Senate, but that may be done at some future time. The Senate never hurries undignifiedly in such matters. The full text of the treaty is as follows:

Whereas, on the 17th day of November, A.D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States;

And whereas the Government of the United States and the Government of China desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries.

Now, therefore the President of the United States has appointed Thomas F. Bayard, Secretary of State of the United States as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Chang Yen Hoon, Minister of the third rank of the Imperial Court, Civil President of the Board of Imperial Cavalry, and Envoy extraordinary and Minister Plenipotentiary, as his plenipotentiary, and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles:

Article I. The high contracting parties agree that for a period of 20 years, beginning with date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

Wherein right of return is granted.

Article II. The preceding article shall not apply to the return to the United States of any Chinese labourer who has a lawful wife, child or parents in the United States, or property therein to the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless every such Chinese labourer shall, before leaving the United States, deposit, as a condition of his return, with the Collector of Customs of the district from which he departs a full description in writing of his family, or property, or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty; and should the written description aforesaid prove to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited.

And such right of return to the United States shall be exercised within one year from the date of leaving the United States, but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States.

Exemption of certain Chinese subjects.

Article III. The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers, for curiosity or pleasure, but not labourers, of coming to the United States and residing

therein. To entitle such Chinese subjects as are above described to admission into the United States they may produce a certificate from their Government, or the Government where they last resided, vised by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

Article IV. In pursuance of Article III. of the immigration treaty between the United States and China, signed at Peking on the 17th day of November, 1880, it is hereby understood and agreed that Chinese labourers, or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their person and property all rights that are given by the laws of the United States to citizens of the most favoured nation, excepting the right to become naturalized citizens—and the Government of the United States reaffirms its obligation, as stated in the said Article III., to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

Indemnity for injuries to Chinamen.

Article V. Whereas, Chinese subjects, being in remote and unsettled regions of the United States, have been the victims of injuries in their persons and property at the hands of wicked and lawless men, which unexpected events the Chinese Government regrets, and for which it has claimed an indemnity, the legal obligation of which the Government of the United States denies; and whereas the Government of the United States humanely considering these injuries and bearing in mind [? the friendship subsisting between] the Government of the United States and China, which the high contracting parties wish to cement, is desirous of alleviating the exceptional and deplorable sufferings and losses to which the aforesaid Chinese have been subjected; therefore, the United States, without reference to the question of liability (which, as a legal obligation, it denies), agrees to pay on or before the 1st day of March, 1889, the sum of two hundred and seventy-six thousand six hundred and nineteen dollars and seventy-five cents (8276,619 75) to the Chinese Minister at this Capitol, who shall accept the same, on behalf of his Government, as full indemnity for all losses and injuries sustained by Chinese subjects as aforesaid, and shall distribute the said money among the said sufferers and their relatives.

Article VI. This convention shall remain in force for a period of twenty years, beginning with the date of the exchange of the ratifications; and if, six months before the expiration of the said period of twenty years, neither Government shall formally have given notice of its termination to the other, it shall remain in full force for another like period of twenty years.

A short letter from the President.

The following letter of the President accompanies the treaty.
To the Senate.

I have the honour to transmit herewith, and recommend for your constitutional approval, a convention signed and concluded in this city on the 12th instant, under my direction, between the United States and China for the exclusion hereafter of Chinese labourers from coming into this country. This treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States.

In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of the treaty should be made public, and I respectfully recommend that an order to that effect be made by your honourable body.

Executive Mansion, Washington,
March 16, 1888.

GROVER CLEVELAND.

Secretary Bayard's explanation.

The following is Secretary Bayard's explanation of the features of the treaty:—
To the President:

I have now the honour to transmit herewith, with a view of its being communicated to the Senate for its advice and consent, a convention providing for the absolute pro-

hibition of the coming of Chinese labourers into the United States, which was concluded in this city on the 12th instant by me, under your instructions and authority, and by the Chinese Minister at this Capitol under the Imperial authority of China.

Shortly after the advent of your Administration it was considered advisable, in view of the manifest popular discontent in the States bordering upon the Pacific growing out of the presence there of Chinese labourers and their obvious lack of assimilation with the sympathies, habits, and interests of our own citizens, and the demonstrated inefficiency of the statutes intended to restrict their coming among us, that an effort should be made to procure the desired relief by obtaining the consent and co-operative action of China by means of an amended treaty, and thus avoid the necessity of a resort to special legislation, which without the co-operative assistance of the Chinese Government would be less effectual, and might also be open to exception as being in conflict with or in derogation of the stipulations of existing conventions, and possibly as impairing our good understanding with a friendly Power.

The temporary absence from the United States in 1885, and the subsequent illness of the then Chinese Minister, unavoidably delayed negotiations, but upon the arrival of his successor, the present Minister, Chang Yon Hoon, propositions were speedily submitted to him for a convention absolutely prohibiting the immigration of Chinese labourers, and, after some further delay arising from a visit made by him to Europe last summer, the treaty herewith transmitted has been concluded.

The purpose and object of the Treaty.

By this arrangement we have secured the co-operation of China in the main purpose and object of the treaty, which is plainly stated in the first article of the convention to be the absolute prohibition of Chinese labourers from coming into the United States for twenty years, and its renewal thereafter for a similar period unless notice shall have been given as provided in Article VI.

This precludes the return of any Chinese labourers who are not now in this country, and forbids the coming into the United States of Chinese labourers from any quarter whatsoever. From this inhibition are accepted any Chinese labourer who has a lawful wife, child or parent in the United States, or property therein of the value of one thousand dollars (\$1,000), or debts of like amount due him and pending settlement. Considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labour are entitled to just protection. Judging also by the statistics of the class in question and from general experience, such excepted cases will be practically few in number, infrequent and easily capable of such regulations as will prevent abuse.

The regulation and control of the issue of such certificates of return will be wholly in the hands of United States officials, and power to prescribe other laws at discretion may be exercised by the United States. Such right to return is for a limited period, and the certificates are invalidated by the perpetration of fraud in connexion with their procurement or use, and the United States are free to adopt such measures as may become advisable to check or punish any abuse.

Fraudulent entries under the old system.

In the course of late litigation in the United States Courts in California, arising out of the contested claims of certain Chinese laborers to return to the United States under the certificates now provided by law, it has been pertinently suggested by the learned judges before whom the cases were tried, that the detailed information contained in the certificates themselves, as now issued to the Chinese, furnishes the means of fraudulent entry of Chinese labourers, to whom such certificates have been fraudulently transferred and who are not entitled to come to the United States. And it has been pointed out that if all the facts requisite for complete identification of the departing Chinamen were retained in the United States, official custody, and a paper containing only a simple number, and properly marked, signed and countersigned by the officers, were furnished, the means of detecting and preventing fraud in the transfer of the certificate would be given and the present abuses made almost impossible of recurrence.

Existing treaty privileges of travel and sojourn in the United States to Chinese officials, teachers, students, merchants and travellers for curiosity and pleasure remain undisturbed as well as the transit right of labourers, strictly to be exercised under United States regulations.

Justifying the Indemnity Clause.

The stipulations of the third article of the treaty of 1880 provided for the extension of the full protection to the person and property of Chinese subjects of all classes that is given by laws of the United States to the most favoured nation, and by the terms of that article, the United States also agreed "to exert all its power to secure such protection" to the persons and property of Chinese subjects in the United States. It can not justly be alleged that any discrimination has been made against the Chinese by the laws of the United States, nor that they have been denied or obstructed in their access to the avenues of public remedial justice, which are open to all persons alike without distinction of race or nationality. But the fact remains that, for reasons heretofore stated in the message of the President to Congress in relation to the Rock Springs indemnity, there has been a failure of justice in the repression and punishment of crime and lawless violence of which Chinese were the victims, owing to the mingled causes of race prejudice, labour rivalries, their peculiar habits, and segregation from other nationalities.

The ill-treatment to which Chinese labourers have been subjected by our jurisdiction, where they are practically beyond the reach of the protecting arm of the law, has been a subject of just complaint by their Government, as well as mortification and sorrow to our own, and Congress heretofore, in the case of the Rock Springs massacre in Wyoming Territory, in view of all the circumstances, has made voluntary appropriations for the relief of the sufferers and their families.

The distribution of Governmental powers under our system forbids the assumption of local police control by the Federal authority except in the cases provided for by the Constitution wherein State and local Governments make application to the Executive for the assistance of the military arm of the Government. The stipulations of our treaty with China do not demand the enactment or enforcement of laws discriminating in favour of the Chinese subjects in the United States, nor does it entitle them to greater or other protection than is accorded to citizens of the most favoured nation. Tried by this test, the Chinese, in all cases of injuries to their persons or property, are equal before the laws of this country to the citizens of any other "most favoured nation," and certainly to our citizens.

Sentimental features of the Convention.

But the fact remains that they have suffered grievously in person and property, and whilst the liability of the United States is wholly inadmissible, as is recited in Article V. of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurrences, so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been made the innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens, who were the subjects of mob violence in China, have been indemnified by that Government, the present treaty provides for the payment of a sum of money, to be received as full indemnity for all such losses and injuries sustained by Chinese subjects in the United States to be received and distributed by the Chinese Minister at this Capitol. This payment will, in a measure, remove the reproach to our civilization caused by the crimes referred to, as well as redress the grievance so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of American residents in China.

I submit herewith a list of the claims from time to time presented to this department through the Chinese Minister, in which the names of the claimants, the amount of the losses, and estimation and details of the injuries inflicted are set forth.

Respectfully submitted,

T. F. BAYARD.

Department of State, Washington, March 16, 1888.

No. 11.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 17, 1888.

WITH reference to previous correspondence respecting Chinese Immigration to the Australian Colonies, I am directed by Lord Knutsford to transmit to you for

communication to the Marquis of Salisbury, a copy of a despatch* from the Governor of New South Wales on the subject.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 12.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 21, 1888.

WITH reference to the telegrams from the Governor of New South Wales, copies of which accompanied the letter from this Department of the 13th instant,† respecting Chinese Immigration, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which has been addressed to Lord Carrington on the subject, together with a copy of his reply.‡

I am at the same time to acknowledge the receipt of your letter of the 16th instant,§ enclosing the text of the Treaty between the United States and China.

The Under Secretary of State,
Foreign Office.

I am, &c.,
(Signed) JOHN BRAMSTON.

No. 13.

SIR H. B. LOCH (VICTORIA) to LORD KNU'TSFORD.
(Received April 23, 1888.)

TELEGRAPHIC.

I FORWARDED by mail steamer on 13 April, important papers by my Government on Chinese question. Hope no decision unfavourable in principle to opening negotiations with Chinese Government will be arrived at, at all events until after full consideration of these despatches.

No. 14.

LORD KNU'TSFORD to SIR H. B. LOCH (VICTORIA).

TELEGRAPHIC.

April 24.—Yours 23rd.|| Will await despatches.

No. 14A.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNU'TSFORD.
(Received April 26, 1888.)

TELEGRAPHIC.

TELEGRAMS in newspaper three days ago announce that Imperial Government declines to entertain negotiations with Chinese authorities requested on question of Chinese immigration. Though Cabinet Ministers deny authenticity, much feeling already

* No. 5.

† No. 8.

‡ Nos. 7 and 9.

§ No. 10.

|| No. 13.

manifest, and fomented by all press correspondents. I feel certain Cabinet Ministers will be compelled to introduce restrictive measures of a grave character if news is confirmed. I think it is my duty to inform you of steady increase of intensity of feeling.

No. 15.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

April 30.—Gellatly's urge "Afghan's" Chinese may be permitted to land. Ship chartered to Manilla; prohibition not anticipated.

No. 16.

MESSRS. GELLATLY, HANKEY, SEWELL, & Co. to
COLONIAL OFFICE.

51, Pall Mall, London, S.W.,

May 1, 1888.

MY LORD,

WE beg to thank you for having telegraphed yesterday to the Governor of New South Wales with reference to our steamship "Afghan."

Since our interview of yesterday we have seen by a report in this day's Times that the passengers by this steamer have been prohibited to land by the Victorian Government and not by the authorities at Sydney as the telegram from the latter place led us to believe.

Under these circumstances we respectfully ask Her Majesty's Government to communicate with the Governor of Victoria to render us aid and assistance in this unexpected and serious difficulty.

Except for the telegram it seems hardly possible that without previous notice a British steamer should be prevented landing these passengers at one of our Colonies.

If under pressure of popular feeling such a step should be permitted, we trust the Government will see that our interests are not allowed to suffer.

The case being one of great urgency, and the fact that this question has been sprung upon us without warning, induces us to lay it before Her Majesty's Government, relying upon their exercising their good offices for our protection.

The detention involves heavy loss and difficulty. The steamer is chartered to proceed from Newcastle, New South Wales, with a cargo of coals sold in Manilla to, we believe, the Spanish Government, and the contract is for a May sailing.

We have, &c.,

(Signed) GELLATLY, HANKEY, SEWELL, & CO.

To Her Majesty's Principal Secretary
of State for the Colonies.

No. 17.

LORD KNUTSFORD to SIR H. B. LOCH (VICTORIA).

TELEGRAPHIC.

May 1.—Gellatly's urge "Afghan's" Chinese may be permitted to land; prohibition not anticipated. Ship chartered Manilla. I telegraphed same to Governor of New South Wales yesterday. Please give me any information you can as questions may be asked in Parliament.

No. 18.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 2, 1888.)

TELEGRAPHIC.

May 2.—Referring to your telegram of May 1,* my Government inform me no vessel is entitled to bring into any port in Victoria more than one immigrant for every 100 tons of the tonnage of the vessel unless such immigrant produces evidence to the satisfaction of Collector of Customs that he is a British subject. The Chinese on board "Afghan" much in excess of legal number and naturalisation papers presented found, in most cases, to be fraudulent. Illegal traffic in these papers been long suspected. Penalty for every immigrant on board in excess of limitation 100%. Master of vessel has been informed through Agent by Commissioner of Customs that steps will be taken in the event of any immigrants being landed to enforce penalty in case of every immigrant in excess of legal number. Commissioner of Customs has been given to understand that the landing of immigrants will not be insisted upon. My Government further state, while it is their intention to act strictly within the limits of the law, every step will be taken which the law permits to enforce provisions.

No. 19.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL, & Co.

GENTLEMEN,

Downing Street, May 4, 1888.

WITH reference to your letter of the 1st instant† respecting the Chinese on board the S.S. "Afghan," I am directed by Lord Knutsford to transmit to you copies of a telegram* sent to the Governor of Victoria and of his reply‡ on the subject.

I am, &c.,

(Signed) EDWARD WINGFIELD.

Messrs. Gellatly, Hankey, Sewell, & Co.

No. 20.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, May 4, 1888.

WITH reference to previous correspondence respecting the immigration of Chinese to Australia, I am directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, copies of a telegram* sent to the Governor of Victoria and of his reply‡ on the subject.

I am, &c.,

The Under Secretary of State,
Foreign Office.

(Signed) EDWARD WINGFIELD.

No. 21.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.

(Received May 5, 1888.)

(Sent by mail from Albany, Western Australia, April 5, 1888.)

TELEGRAPHIC.

According to telegram received from London, treaty concluded between United States and China for exclusion of Chinese. We contemplate requesting intervention Her Majesty's Government in the same direction, and solicit if possible copy of treaty and any further information procurable. Despatch by mail.

No. 22.

SIR A. MUSGRAVE (QUEENSLAND), to LORD KNUTSFORD.

(Received May 5, 1888.)

Government House,
Brisbane, March 27, 1888.

MY LORD,

REFERRING to your Despatch Circular of the 23rd January last,* transmitting copy of a letter from the Foreign Office enclosing copy of a note from the Chinese Minister at the Court of St. James respecting the position of Chinese subjects in Her Majesty's Colonies, I have the honour to forward to you copy of a letter addressed to me by the Chief Secretary upon the subject in reply to your Despatch.

I have, &c.,

The Right Hon. the Secretary of State,
Colonial Office.

(Signed) A. MUSGRAVE.

Enclosure in No. 22.

Chief Secretary's Office,
Brisbane, 24th March 1888.

SIR,

I HAVE the honour to acknowledge the receipt from your Excellency of Sir H. T. Holland's Circular Despatch of 23rd January last, in which is transmitted a copy of a letter from the Foreign Office enclosing copy of a note from the Chinese Minister at the Court of St. James, calling attention to the position of Chinese subjects in Her Majesty's Colonies, and in which the Secretary of State invites a report on the subject of any exceptional legislation affecting Chinese subjects in force in Queensland, showing the objects for which such legislation was adopted, and the measure of success which has attended it.

2. The first measure which was proposed especially affecting Chinese in this Colony was introduced in the year 1876. This Bill, by which it was proposed that Asiatic and African aliens should be required to pay an increased fee for Miners' Rights and Business Licenses issued under the Gold Fields Act, passed both Houses and was reserved by the Governor (Mr. W. W. Cairns) for Her Majesty's assent, which was, however, withheld on the grounds stated in Lord Carnarvon's despatch of 27th March 1877.

The immediate reason for the introduction of the Bill at this time was the very large and, as it was thought by the Legislature, dangerous influx of Chinese, attracted by the then recently discovered Palmer Gold Field.

3. In the following session a Bill differing in no material particular from the Bill of 1876 was again introduced and assented to by Governor Sir A. E. Kennedy, under instructions from the Colonial Office, after the nature of its provisions had been communicated to London by telegraph.

4. The principal argument urged by Lord Carnarvon for advising Her Majesty to withhold the Royal assent to the Bill of 1876 was that the proposed legislation was inconsistent with the implied obligations of the Treaty of Tientsin. It was, however, pointed out in the Debates in the Legislative Assembly of Queensland that that Treaty contained no stipulation on the part of Her Majesty's Government to allow the unrestricted immigration of Chinese into the British Possessions, the only stipulation bearing on the subject being to the effect that the Government of China would not prevent the emigration of Chinese subjects engaged for service in those Possessions, which, it was urged, and, I suppose successfully, did not impose a corresponding obligation to impose no restrictions upon Chinese voluntarily emigrating for other purposes.

5. In the same year an Act was passed the main provisions of which were that no ship might bring to the Colony more Chinese (*i.e.*, natives of the Chinese Empire or its dependencies not born of British parents) than in the proportion of one to every ten tons of registered tonnage; that every Chinese on arrival in Queensland was required to pay the sum of 10*l.* which was to be returned to him if within three years from the date of his arrival he left the Colony, and proved that he had not in the meantime been confined in a gaol after conviction of an offence, that he had paid all fines and penalties imposed on him, and that he had not been the cause of any charge to the Colony as a patient in a hospital or asylum.

6. In the year 1878 the last mentioned Act was repealed; and it was provided by the Gold Fields Act Amendment Act of that year that Chinese should not be allowed to mine on Gold Fields until after the expiration of three years from the date of their first Proclamation, unless the Gold Field had been discovered by an Asiatic or African alien.

7. In the year 1884, the laws already mentioned having been found insufficient to restrict the immigration of Chinese, the Act of 1877 was amended by reducing the number of Chinese passengers that might be brought into Queensland waters by any ship to one for every 100 tons of registered tonnage, by increasing the sum payable on arrival to 30*l.*, and by repealing the provision for the repayment of the poll-tax on departure within three years from the date of arrival.

8. The effect of the law of 1884 has been that the number of Chinese arriving in Queensland by sea has been in each year somewhat less than the number of those departing. The easy means of transit by land between the various Australian Colonies, however, renders it impossible to exercise any effective control over their migration across the borders of the Colonies. And as the laws of all the other Australian Colonies are less severely restrictive than those of Queensland, and there is at present no law restricting their immigration into the Northern Territory of South Australia, the danger of an influx of Chinese from the other Colonies, attracted by the rich goldfields of Queensland, is becoming very serious.

9. It has been proved by experience that the Chinese become formidable competitors with European labour in almost every branch of industry—some branches, such as cabinet-making, having been almost monopolised by them in several of the Australian cities. And as, owing to their habits of life, the cost of subsistence is to them very much less than to Europeans living in accordance with European habits, the effect of their unrestricted competition would undoubtedly be to materially lower wages and reduce the standard of comfort of the European artisan and labourer.

10. But the main and, in the opinion of this Government, the insuperable objection to allowing the immigration of Chinese is the fact that they cannot be admitted to an equal share in the political and social institutions of the Colony. The form of civilisation existing in the Chinese Empire, although of a complicated and in many respects marvellous character, is essentially different from the European civilisation which at present prevails in Australia, and which I hold it to be essential to the future welfare of the Australian continent to preserve.

Under our system every citizen is allowed to have a voice in the government of his country, and the presence in considerable numbers of an alien race occupying an inferior position could not fail before long to bring about very serious troubles, and would probably necessitate a radical change in our political institutions, and entirely alter the future history and development of Australia.

When the Chinese Commissioners referred to in the Chinese Minister's note visited Queensland, I took the opportunity of directing their attention to this aspect of the question, which they appeared to fully appreciate.

11. There can be no doubt, I think, that the public opinion of Australia is firmly and resolutely opposed to the further introduction of Chinese, and it has become a matter of pressing moment to devise the best and most efficacious means, acting within the rules of international comity, of excluding them.

12. I conceive, however, that there is no rule, either of international law or comity, which requires one nation to admit within its borders, against its will, the subjects of another. Instances have not been infrequent of the exclusion of persons of alien nationalities from various European States, and, although it has not been the practice of the British Government to follow these examples, I apprehend that the principles of self-preservation would compel any State to prevent an invasion, whether hostile or peaceful, by subjects of another State, which would be injurious to its own subjects.

13. I hope that Her Majesty's Government will support the earnest wishes of the Australian Colonists in this matter, and will use their good offices with the Court of Peking with the view of inducing the Chinese Government to discourage, and, if possible, forbid the emigration of Chinese to Australasia.

His Excellency Sir Anthony Musgrave,
G.C.M.G., Governor, &c.

I have, &c.,
(Signed) S. W. GRIFFITH.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 5, 1888.)

MY LORD,

Sydney, March 29, 1888.

I HAVE the honour to forward a copy of resolutions passed at a public meeting held in the Town Hall, Sydney, on Tuesday evening 27th March, which were presented to me by a deputation, with the request that I should transmit them for your Lordship's consideration.

The Right Hon. the Secretary of State,
&c. &c. &c.
Colonial Office.

I have, &c.,
(Signed) CARRINGTON.

Enclosure in No. 23.

COPIES OF RESOLUTIONS unanimously passed at a public meeting held in the Town Hall, Sydney, on Tuesday evening March 27th, 1888, the Mayor in the Chair.

(1.) That the almost unrestricted influx of the Chinese into Australia will, if continued, threaten our political and social welfare; and that the time has arrived for the imposition of substantial and effective restrictions on their further introduction.

Moved by the Hon. Edmund Barton, M.L.C.

Seconded by J. R. Talbot, President Trades and Labour Council.

Supported by J. Lennon, President Stonemasons' Society.

(2.) That this meeting of the citizens of Sydney desires to declare its strong objection to any action of the Government of China in the assistance or encouragement of Chinese immigration into Australia, and calls upon the Home Government to maintain the right of the Australian Colonies to frame such laws as they may consider necessary to ensure on this continent the preponderance and supremacy of the British race.

Proposed by Ninian Melville, M.P.

Seconded by W. F. Schey, M.P.

Supported by G. R. Dibbs, M.P.

(3.) That the Most Worshipful the Mayor be invited to head a deputation to His Excellency the Governor, to lay before him the foregoing resolutions for transmission to the Secretary of State for the Colonies, the deputation to consist of the following gentlemen;—The Hon. Edmund Barton, M.L.C., and Messrs. G. R. Dibbs, Jas. Fletcher, N. Melville, W. F. Schey, E. W. O'Sullivan, M.S.P., J. W. Watkin, and the members.

Moved by Jas. Fletcher, M.P.

Seconded by John Norton.

(Signed) JOHN HARRIS.
Mayor and Chairman.

No. 24.

MESSRS. GELLATLY, HANKEY, SEWELL, & CO. to
COLONIAL OFFICE.

51, Pall Mall, London, S.W.,
May 5, 1888.

MY LORD,

WE have the honour to acknowledge the receipt of your letter* with copies of telegrams relating to the Chinese emigrants on board our steamship "Afghan."

We are surprised to observe that Sir Henry Loch states that the number of Chinese on board that vessel is much in excess of legal numbers, and that naturalization papers presented are found in most instances to be fraudulent.

We are however pleased to see that the Victorian Government express their intention to act strictly within the law.

From the extreme care exercised at Hong Kong in connexion with the Chinese passenger trade, we should have thought it was impossible for the alleged traffic in naturalization papers to have taken place, but it does not appear that any passenger has been allowed to land at Melbourne, and the same determination to exclude the Chinese from landing seems to apply to Sydney also, regardless of the question of legality or illegality of papers, for Sir Henry Parkes is made to say as reported in a telegram in the "Times," under date May 3rd, "that none of the Chinese on board the steamer "Afghan" "now on her way to Sydney would be permitted to land in New South Wales."

The gravity of the case is such that we trust Her Majesty's Government will under the special circumstances urge by telegram the Governor of New South Wales to safeguard our interests, so far as he is able, from any loss or penalty and otherwise assist the master in carrying out his Manilla contract, observing that whatever the accuracy or inaccuracy of the allegations may be, we, as owners, are absolutely strangers to any such practices, our business being confined to the safe transport of these passengers from China to Australia.

We have, &c.,
(Signed) GELLATLY, HANKEY, SEWELL, & CO.

To Her Majesty's Principal Secretary
of State for the Colonies.

No. 25.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

May 5.—Owners "Afghan" afraid that Chinese passengers may rise or escape. They hope you will afford assistance if necessary.

No. 26.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, May 8, 1888.

With reference to previous correspondence respecting Chinese immigration into Australia, I am directed by Lord Knutsford to transmit to you, for communication to the Marquis of Salisbury, copies of despatches* from the Governors of Queensland and New South Wales, with their respective enclosures on the subject.

I am, &c.,
(Signed) JOHN BRAMSTON.
The Under Secretary of State,
Foreign Office.

No. 27.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 8, 1888.)

TELEGRAPHIC.

(Extract.)

Steamer arrived, 55 Chinese immigrants *en route* for other Australian Colonies. No application made to disembark here, but anyways, Ministers would have refused permission; ship going on Melbourne.

No. 28.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 8, 1888.)

TELEGRAPHIC.

Cabinet Ministers have firmly determined to prevent any more Chinese immigrants landing. Those in the two ships now in harbour will be sent back.

No. 29.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL & Co.,

GENTLEMEN,

Downing Street, May 8, 1888.

IN reply to your letter of the 5th instant* respecting the Chinese passengers on the S.S. "Afghan," I am directed by Lord Knutsford to transmit to you a copy of a telegram† which has been sent to the Governor of New South Wales on the subject.

I am, &c.,

Messrs. Gellatly, Hankey, Sewell, & Co. (Signed) JOHN BRAMSTON.

No. 30.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 9, 1888.

WITH reference to your letter of the 4th instant,‡ enclosing copies of a telegraphic correspondence with the Governor of Victoria on the subject of the immigration of Chinese to Australia, I am directed by the Marquis of Salisbury to request that you will suggest to Lord Knutsford that full particulars of the case of the immigrants on board the "Afghan" alluded to in this correspondence, and copies of the laws and regulations bearing on the subject, which are in force in the Australian Colonies, should be procured without delay.

I am, &c.,

The Under Secretary of State,
Colonial Office.

(Signed) P. W. CURRIE.

No. 31.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received May 10, 1888.)

TELEGRAPHIC.

(Extract.)

May 10, 1888.—My Ministers have invited Australasian Colonies to (a) conference on Chinese immigration question. Should you see your way to announcement that Her Majesty's Government will be prepared to consider joint representation from Australasian Colonies it would produce good effect in every way.

No. 32.

LORD KNUTSFORD to the GOVERNORS OF THE AUSTRALASIAN COLONIES.

SIR,

Downing Street, May 10, 1888.

I HAVE the honour to transmit to you, for communication to your Government, the accompanying extract,* which has been reprinted from the "New York Tribune" of the 28th March last, purporting to give the text of the recent treaty concluded between the Government of China and that of the United States on the subject of Chinese immigration, together with explanatory letters from the President of the United States and Mr. Bayard.

In view of the occasional references to this treaty in official and in press telegrams from Australia, I think it right to lose no time in forwarding to you (in the absence of the authentic text) this newspaper account of its provisions, to which, of course, no official character will be attached.

The Officers Administering the Governments of
New South Wales, Victoria, South Australia,
Queensland, Western Australia, Tasmania,
and New Zealand.

I have, &c.,
(Signed) LORD KNUTSFORD.

No. 33.

COLONIAL OFFICE to MESSRS. GELLATLY, HANKEY, SEWELL, & Co.

GENTLEMEN,

Downing Street, May 10, 1888.

WITH reference to the letter from this department of the 8th instant† and to previous correspondence, I am directed by Lord Knutsford to transmit to you a copy of a telegram‡ from the Governor of New South Wales, respecting Chinese immigration into that Colony.

Messrs. Gellatly, Hankey, Sewell, & Co. I am, &c.,
(Signed) JOHN BRAMSTON.

No. 34.

SIR F. N. BROOME (WESTERN AUSTRALIA) to LORD KNUTSFORD.
(Received May 11, 1888.)

TELEGRAPHIC.

May 11, 1888.—Invitation received from South Australia (to) conference (on) Chinese immigration. Open to doubt whether Western Australia should send delegate. Request instructions.

* Enclosure 1 in No. 10.

† No. 29.

‡ No. 28.

No. 35.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES.)

TELEGRAPHIC.

May 11.—Referring to your telegram of 26th April,* no foundation for report that Her Majesty's Government refuse to negotiate with Chinese Government. Negotiations being carefully considered. Before arriving at conclusion against negotiations, Australian Colonies would have been consulted further. Her Majesty's Government fully recognise strength of feeling.

No. 36.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 11, 1888.

With reference to your letter of the 8th instant,† I am directed by the Marquis of Salisbury to transmit to you, to be laid before Lord Knutsford, a copy of a letter from the Chinese Minister at this Court, calling attention to the telegrams which appeared in the "Times" of the 3rd and 4th instant, relative to the action which is reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a vessel named the "Afghan."

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) P. W. CURRIE.

Enclosure in No. 36.

MY LORD,

Chinese Legation, May 7, 1888.

I BEG leave to forward to your Lordship the enclosed copies of two telegrams from Australia, which have recently appeared in the columns of the "Times," and I shall feel obliged by your acquainting me, for the information of my Government, whether Her Majesty's Government have any reason to believe them to be well founded.

According to the first of these telegrams, it would appear that a ship named the "Afghan," carrying Chinese emigrants for some of Her Britannic Majesty's Australian possessions, had been refused permission to land at Melbourne that portion of them destined for Victoria, and according to the second telegram, that Sir H. Parkes, Premier of New South Wales, had publicly declared that on the arrival of the "Afghan" at Sydney, none of her Chinese passengers would be allowed to go ashore.

I hope that it may be possible for your Lordship to contradict these reports, and if, unfortunately, it should be otherwise, that Her Majesty's Government will take measures both to remove the prohibition placed on the landing of the emigrants, and to prevent the recurrence of an act so illiberal, so invidious, and, because directed against Chinese subjects only, so contrary to international usage, and the spirit of the treaties from which the Colonists themselves, not less than the inhabitants of the mother country, derive so many advantages.

On 16th January last, I had the honour to receive from your Lordship a communication containing the very gratifying intelligence that the law relating to Chinese, enacted by the Legislature of British Columbia in July 1886, and to which the Chinese Government took objection, on account of its being exclusively directed against Chinese subjects, had been rescinded, in consequence of its stipulations having been found to be beyond the competence of the Local Government. In consideration of this, I am encouraged to hope that, for the same reason, the discriminative legislation of such of Her Britannic Majesty's Australian Colonies as may have made regulations inimical to Chinese subjects, may soon be declared to no longer have the force of law.

The Marquis of Salisbury, K.G.
&c. &c. &c.

I have, &c.,
(Signed) L.E.W.

COPIES of TELEGRAMS published in "THE TIMES" of 3rd and 4th May, and forwarded with the CHINESE MINISTER'S DESPATCH of 7th of same Month.

Melbourne, May 2.

The Executive Council of Victoria has issued an order that all vessels bringing Chinese immigrants to the Colony shall be detained in quarantine for such time as the authorities may think fit.

The "Afghan" sails to-day for Sydney, where, it is believed, the landing of the immigrants destined for that port will also be prohibited. A hundred of the Chinese have been forwarded to New Zealand, where no obstacles will be offered to their landing.

At a meeting held in the Town Hall here yesterday evening, the mayor presiding, it was unanimously resolved to demand the imposition of a poll-tax of 100*l.* from Chinese immigrants, and a residential tax of 20*l.* annually.

Sydney, May 3.

Sir H. Parkes, the Premier, to-day received a deputation to protest against the immigration of Chinese into the Colony.

In reply to the arguments of the various speakers, the Premier gave an assurance that none of the Chinese on board the steamer "Afghan," now on her way to Sydney, would be permitted to land in New South Wales.

No. 37.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.

(Received May 12, 1888.)

TELEGRAPHIC.

May 12, 1888.—My Ministers state great excitement prevails here over Chinese immigration, and considering that Chinese immigrants have been excluded from United States of America, also that Australian Colonies refuse permission to Chinese immigrants to land, feel compelled to introduce an Act of a similar kind to Victorian Act 723 of 1881, already assented to by Her Majesty's Government. Propose to assent unless with reference to general question I receive instructions to the contrary. Government here urge Her Majesty's Government negotiate treaty with Chinese Government on similar terms to recent treaty concluded with Chinese Government by United States of America.

No. 38.

LORD KNUTSFORD to SIR H. B. LOCH (VICTORIA) and LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

May 12, 1888.—Chinese immigration; Chinese Minister at this Court has made formal protest against action. Telegraph numbers refused and send regulations applicable to case in general.

[*Referring to your telegram of 8th May, † state by what law landing refused.]

No. 39.

SIR H. B. LOCH (VICTORIA) to SIR H. T. HOLLAND.

(Received May 14, 1888.)

Government House,
Melbourne, April 5, 1888.

SIR,

I HAVE the honour to report that the question of immigration of Chinese to Australia is receiving very serious consideration, not only at the hands of my Government but of all the Australian Governments.

* To New South Wales only.

† No. 28.

I enclose a copy of a circular letter which has been addressed to the other Australian Colonies by my Premier in reference to this subject, in which it is suggested that the influence of Her Majesty's Government with that of the Emperor of China might prove a more convenient and effective method of arriving at a satisfactory settlement of the difficulty than any drastic measures adopted individually or collectively by the Colonies; and in view of the recent reported treaty with the United States of America and the Imperial Government of Peking with respect to the restriction of the entry of Chinese into that country for a period of twenty years, it is thought that, with the assistance of Her Majesty's Government, some like arrangement might be arrived at which would be satisfactory both to this Colony and to the Imperial Government of China.

I shall take an early opportunity of communicating any further action which my Government may take in regard to this matter.

The Right Hon.

Sir Henry T. Holland, G.C.M.G., Bart., M.P.,

&c.

&c.

&c.

I have, &c.,

(Signed)

HENRY B. LOCH.

Enclosure in No. 39.

Premier's Office, Melbourne,

March 22, 1888.

SIR,

REFERRING to previous correspondence respecting the immigration of Chinese to Australia, I beg to draw your attention to an aspect of the question, which it appears to me, requires to be borne in mind when considering the nature of the measures to be taken.

With regard to the limiting—even to prohibition—the influx of Chinese, I assume the Australian Governments are in accord, but the question arises whether local legislation by the several Colonies is, after all, the most satisfactory or even the most efficient means to be employed.

I desire to submit to your consideration that it is quite possible that the influence of Her Majesty's Government with that of the Emperor of China might effect more, and perhaps in a more convenient manner, than drastic measures adopted here.

It can hardly be supposed that, in a nation like China, which numbers its population by hundreds of millions, its Government can really regard with very much concern the question, whether or not a few thousands depart for Australia. On the contrary, the interest of that Government would probably be to retain rather than to lose its population.

And, if this be so, it must be easily within the power of the Queen's Government, in its multifarious dealings with the Government of China, to find a means and an occasion of stipulating, possibly in exchange for some small concession (such as has been recently sought in Burnah), that the Emperor should prohibit emigration to Australian ports.

Thus might be accomplished inoffensively—through the means of diplomacy—all that we desire, while legislative measures of sufficient stringency to effect our purpose might engender an international bitterness, which sooner or later might find means to express itself; from a merely utilitarian point of view this is to be deprecated.

There are two important points which should not be lost sight of in dealing with this aspect of the matter, namely, the comparative proximity of the Chinese Empire to Australia, and its power to pour down upon our land vast hordes of its people.

If then our object can be equally well accomplished by means of friendly representations through Her Majesty's Government it would seem, in every point of view, desirable to take that course. The consideration of this view is the more important from the fact of representations having been made on this subject (in the form of a despatch) by the Chinese Minister in London to Lord Salisbury so lately as December last, copy of which has just been received here.

Indeed the line of action which I suggest is that which appears, in the last resort, to have been adopted by the United States of America, as a telegram which lately appeared in the newspapers states that:—

“A treaty has been signed by the Chinese Minister at Washington, Chang Yen Koon, and Mr. Bayard, the Secretary of State for the United States, by which Chinese labourers are forbidden from entering America.”

If you concur in the view I have put forward, I shall be glad to know in what way you think we should proceed. I would suggest a Memorandum through the Governor to the Secretary of State.

The Hon. the Colonial Secretary,
Sydney.

I have, &c.,
(Signed) D. GILLIES,
Premier.

To Queensland only.

P.S.—I am glad to observe from your published address to electors that some of these considerations have probably already been present to your mind, as you state that “it is important to secure the sympathy and aid of the mother country in order to attain the end which it is essential to secure.”

No. 40.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

WITH reference to my telegram of 12th May,* await arrival of my confidential despatch to be sent by next San Francisco mail dealing with the proposal of my Government as to the Treaty with China.

No. 41.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

May 15.—In answer to your telegram of 12th May,† there exists no Colonial law authorising prevention of landing Chinese who are within limitations of existing law with respect to poll tax, or have been naturalized. Estimated number refused between two and three hundred.

No. 42.

THE LIEUT.-GOVERNOR (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 15, 1888.)

TELEGRAPHIC.

May 15.—This Government has decided to prevent at all hazards Chinese landing at this Colony, with exception of such as hold certificates of naturalization proved after strict examination not to be fraudulent, as many are. Three ships at Port Jackson just now and others expected. Government has almost unanimous support of Parliament and people in this matter of urgency.

No. 43.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 16, 1888.)

TELEGRAPHIC.

16 May.—Referring to your telegram of 12th May* re Chinese Emigration, my Government states Chinese Emigrants entitled to land on payment of full tax have not been refused. Captain did not insist on landing them. The emigrants who presented letters of naturalisation and claiming to land on ground of being naturalised British subjects did not satisfy officer that the letters of naturalisation were issued to them. It will be seen that this claim is as naturalised British subjects, not as subjects of the Emperor of China. I believe there were 48 claiming to be naturalised British subjects. Sent full particulars on 11th May.

No. 44.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 17, 1888.)

MY LORD,

Government House,
Melbourne, April 13, 1888.

IN reply to your Lordship's circular despatch of the 23rd January ultimo,† requesting to be furnished with a report, for the information of the Foreign Office, on the subject of any exceptional legislation affecting Chinese subjects which is in force in this Colony, I have the honour to transmit a copy of a Memorandum which I have received from my Government, together with copies of Acts‡ that have been passed from time to time by the Parliament of Victoria relating thereto.

2. The Memorandum states very fully the reasons which influence public opinion in requiring that measures of a restrictive character should be passed with regard to Chinese Immigration.

3. It is reported that a treaty has been recently concluded between the President of the United States and the Emperor of China, that suspends Chinese immigration into the former country for a period of twenty years. Of the details of this treaty my Government are at present ignorant, but the principle encourages the hope that an arrangement might be arrived at that would protect the interests of these Colonies, if negotiations were opened with the Imperial Government of China, as suggested in the concluding paragraph of the enclosed Memorandum, based upon terms previously agreed upon between Her Majesty's Government and the Governments of these Colonies.

I have, &c.,

The Right Hon. Lord Knutsford.

(Signed) HENRY B. LOCH.

Enclosure in No. 44.

MEMORANDUM for HIS EXCELLENCY the GOVERNOR.

THE Premier presents his duty to your Excellency and returns the accompanying despatch from the Right Honourable the Secretary of State relative to the position of Chinese subjects in these Colonies.

Mr. Gillies has the honour to submit the report asked for, on the subject of especial legislation affecting Chinese in Victoria, and to offer some observations on the general question raised by his Excellency Lew-ta-jen.

The exceptional legislation affecting Chinese subjects in Victoria is comprised in:—

The Chinese Immigrants Statute, 1865.

The Chinese Act, 1881, and section 3 of the Factories and Shops Amendment Act, 1887, copies of which are enclosed.

2. The main points of special legislation are the following:—

a. Vessels are not allowed to bring more than one Chinese per 100 tons of tonnage.

b. Poll-tax of 10*l.* is imposed on Chinese.

c. Chinese are not allowed votes at Parliamentary or Municipal or Mining Board elections.

d. These provisions do not apply to *femalé* Chinese (section 3, Act of 1865).

Exceptional
legislation
affecting
Chinese
subjects.

* No. 38.

† No. 2.

‡ See Appendix II.

3. The object of this legislation was, of course, the restriction of Chinese immigration. This was rendered necessary by the broad stream of that population which in 1853 commenced to set in towards these shores. In 1854 there were 2,000 Chinese in Victoria; at the end of 1859 their number was estimated at 42,000.

Object of such legislation.

4. The poll-tax at once moderated this influx; and, as most of the Chinese return to China as soon as they have gathered sufficient wealth, the number in this Colony rapidly diminished. By 1863 it had decreased to 20,000, and this being so, the experiment of removing the poll-tax was tried.

Measure of success which has attended it.

In 1881, however, the Colonies again took alarm from the action of Western Australia, where measures were being taken to import Chinese labourers. This was felt to be, as it were, opening the door of the whole Continent, and it was deemed necessary to at once re-impose the poll-tax and other restrictions.

27 Vict., No. 200.
28 Vict., No. 259.

The vigorous action of this and the neighbouring Colonies proved successful, as an examination of the statistics of Chinese arrivals (given in the Appendix A. hereto) will show.

The disabilities, however, to which the Chinese were subjected by the law led, not unnaturally, to attempts at evasion. In 1885 a very large increase in the number of Letters of Naturalization taken out by Chinese was noticed, and shortly afterwards a corresponding increase in the number of Chinese arrivals was observed. There is no doubt that a traffic in these documents had sprung up, and that they were being obtained by Chinese here, and then remitted to China, to be presented by other Chinese subsequently arriving here. Owing to the similarity in personal appearance (at least to the European eye) of all Chinese, it was almost impossible for the Customs Authorities to detect the imposture.

This abuse of Letters of Naturalization, which probably commenced in 1882, caused a revival in Chinese immigration. During the eleven years ending with 1881, ninety-one only of such letters were issued to Chinese; since then the numbers have been as shown in Appendix B.

In 1885, when the fraud was discovered, additional precautions were adopted in connexion with the issue of Naturalization papers, and the large immigration in the year 1886 was doubtless owing to a desire to avail of the papers already held before the door was closed.

In the letter of the Chinese Minister, dated 12th December 1887, his Excellency remonstrates against a discriminative legislation towards the Chinese—the reason of which he finds it difficult to understand.

That reason, however, is not far to seek. It is found in the totally different character of Chinese immigration from all other immigration.

Members of the European family of nations joining our community become amalgamated with the general population; they bring their wives and children with them; their habits of life, their style of civilization, their religion, and morals, and their physique are so much on an equality with our own, that they blend readily with the population, and are heartily welcome.

The Chinese stand out in marked contrast. They come without their women and children, apparently having no intention to settle, and occupy an isolated position in every community where they are found; the "Chinese Quarter" in our cities and principal towns is proverbial; it is always distinct, and often notorious.

Nor is it the mere fact of this isolation, but the impossibility of its being otherwise.

The Chinese, from all points of view, are so entirely dissimilar, as to render a blending of the peoples out of the question.

They are not only of an alien race, but they remain aliens. Thus we have not a colonization in any true sense of the word, but practically a sort of peaceful invasion of our land by Chinese.

The existence in our midst of this separate community involves some conditions of a very objectionable character. The Chinese are an industrious race, and owing to their meagre sense of the comforts of life, and their having no homes and families to support, they are willing to work for a much less remuneration than our own people; their hours of labour are also much longer than those established here. This unfair competition, on most unequal terms, has been severely felt in several branches of industry.

Again, in the infancy of a nation, the question of race is of permanent importance, and the issue is therefore raised whether, in the occupation of this great Continent, with all of its possibilities of progress and its opportunities of outlet for the surplus populations of Europe, we are to admit hordes of the Mongolian race, or, on the other hand, to reserve it for those peoples—our own, or kindred to our own—that have led the van of the world's civilization.

The Chinese Minister himself admits how widespread is the sentiment on this matter. His letter shows that not only in Australia, but in Canada and British Columbia, restrictive measures towards Chinese immigration have been adopted, while the Government of the United States of America is said to have just concluded negotiations in the same direction with the Court of Peking.

The Chinese Minister appeals to treaty obligations. Mr. Gillies is not aware of the exact nature and extent of these obligations, but he feels assured that any such treaty as may have been referred to was never contemplated to operate injuriously against the settlement and progress of these Australian communities by requiring them to receive the population of a Foreign State, either in such numbers as might prove a menace to their peace and stability, or under such circumstances as would bring about serious disarrangements in the occupations of the people.

It is almost unnecessary to remind your Excellency that while these and other British Colonies have no direct voice in the contracting of treaties between the Empire and Foreign Powers, they are frequently affected by the obligations imposed by them, and it is, therefore, not unreasonable to expect that, in such cases, efforts should be made by those on whom the exercise of that power devolves, to watch over and conserve the rights and interests of the Colonies more immediately interested.

Mr. Gillies trusts that, in the present matter, Her Majesty's Government will see fit to exercise its influence in behalf of these portions of the Empire by endeavouring to induce the Government of China to take similar measures for preventing emigration to Australia to those understood to have been adopted at the instance of the United States of America.

(Signed) D. GILLIES,
Premier.

Premier's Office, Melbourne,
11th April 1888.

APPENDIX A.

ARRIVAL OF CHINESE by SEA, 1861 to 1886.

Year.	No.	Year.	No.	Year.	No.	Year.	No.
1861	154	1868	300	1875	521	1882	327
1862	175	1869	1,121	1876	377	1883	433
1863	80	1870	584	1877	449	1884	557
1864	978	1871	704	1878	819	1885	670
1865*	1,085	1872	385	1879	875	1886	1,108
1866	974	1873	269	1880	917		
1867	317	1874	386	1881†	1,348		

* Poll-tax then recently abolished.

† Proposition to re-impose tax then before Legislature.

APPENDIX B.

Year.	Naturalizations.	Immigrations.
1882 - -	317	327
1883 - -	519	433
1884 - -	601	557
1885 - -	1,178	670
1886 - -	173	1,108

No. 45.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—Chinese Restriction Bill passed through all stages in Assembly last night. 100*l.* poll tax. Restrictions drawn up on lines of treaty of Tientsin with regard to British subjects, and it also provides indemnity for Government in case Supreme Court declares action of Ministers illegal, on same lines as Soudan Contingent Indemnity Bill, in preventing Chinese landing. Had landing taken place, it is certain most serious riots would have occurred, and great maltreatment. Town perfectly quiet, but no change in public opinion.

No. 46.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—May I give Royal Assent to Bill on question of Chinese? Best opinion in favour of, and hopeful of, assent if possible. They consider position of affairs critical, and that refusing to sanction would inevitably lead to most serious complications.

No. 47.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 17, 1888.)

TELEGRAPHIC.

May 17.—Special published instructions are issued to police by Minister to protect all Chinese in Colony in enjoyment of their civil rights.

No. 48.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 18, 1888.)

TELEGRAPHIC.

18th May.—Chinese Indemnity Bill read first time in Legislative Council last night. No time fixed for second reading. 23rd May Bill will probably be passed.

Supreme Court has declared that action Cabinet Ministers in preventing Chinese landing is illegal. Chinese not yet allowed to land. Cabinet Ministers may possibly appeal to Privy Council.

No. 49.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

18th May.—Transmit following telegram to Governors of New Zealand and other Australian Colonies:—

“Telegrams from Colonial Governments relative to Chinese being carefully considered; replies will be sent on earliest possible date.”

No. 50.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 18, 1888.

I AM directed by the Marquis of Salisbury to transmit to you, to be laid before Lord Knutsford, a copy of the Note which has been this day addressed to the Chinese Minister at this Court in reply to his communication of the 7th instant respecting the question of Chinese Immigration into Australia.

The Under Secretary of State,
Colonial Office.

I have, &c.,
(Signed) T. V. LISTER.

Enclosure in No. 50.

M. LE MINISTRE,

Foreign Office, May 18, 1888.

I HAVE the honour to acknowledge receipt of your letter of 7th instant, calling my attention to the telegrams which have appeared in the "Times" of 3rd and 4th instant relative to the action which is reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a vessel named the "Afghan."

In reply, I beg leave to state to you that information has been received at the Colonial Office that the "Afghan" was forbidden to land her passengers at Melbourne in accordance with the Regulations in force in the Colony, by which no vessel is entitled to bring into any port more than one immigrant, not being a British subject, for every 100 tons of the tonnage of the vessel.

I am not acquainted with the text of those Regulations, but I have requested Her Majesty's Secretary of State for the Colonies to obtain copies of them.

Copies of the Acts bearing on the subject passed by the Legislatures of the Australian Colonies are annexed herewith, but, pending the receipt of the further details which have been called for, the information in regard to legislation cannot be considered as complete.

The Governors of Victoria and New South Wales have been made acquainted by telegraph with the purport of your letter of the 7th instant, and they have been instructed to state the number of Chinese who have been refused permission to land at Melbourne and Sydney, and the law under which, in the case of New South Wales, they are refused landing.

Lew-Ta-Jen,
&c. &c. &c.

I have, &c.,
(Signed) SALISBURY.

No 51.

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, May 19, 1888.

WITH reference to the letter from this Department of the 11th instant,* the Marquis of Salisbury has received from the Chinese Minister at this Court a further letter, dated the 16th instant, of which I enclose a copy, on the subject of the impediments thrown in the way of the immigration of Chinese subjects into Australia; and I am directed by his Lordship to request that in laying it before the Secretary of State for the Colonies, you will move him to favour Lord Salisbury with any observations he may have to make on the question raised by Lew ta-jén as to the legality under the Colonial laws of refusing to allow the landing of immigrants willing to pay the poll-tax, and with any remarks that Lord Knutsford may desire to make on the representations of the Chinese Minister.

The Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) J. PAUNCEFOTE.

Enclosure in No. 51.

MY LORD,

Chinese Legation, May 16, 1888.

IN continuation of my despatch of the 7th instant, calling your Lordship's attention to the refusal of the authorities of Her Britannic Majesty's Colonies of Victoria and New South Wales to allow the Chinese emigrants per "Afghan" to land, and requesting Her Britannic Majesty's Government to order the prohibition which had been placed on their landing to be removed, I have now the honour to inform you it has come to my knowledge that not only do the Colonial Authorities still persist in their refusal to allow the emigrants to land, but they have taken the very grave course of ordering the captain of the "Afghan" to carry them back to Hong Kong, the port where they were embarked. In some of my former communications I have

discussed the question of the competence of the Colonial Authorities in Australia and elsewhere to make Chinese immigrants the subject of discriminative legislation, and I presume that, considered in its international and conventional aspects, Her Majesty's Government will not deny the illegality of the action of the Colonial Authorities in this matter. I shall not, therefore, in the present communication, further insist on this; but will invite your Lordship's attention to the consideration of the question as to how far the action of the Colonial Executive, with respect to Chinese immigrants now arriving in Australia, is in conformity with the statutes enacted by the Colonial Legislatures, and in thus appealing to these statutes, I wish it to be understood that I do not recognise their validity, excepting in so far as they may be in accordance with the treaties and the Law of Nations.

Having caused a study of the statutes to be made, I am advised that, in none of them, bristling as they do with pains and penalties directed against Chinese subjects, is there a single provision empowering the Executive to prohibit the landing of immigrants who are prepared to pay the stipulated poll-tax.

To this fact I would beg leave most particularly to call your Lordship's attention. For, however much the Colonial Governments may desire to escape the responsibilities imposed on them by the Anglo-Chinese treaties and the Law of Nations, they will scarcely venture to deny their obligation to respect the statutes which they themselves have enacted. Section 2 of the Amended Chinese Immigrant Act, passed by the Legislature of Victoria in 1881, and section 3 of an Act to restrict the influx of Chinese into New South Wales, passed by the Legislature of that Colony also in 1881, both impose a penalty on the captain of any ship having a greater number of Chinese on board for the Colony than one to every hundred tons of the vessel's burthen, but neither of them authorises the Executive to send back the ship, or prohibit the landing of any immigrants whom the ship may have brought in excess of the statutory number, provided that they are able and willing to pay the stipulated poll-tax—to have done so, would have been to commit an act of injustice, such as even the Colonial Legislatures, in other respects so hard on Chinese, were not prepared to sanction.

The Acts referred to hold the captain responsible, and impose on him a very heavy fine for any excess of passengers he may have brought to the Colony, but, very properly, they do not punish the immigrant for what it would have been impossible for him to prevent; especially if the excess should have been occasioned by the embarkation of additional passengers at some of the ports of call. Whether, then, the action of the Australian Executive, in refusing to allow the immigrants to be landed, be considered from a conventional, an international, or a statutory standpoint, it would appear to be equally unjustifiable, and this, all the more, because of the immigrants having been embarked at Hong Kong, a British Colony, the authorities of which not only assented to their shipment, but sanctioned it. It must be presumed that when the Hong Kong Authorities did this, they were fully acquainted with the Regulations of the British Colonies whither the immigrants were proceeding, and that, had there been any obstacle to their landing, they would not only have notified it to the emigrants, but have refused to sanction their embarkation; but this they did not do.

In the case of the "Afghan" on 25th March, Sir William des Vœux, the Governor of the Colony, officially authorised the shipment of the emigrants, and on the 27th of the following month, the Governors of two other British Colonies arbitrarily refused to allow the emigrants to land; thus denying them even that modicum of justice and hospitality which, not to mention other grounds, they were entitled to, by the laws of the Colonies themselves.

I commend these views to the favourable consideration of your Lordship, and in reiterating the request of my Government that the prohibition may be cancelled, I venture to express the hope that, in the event of any of the emigrants, whether of those per "Afghan" or other ship, having already been sent back to China, Her Majesty's Government, taking into account the peculiar hardship of their case, may be pleased to consider it as one for compensation; compensation not only for the money the emigrants may have paid, or may yet have to pay, for passage to and from Australia, but for any other losses they may be proved to have sustained, in consequence of what the Imperial Government regret to have to characterize as the arbitrary and irregular proceeding of the Colonial Authorities.

The Marquis of Salisbury, K.G.
&c. &c. &c.

I have, &c.,
(Signed) LEW.

No. 52.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received May 19, 1888.)

TELEGRAPHIC.

19th May.—About 3 o'clock this morning all Chinese holding exemption tickets allowed to land—eight from "Tsinan," forty-two from "Afghan." Very few spectators present. Landing accomplished without any disturbance.

No. 53.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, May 19, 1888.
 WITH reference to previous correspondence, I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further telegram* which has been received this morning from the Governor of New South Wales reporting the landing at Sydney of 50 Chinamen—eight from the "Tsinan" and 42 from the "Afghan."

The Under Secretary of State,
 Foreign Office.

I am, &c.,
 (Signed) JOHN BRAMSTON.

No. 54.

LORD KNUTSFORD to SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

22nd May 1888.—In answer to your telegram of 12th May,† you can assent. Despatch by mail.

No. 55.

LORD KNUTSFORD to SIR F. NAPIER BROOME (WESTERN AUSTRALIA).

TELEGRAPHIC.

22nd May.—With reference to your telegram of 11th May,‡ send Delegate.

No. 56.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

22nd May.—Referring to your telegram of 10th May,§ if Conference meets Her Majesty's Government will be happy to telegraph for consideration points for discussion which appear important.

No. 57.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received May 24, 1888.)

TELEGRAPHIC.

24th May.—Vote of censure moved by Dibbs condemning Government for recent action with regard to Chinese defeated by 41 to 5.

No. 58.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

24th May.—With reference to your telegram of the 17th May,* you may assent to Bill without prejudice to power of disallowance should provisions prove inadmissible.

No. 59.

LORD KNUTSFORD to GOVERNORS of AUSTRALASIAN
COLONIES (EXCEPT FIJI).

Circular.

SIR, Downing Street, May 25, 1888.
I HAVE the honour to transmit to you [for communication to your Government†] a copy of a letter‡ which has been received at the Foreign Office from the Chinese Minister at this Court respecting the impediments thrown in the way of the immigration of Chinese subjects into Australia [§and I request that I may be furnished with the observations of your Ministers on the subject].

I have requested the Marquis of Salisbury to draw the attention of Lew-ta-jên to the state of the case as regards the landing of Chinese and other particulars shown in recent telegrams from New South Wales, and I have stated that it will be necessary to await further information on the general question.

I have, &c.,
(Signed) KNUTSFORD.

No. 60.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, May 25, 1888.
I AM directed by Lord Knutsford to acquaint you, for the information of the Marquis of Salisbury, that he has addressed a circular despatch|| to the Governors of the Australasian Colonies, transmitting a copy of the letter from the Chinese Minister at this Court, which accompanied your letter of the 19th instant,¶ respecting impediments in the way of the immigration of Chinese subjects into Australia, and that he has also requested the Government of New South Wales to furnish observations on the subject.

Lord Knutsford would suggest that the attention of Lew-ta-jên should be drawn to the state of the case as regards the landing of 50 Chinese and other particulars shown in recent telegrams from New South Wales, which have been transmitted to you, and that he should be informed that, as regards the general question, it will be necessary to await further information from Australia.

* No. 46.

† Omitted to Western Australia.
|| No. 59.

‡ Enclosure in No. 51.

§ To New South Wales only.
¶ No. 51.

With regard to the remarks of the Chinese Minister, that the authorities of Hong Kong authorised the shipment of the Chinese emigrants to Australia, I am to observe that there is no regulation in force in Hong Kong requiring the authorities at that port to see that vessels bound for Australian ports do not carry a number of Chinese emigrants in excess of the number allowed by the laws of the Australian Colonies to be introduced into those Colonies.

The Under Secretary of State,
Foreign Office.

I have, &c.,
(Signed) KNUTSFORD.

No. 61.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD,
(Received May 28, 1888.)

Government House, Adelaide,
April 2, 1888.

MY LORD,

I AM telegraphing to your Lordship* via Albany, to catch the mail steamer there, for the purpose of requesting, at the instance of my Government, that your Lordship will be pleased to inform me of the correctness or otherwise of a press telegram that has recently appeared in the local papers, stating that a treaty has been concluded between the Chinese Government and the United States, prohibiting the entry of Chinese labourers into the States. Ministers would be glad to be furnished, if possible, with a copy of the treaty and any report thereon that may have been made by Her Majesty's representative at Washington. Copies of the minutes which have passed between Ministers and myself on this subject are attached.

I have, &c.,

(Signed) WILLIAM C. F. ROBINSON.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 61.

THE HON. THE PREMIER,

You will no doubt have observed the press telegram in Thursday's "Register," stating that a treaty has been concluded between the Chinese Empire and the United States, prohibiting the entry of Chinese labourers into the States.

Without entering into the question of whether or not Australia would be wise to follow the example of the United States in absolutely prohibiting the entry of Chinese labour, it appears to me that the telegram just published may possibly furnish an opening for addressing some communication upon the subject to Her Majesty's Government, and if you wish it I shall be prepared to inquire whether or not the press telegram is correct, and of course at the same time to make any further inquiry or observations which you may desire.

(Signed) W. C. F. ROBINSON.

10th March 1888.

IN CABINET.

Ministers respectfully desire his Excellency to communicate with Her Majesty's Government with a view of ascertaining the correctness of the telegram referred to. If correct, Ministers would be glad to be furnished with a copy of the treaty and any report thereon that may have been made by Her Majesty's representative at Washington.

(Signed) T. P., Tr.

13th March 1888.

No. 62.

SIR J. B. THURSTON (FIJI) to LORD KNUTSFORD.

(Received May 28, 1888.)

Government House, Suva, Fiji,
April 11, 1888.

MY LORD,

WITH reference to your Lordship's circular despatch of the 23rd January,* relative to the position of Chinese subjects in this Colony and to any exceptional local legislation affecting them, I have the honour to inform your Lordship that there are very few Chinese subjects in this Colony, not exceeding, perhaps, thirty in all.

2. They are chiefly occupied as small traders and gardeners. Their conduct is, on the whole, inoffensive, and no exceptional legislation whatever exists affecting them.

I have, &c.,

(Signed) JOHN B. THURSTON.

The Right Hon. Lord Knutsford, G.C.M.G.,
Secretary of State for the Colonies.

No. 63.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.

(Received May 28, 1888.)

MY LORD,

Sydney, April 19, 1888.

THE Chinese question is looked upon as of vital importance. So far as I can ascertain it is universally considered here that if these Colonies are to be an offshoot of Britain, they must be kept clear of Chinese immigration. All sorts and conditions of men agree on this. I am positive that this is not, as it may have been supposed to be, a cry got up for political purposes; it is a deeply founded feeling and belief of the vast majority of the colonists, a feeling which time will intensify.

2. In thus expressing myself, I do not rely on my own personal opinion, but I am endeavouring to give Her Majesty's Government what I know to be the view taken by the leading men of all sections of the community.

3. Your Lordship's telegram gave great satisfaction, and Imperial action is looked for with great anxiety.

4. Your Lordship has before you the opinion of Sir Henry Parkes, the Premier of this Colony, who at the present time commands a large majority in the House, but I think it of some importance to enclose the views entertained by Sir John Robertson, Sir H. Parkes' former political opponent, but subsequent colleague. His opinions are thought of so much importance that he has been specially interviewed, and his views, which are published in the papers, and which I have the honour to enclose,† are of great value and interest, and I may mention, as showing the position of Sir John in the country, that recently on his retirement from public life on account of bodily infirmity, the Parliament voted him a sum of 10,000*l.* in recognition of his eminent political services.

I have, &c.,

(Signed) CARRINGTON.

The Right Hon. Lord Knutsford,
&c. &c. &c.

No. 64.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received May 29, 1888.)

Government House, Melbourne,
April 19, 1888.

MY LORD,

WITH reference to my despatch of 13th April‡ instant, relative to especial legislation affecting Chinese subjects in this Colony, I have the honour to transmit to your Lordship two printed copies of the memorandum enclosed therein in order that it may facilitate reference thereto.

* No. 2.

† Not printed.

‡ No. 44.

2. I also forward a copy of a minute from my Government which affords an explanation of the statement contained in sub-paragraph "C" of paragraph 2 in the same memorandum.

The Right Hon. Lord Knutsford,
&c. &c. &c.

I have, &c.,
(Signed) HENRY B. LOCH.

Enclosure in No. 64.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Mr. Gillies presents his duty to your Excellency, and begs to direct attention to sub-paragraph "C" of paragraph 2 in his memorandum to your Excellency, dated 11th instant, on the subject of the Chinese, in which it is stated that,—“C.—Chinese “ are not allowed votes at Parliamentary or Municipal or Mining Boards elections.”

While this statement is correct, it is to be observed that it is not a disability affecting Chinese only, but also applies to all persons who are neither natural-born nor naturalized subjects of Her Majesty Queen Victoria.

Premier's Office,
Melbourne, April 17, 1888.

(Signed) D. GILLIES,
Premier.

No. 65.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received, Colonial Office, May 29, 1888.)

TELEGRAPHIC.

29th May.—Referring to your telegram 22nd May,* arrangements concluded. Conference meets on 12th June. I request instructions as to points important for discussion.

No. 66.

LORD KNUTSFORD to SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

June 1.—Referring to my telegram of 22nd May,† as Conference meets on 12 June, I shall defer expressing opinion further pending result. Despatch by mail postponed.

No. 67.

SIR W. C. F. ROBINSON (SOUTH AUSTRALIA) to LORD KNUTSFORD.
(Received 5th June 1888.)

TELEGRAPHIC.

5th June.—Australian Colonies all anxious for reply to our last telegram of 29th May,‡ so as to give the matter full consideration before Conference.

No. 68.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.
(Received 5th June 1888.)

TELEGRAPHIC.

5th June.—Referring to your telegram of 1st June,* presume that you do not [intend] to withhold assent to Bill. Government here anxious it should become law. Provisions of Bill temporary, covering only about one year, and it does not apply to Chinese immigrants who may have left for New Zealand from China before 10th June. All things considered, I think that Bill should be assented to.

No. 69.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

TELEGRAPHIC.

6th June.—Transmit following telegram to Governors New Zealand and Australian Colonies:—

“ Referring to my telegram of 22nd May,† inform Conference Her Majesty’s Government anxious to meet views of Australasian Colonies with regard to limiting Chinese immigration, but measures adopted by New South Wales create obstacle to present negotiations with China. It is therefore important to ascertain whether, in substitution for legislation of a similar kind, other arrangements more in accordance with feelings and views of Chinese Government, and at the same time fully effective for purpose of restricting Chinese immigration may not be adopted. Having regard to political and commercial interests of Empire, and particularly to commercial interests of Australasian Colonies, no avoidable obstacles should be placed in the way of trade with China, which is likely to afford valuable market for products of Australasian Colonies. Chinese Government specially objects to legislation placing Chinese emigrants on different footing to subject[s] of any other Power, and it seems desirable to consider whether laws and regulations, equally restricting immigration into Colonies of all foreign labourers, with power of relaxing regulations in special cases reserved to Governments, may not meet requirements of case. If thus placed on equal footing with other nations, Chinese Government, if it was still thought necessary to come to an international arrangement, might be, perhaps, willing to accept conditions more or less of a similar kind to conditions laid down in Treaty concluded with United States of America, and limitation of numbers which would be permitted to embark for any of Australasian Colonies in any year. It should be clearly understood that while Her Majesty’s Government will be prepared to consider any representations from Conference, they are not at present able to give any assurance that negotiations with Chinese Government can be opened, as it depends on nature of proposals to be made to that Government; but I confidently believe that Conference will endeavour to conciliate susceptibilities of Chinese Government as far as practicable.”

No. 70.

SIR R. G. C. HAMILTON (TASMANIA) to LORD KNUTSFORD.
(Received June 7, 1888.)

Government House, Hobart.
May 2, 1888.

MY LORD,

IN reference to your Lordship’s circular despatch of 23rd January last,‡ on the subject of Colonial legislative action respecting Chinese Immigration, I have the honour to forward the accompanying memorandum I have received from my Prime Minister on the subject.

I have, &c.,
(Signed) R. G. C. HAMILTON.

* No. 66.

† No. 56.

‡ No. 2.

Enclosure in No. 70.

Premier's Office, Hobart, May 1, 1888.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

THE Premier has the honour to return to your Excellency the Secretary of State's circular despatch of 23rd January last, on the subject of Colonial legislative action respecting Chinese Immigration.

Communications on this important question have for some time passed between this Government and the neighbouring Colonies; and the Hon. the Attorney-General, in an exhaustive memorandum, dated 24th instant, has not only embodied the views expressed by the Premier in this correspondence, but has drawn attention to the legal aspect of the subject, and to the error of his Excellency the Chinese Minister in relying upon International Law to strengthen his representations.

Mr. Fysh begs to enclose a copy of this memorandum, which he will be glad if your Excellency will transmit to the Secretary of State, with an expression of the hope of Ministers that the influence of the Imperial Government may be exercised in support of the desire of Her Majesty's loyal subjects throughout Australasia that the immigration of Chinese subjects to these Colonies may be restricted.

(Signed) P. O. FYSH.

Attorney-General's Office, Hobart,
April 24, 1888.

MEMORANDUM FOR THE HON. THE PREMIER.

IN reference to the circular despatch from the Right Hon. the Secretary of State for the Colonies, dated the 23rd January of the present year, accompanied by copy of letter from the Foreign Office, dated 21st December 1887, and copy of note from the Chinese Minister in England, dated 12th December 1887, calling attention to the position of Chinese subjects in Her Majesty's Colonies, I have the honour to submit to the Hon. the Premier the following report upon the subject of exceptional legislation in this Colony affecting the immigration of Chinese:—

1. Only one Act (51 Vict. No. 9) has been passed by the Legislature of this Colony for the purpose of restricting and regulating the immigration of Chinese into its territory. It came into operation on the 7th day of November 1887, and is in force at the present time. It is intitled "An Act to regulate and restrict the Immigration of Chinese," and its short title is "The Chinese Immigration Act, 1887." Its principal provisions are as follows:—

- (a.) No vessel is allowed to bring into the Colony more than one Chinese to every hundred tons of the tonnage of such vessel, calculated by the rules of measurement prescribed by "The Merchant Shipping Act, 1854."
- (b.) In respect of every Chinese who is landed in Tasmania a poll-tax of 10*l.* is payable by the master of the vessel by which he was carried.
- (c.) The master of every vessel from which any Chinese is landed in respect of whom such poll-tax is not paid is liable to a penalty of 20*l.* for each Chinese so landed, and in addition to any such penalty the vessel becomes thereby 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.
- (d.) All Chinese who arrive in Tasmania as portion of the crew of any vessel, and who shall not be discharged while in the Colony, or land, except in the performance of their duty in connexion with such vessel, are exempt from the payment of the tax.

2. In reference to the request of the Right Hon. the Secretary of State for the Colonies to be informed as to the objects for which such exceptional legislation has been adopted, I have to suggest to the Hon. the Premier that it is desirable to state that while the influx of Chinese into Tasmania has not been so great as to create a similar local necessity for restrictive legislation on the question as that which has caused the enactment of the more stringent measures in force in some of the other Australasian Colonies, the Legislature and the people of this Colony felt that, irrespective of the probability of such a local necessity arising at an early date in consequence of the increased inducements offered to Chinese immigration by additional discoveries of tin, silver, and gold in the western districts of the Colony, it was incumbent upon them to

co-operate in this matter with the Legislatures of the other Australasian Colonies in which such a necessity had arisen, and to prevent Tasmania from being used as a temporary residence by Chinese immigrants for the purpose of obtaining letters of naturalization so that they might thereafter obtain admission into other Colonies without paying the poll-tax or complying with the other restrictions imposed by the Legislatures of those Colonies upon Chinese immigration.

3. The natural and mutual amity existing between Tasmania and the other Australasian Colonies as neighbouring dependencies of the same Empire would be sufficient of itself to suggest such co-operation in any matter particularly affecting the welfare of any one or more of them; but the confederation of this Colony with the Colonies of Victoria, Queensland, Western Australia, and Fiji, under the provisions of "The Federal Council of Australasia Act, 1885," specially justifies similar action on the part of the Legislatures of these Colonies in respect to any question upon which dissimilar action or simple inactivity is not required for the due protection of local interests, and yet might operate to the detriment of some of the Colonies in the Federation in consequence of their geographical proximity to the others.

4. The reference made by his Excellency the Chinese Minister to Her Majesty's international engagements induces me to observe that the exceptional legislation that has been adopted by the majority of the Australasian Colonies on the subject of Chinese immigration does not violate any recognised rule of international comity; on the contrary, it is a fundamental maxim of International Law that "every State has the right to regulate immigration to its territories as is most convenient to the safety and prosperity of the country, without regard to the Municipal Law of the country whence the foreign immigration proceeds." (*See Ferguson's Manual International Law, vol. 1, page 130, and Calvo's Droit Intern., vol. 1, liv., viii.*)

5. His Excellency the Chinese Minister is in error in stating that "In the Crown Colonies it has not been found necessary to treat Chinese subjects differently from the subjects of other powers." In July 1886 the Governor of the Crown Colony of Western Australia assented to an Act passed by the Legislative Council, intituled "An Act to regulate and restrict Chinese Immigration," the provisions and language of which are almost identical with those of the Act of this Colony on the same subject. The adoption of this measure by the Legislature of Western Australia is particularly significant, because in the year 1882 an Act was passed in that Colony which was calculated to encourage the importation of Chinese and African labourers for the development of the Pearl Fisheries and other industries there, but the subsequent action of its Legislature directly indicates that the presence of the Chinese in that Colony demonstrated the force of the objections previously made to their unrestricted admission in the older Colonies of the Continent.

6. In connexion with his erroneous statement as to the absence of restrictive legislation on this subject in any of the Crown Colonies, his Excellency the Chinese Minister says that, "it is difficult to understand why it should be otherwise in those Colonies on which a certain amount of self-government has been conferred." This statement seems to insinuate that the legislation adopted by the self-governing Colonies in restriction of Chinese immigration is the fruit of their democratic institutions; and if this was a fact it might be inferred that the object of such legislation was simply to exclude Chinese from competition with Australasian artisans and labourers in the Colonial labour market; but the action of the Crown Colony of Western Australia is a conclusive answer to this supposition, and it is beyond doubt that in none of the Australasian Colonies would the artisans or labourers have sufficient power or influence to obtain restrictive legislation on this question if they were not aided by the convictions of a majority of the other members of the community that such legislation is necessary for its present and future welfare.

7. Both the virtues and the vices of the Chinese are bred in them by a civilization stretching back in an unparalleled fixedness of character and detail to an age more remote than any to which the beginnings of any European nation can be traced, and the experience of both America and Australasia prove that no length of residence amidst a population of European descent will cause the Chinese immigrants who remain unnaturalized to change the mode of life or relinquish the practices that they bring with them from their native country. It is consequently certain that if the unnaturalized Chinese should at any time become as numerous, or nearly as numerous, in any Colony as the residents of European origin, the result would be either an attempt on the part of the Chinese to establish separate institutions of a character that would trench on the supremacy of the present legislative and administrative authorities, or a tacit acceptance

by them of an inferior social and political position which, associated with the avocations that the majority of them would probably follow, would create a combined political and industrial division of society upon the basis of a racial distinction. This would inevitably produce in the majority of the remainder of the population a degraded estimate of manual labour similar to that which has always existed in those communities where African slavery has been permitted, and thereby call into existence a class similar in habit and character to the "mean whites" of the Southern States of the American Union before the Civil War. Societies so divided produce particular vices in exaggerated proportions, and are doomed to certain deterioration.

8. The alternative supposition that the Chinese immigrants would apply for and obtain letters of naturalization and so acquire political equality with the remainder of the population, suggests a result equally menacing to the permanence of the civilization and structure of society now existing in these Colonies, inasmuch as the indurated and renitent character of the habits and conceptions of the Chinese immigrants make their amalgamation with populations of European origin, so as to become constituent portions of a homogeneous community retaining the European type of civilization, an impossibility.

9. The foregoing considerations invest the restrictive and prohibitory measures of the Australasian Colonies against Chinese immigration with a sanction that Her Majesty's Government cannot fail to recognise as sufficient to promote its intervention to obtain from the Court of Peking a co-operation in the prevention of the immigration of its subjects to the Australasian Colonies similar to that which it is stated has been obtained by the Government of the United States in regard to the immigration of Chinese into America.

The Hon. the Premier.

A. INGLIS CLARK,
Attorney-General.

No. 71.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.
(Received June 7, 1888.)

Government House, Melbourne,
May 2, 1888.

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of a memorandum with respect to the landing of Chinese from the ship "Afghan," and generally with regard to Chinese emigration to this Colony, a précis of which I forwarded by telegram this day.

I have, &c.,

(Signed) HENRY B. LOCH.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 71.

MEMORANDUM for HIS Excellency the GOVERNOR.

THE Premier presents his duty to your Excellency and has the honour to acknowledge the receipt of your Excellency's memorandum of this date, requesting information regarding the course pursued by the Government with respect to the ship "Afghan," and generally as to the regulations in force respecting vessels bringing emigrants to Victoria.

In reply, Mr. Gillies begs to inform your Excellency that the S.S. "Afghan" arrived in the port of Melbourne on the 27th April ultimo, with 268 immigrants (Chinese) on board. Some were for Melbourne, others for various other Australasian ports.

No vessel is entitled to bring into any port in Victoria more than one (1) immigrant for every 100 tons of the tonnage of the vessel unless such immigrant produces evidence to the satisfaction of the Collector of Customs that he is a British subject.

Any such vessel arriving having on board a greater number of immigrants than herein stated is liable to a penalty of 100% for every immigrant on board in excess of the limitation.

All the naturalization papers which were tendered to the Collector of Customs were examined, and the immigrants who presented them failed to produce evidence to satisfy that Officer that such immigrants were the persons to whom such papers were issued, and in nearly every case fraud was apparent.

It is well known that large numbers of letters of naturalization have been used fraudulently, and have been presented by persons to whom they were not issued. It was publicly intimated on several occasions by the Government that in all these cases the greatest care would be taken to enforce the law.

It is beyond doubt that there are a large number of immigrants on board the "Afghan" in excess of the limitation provided by law for a vessel to bring to this port.

There are some immigrants who are entitled to land on payment of the poll-tax of 10% each.

The Commissioner of Trade and Customs has intimated to the master of the vessel, through the agents, that as soon as those twelve land, he will at once take steps to enforce the penalty in the case of every immigrant in excess of the number which the "Afghan" was entitled to bring to this port; but the Commissioner has been given to understand that the right to land these immigrants is not to be insisted upon.

While it is the intention of the Government to act strictly within the limits of the law, every step will be taken which the law permits to enforce its provisions.

(Signed) D. GILLIES,
Premier.

Premier's Office, Melbourne,
May 2, 1888.

No. 72.

SIR F. 'NAPIER BROOME (WESTERN AUSTRALIA) to LORD KNUTSFORD.
(Received June 7, 1888.)

Government House, Perth,
May 5, 1888.

MY LORD,

IN reply to your Lordship's circular despatch of the 23rd of January last,* I have the honour to transmit herewith a report by the Attorney-General (Mr. C. N. Warton) on the subject of legislation affecting Chinese subjects in this Colony. I also forward copy of the Imported Labour Registry Act, 1884,† and of the Chinese Immigration Act, 1886,‡ referred to in the Attorney-General's report.

2. The Premiers of Victoria, New South Wales, and Queensland have communicated to this Government copies of their observations upon your Lordship's circular despatch, and I have caused letters to be addressed to each Government in reply, similar to the enclosed letter to the Government of Victoria. I do not enclose copy of the documents received from Mr. Gillies, Sir Henry Parkes, and Sir Samuel Griffith, for the reason that those documents will no doubt already have reached your Lordship through the Governors of the respective Colonies.

3. I propose to lay the papers mentioned in this despatch before the Legislative Council, at its next session. I doubt whether that body is at present prepared to totally exclude Chinese from this Colony. Under the existing legislation, Chinese under previous written agreement to work for employers are allowed to enter the Colony. With this exception, Chinese are excluded, or endeavoured to be excluded, from Western Australia, by a poll-tax of 10% levied under a law similar to the laws in force in the Eastern Colonies.

* No. 2.

† Not printed.

‡ See Appendix II.

4. I hope to forward by another despatch exact statistics respecting the number of Chinese in this Colony, and the arrivals and departures of Chinese during the last ten years.

I have, &c.,
(Signed) F. NAPIER BROOME.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure 1 in No. 72.

REPORT of the ATTORNEY-GENERAL. (Extract.)

(Extract.)

To the Hon. the COLONIAL SECRETARY.

CHINESE were included in the Imported Labour Act, 1884 (48 Vict. No. 25), as are also natives of India, Africa, and of the Islands in the Indian and Pacific Oceans, and the Malayan Archipelago. That statute provides for the registration of such natives coming as labourers into Western Australia, and gives magisterial protection to such labourers in matters concerning contracts between them and employers.

The only Act relating specially to Chinese is the 50 Vict. No. 13, intituled "An Act to regulate and restrict Chinese Immigration," which, as appears from section 12, does not apply to labourers under the "Imported Labour Act, 1884," above mentioned.

The regulation and restriction of Chinese immigration are accomplished by means of a poll-tax of 10*l.* levied on Chinese immigrants.

The effect has, no doubt, been to limit the immigration of Chinese, but not to prevent that immigration altogether, as there are many cases of Chinese who live industriously and frugally, working as market gardeners and shopkeepers, some of whom apply for letters of naturalization, and many of whom return to China with a small capital.

(Signed) C. N. WARTON,
Attorney-General,
7/4/88.

Enclosure 2 in No. 72.

COLONIAL SECRETARY OF WESTERN AUSTRALIA to PREMIER OF VICTORIA.

Colonial Secretary's Office, Perth,
May 1, 1888.

SIR,

I HAVE the honour to acknowledge the receipt of your letter, of the 23rd of March 1888, respecting the immigration of Chinese to Australia, and I am directed by his Excellency Sir F. Napier Broome to inform you, in reply, that the Legislature of this Colony, which is not at present in session, will have to be consulted before your letter can be fully answered.

2. I am further directed to draw your attention to the annexed two statutes in force in this Colony, and from which it will be perceived that neither the Government nor Legislature of Western Australia has yet desired to prevent the introduction of Chinese under previous written engagement to work for employers.

Imported
Labour
Registry Act,
1884;
Chinese
Immigration
Act, 1886.

The Hon. the Premier, Melbourne.

I have, &c.,
(Signed) MALCOLM FRASER,
Colonial Secretary.

No. 73.

LORD KNUTSFORD to SIR W. F. D. JERVOIS (NEW ZEALAND).

TELEGRAPHIC.

June 8.—You can assent to Chinese Bill.

No. 74.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 12, 1888).

TELEGRAPHIC.

12th June.—Your speech and Derby's in House of Lords are appreciated in the Colony, and your determination not to wish to include an Imperial Representative in Conference most favourably received.

No. 75.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 12, 1888.)

TELEGRAPHIC.

12th June.—Following is substance of Memorandum of Prime Minister I am forwarding by post. Large numbers in China present an ever-threatening danger to masses here. Question not only one of wages, but regarded as affecting moral and social prospects of Colony for the future. Inasmuch as no one in favour of limited immigration would be returned to Parliament, it appears impracticable to place legislative restriction on other countries. As regards commercial interests, Australian Colonies find very limited market for their goods in China, while Australian Colonies afford a very extensive market for China. Cabinet Ministers recognise difficulties as to Australian complications and reasonable grounds for Chinese attitude, and as loyal subjects of Queen of England, do not wish to embarrass, but question of Chinese immigration has an irresistible disturbing force which they fear that those who are not on the spot cannot adequately appreciate.

No. 76.

LORD KNUTSFORD to SIR W. C. F. ROBINSON (SOUTH AUSTRALIA).

SIR, Downing Street, June 12, 1888.

I HAVE the honour to acknowledge the receipt of your despatch of the 2nd of April,* enclosing copies of minutes which had passed between your Government and yourself respecting the treaty between the United States and China, and to approve of your action in the matter.

You will have received a press version of the treaty in my despatch of the 10th ultimo.†

Sir W. Robinson.

I have, &c.,
(Signed) KNUTSFORD.

No. 76A.

THE MARQUIS OF SALISBURY to LEW TA JÈN.

M. LE MINISTRE,

Foreign Office, June 13, 1888.

SINCE I addressed to you my letters of the 13th* and 19th† of last month, in reply to your communications of the 7th‡ and 16th§ ultimo, the question of the regulations affecting the immigration of Chinese into the British colonies in Australasia has been further considered by Her Majesty's Government in connexion with information recently received from those Colonies.

The Supreme Court of New South Wales having declared the action of the local Government in preventing the landing of Chinese subjects prepared to pay the prescribed poll-tax to be illegal, all Chinese holding exemption tickets were, on the 19th ultimo, allowed to land—eight from the "Tsinan" and 42 from the "Afghan." I may here remark that a number of the passengers on board that vessel, who were of Chinese origin, claimed to land in Victoria not as subjects of His Majesty the Emperor of China, but as naturalized British subjects. They did not, however, satisfy the local authorities that the naturalization papers which they produced had actually been issued to the bearers of them.

In your letter of the 16th ultimo you called attention to the fact that the Governor of Hong Kong had authorised the shipment of the emigrants on board the "Afghan," and that notwithstanding this the Governors of two other British Colonies refused to allow them to land.

I am informed by Her Majesty's Secretary of State for the Colonies that there is no regulation in force in Hong Kong requiring the authorities at that port to see that vessels bound for Australian ports do not carry a number of Chinese emigrants in excess of the quantity allowed by the laws of the Australian Colonies to be introduced into those countries.

For some time past there has been considerable public agitation in Australia with respect to the influx of Chinese labourers. The feeling on the subject has been increased by the conclusion of the recent treaty between China and the United States of America, and the working classes of the Australian Colonies appear to be entirely opposed to any considerable further introduction of labourers into their respective countries. Chinese immigrants are objected to not only on account of their vast number and their competition as wage-earners, but on the ground that they do not become assimilated with the British population, and that they rarely, if ever, become settled Colonists themselves, but remain essentially aliens in manners, customs, and religion, and generally return to China when they have saved sufficient money in the Colonies for their wants in their native country.

Her Majesty's Government are anxious that all due regard should be shown to the feelings of the Chinese nation, with which Great Britain is happily on a very friendly footing, and that no measures should be adopted in the Colonies that could be regarded as at variance with the treaty engagements between China and this country.

Regulations of a more or less restrictive character and specially directed against Chinese immigration have been for some time past in force in some of the Australian Colonies; and with a view to obviate further legislation to which your Government might reasonably take exception in regard to this subject, it is thought to be desirable that the matter should be fully and freely discussed in all its bearings by Her Majesty's Colonial subjects.

With this object the Secretary of State for the Colonies has approved a proposal for a Conference of the representatives of Australasian Governments to consider the subject.

This Conference is appointed to meet on the 12th instant, and when its deliberations are terminated a statement of the conclusions arrived at will be communicated to the Chinese Government.

Lew Ta Jèn.

I have, &c.,
(Signed) SALISBURY.

* See Enclosure in No. 50.

† See Enclosure in No. 36.

‡ Acknowledgment only. Not printed.

§ See Enclosure in No. 51.

No. 77.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

June 14. Glad to receive any further details when you can send them. As Conference decides to request negotiations for treaty and decided in favour of uniform legislation, perhaps your Ministers will consider whether, in order to remove obstacle to negotiations, present separate legislation might be suspended and Bill confined to the question of securing indemnity referred to in your telegram of 17th May.*

No. 78.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 14, 1888.)

TELEGRAPHIC.

14th June.—At the Australasian Conference held in Sydney on the 12th, 13th, and 14th instant, at which the Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia were represented, the question of Chinese immigration, and your cablegram to the Governor of South Australia in connexion therewith, were fully considered. The members of the Conference are sensible of the wish of Her Majesty's Government to meet the views of the Colonies, and have specially deliberated upon the possibility of securing legislation which, while effective, should be of a character so far as possible in accordance with the feeling and views of the Chinese Government. They have not overlooked the political and commercial interests of the Empire, nor the commercial interests of the Colonies. In 1886 the total exports to China from New South Wales, Victoria, South Australia, Queensland, and Tasmania were valued at 16,000*l.*, out of a total export trade amounting to 38,700,000*l.* Our imports from China in the same year were valued at 846,000*l.* While the custom of the Colonies, therefore, is very valuable to China, that country offers no present outlet of importance for Australasian trade. There has never been any attempt on the part of any of the Colonies to close their markets to the imports of the Chinese Empire, although most if not all of them are now produced in great quantities in the British Empire of India. The suggestion that any restrictions which are to be imposed should be of a general nature, so as to give power to exclude European or American immigrants, has been very carefully deliberated upon, but no scheme for giving effect to it has been found practicable. As the length of time to be occupied in negotiations between the Imperial Government and the Government of China is uncertain, and as the Colonies in the meantime have reason to dread a large influx from China, the several Governments feel impelled to legislate immediately to protect their citizens against an invasion which is dreaded because of its results, not only upon the labour market, but upon the social and moral condition of the people. At the same time, the Conference is most anxious that Her Majesty's Government should enter into communication with the Government of China with a view to obtaining, as soon as possible, a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies. By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. While believing that the local legislation now proposed will accomplish its object, the Colonies would prefer that the exclusion of the Chinese should be brought about by international agreement of a friendly nature, as in the case of the United States. The Conference further desires that Her Majesty's Government should induce the Governments of the Crown Colonies of Hong Kong, Straits Settlements, and Labuan to at once prohibit the emigration of all Chinese to the Australasian Colonies, unless they should belong to the classes above mentioned. The Chinese who may claim to be considered British subjects in those Colonies are very numerous, and the certainty that their migration hither was prevented would give great and general satisfaction.

The Resolutions arrived at by the Conference, and which have been embodied in a draft Bill, are as follows:—

1. That in the opinion of this Conference, the further restriction of Chinese immigration is essential to the welfare of the people of Australasia.

2. That this Conference is of opinion that the desired restriction can best be secured through the diplomatic action of the Imperial Government and by uniform Australasian legislation.

3. That this Conference resolves to consider a joint representation to the Imperial Government for the purpose of obtaining the desired diplomatic action.

4. That this Conference is of opinion that the desired Australasian legislation should contain the following provisions:—

(1.) That it shall apply to all Chinese, with specified exceptions.

(2.) That the restriction should be by limitation of the number of Chinese which any vessel may bring into any Australian port to one passenger to every 500 tons of the ship's burthen.

(3.) That the passage of Chinese from one Colony to another without consent of the Colony which they enter be made a misdemeanour.

The first and fourth Resolutions were endorsed by all the Colonies except Tasmania, who dissented, and Western Australia, who did not vote; while the second and third were carried unanimously. As a whole, therefore, they faithfully represent the opinion of the Parliaments and peoples of Australia.

In conclusion, the Conference would call attention to the fact that the treatment of Chinese in the Australian Colonies has been invariably humane and considerate; and that, in spite of the intensity of popular feeling during the recent sudden influx, good order has been everywhere maintained.

In so serious a crisis the Colonial Governments have felt called upon to take strong and decisive action to protect their peoples; but in so doing they have been studious of Imperial interests, of international obligations, and of their reputation as law-abiding communities. They now confidently rely upon the support and assistance of Her Majesty's Government in their endeavour to prevent their country from being overrun by an alien race, who are incapable of assimilation in the body politic, strangers to our civilization, out of sympathy with our aspirations, and unfitted for our free institutions, to which their presence in any number would be a source of constant danger.

No. 79.

THE AGENT-GENERAL FOR TASMANIA to COLONIAL OFFICE.

3, Westminster Chambers, Victoria Street,
London, June 15, 1888.

SIR,

I HAVE the honour to inform you that I received this morning a telegram from the Hon. the Premier of Tasmania, dated from Sydney, giving the reasons why Tasmania could not concur in the decision arrived at by the Conference on the subject of the further restriction of Chinese immigrants into Australasia, copy of which I transmit herewith in accordance with the instructions therein contained, and I shall feel obliged if you will take the earliest opportunity of laying the same before the Secretary of State.

Sir R. G. W. Herbert, K.C.B.,
&c. &c. &c.

I have, &c.,
(Signed) JAMES A. YOUL,
Acting Agent-General.

Enclosure in No. 79.

TELEGRAM received from the Hon. the PREMIER OF TASMANIA, handed in at Sydney on the 15th instant at 11 a.m.; received in London on the same day at 8.32 a.m.

COMMUNICATE to Lord Knutsford Tasmania dissents from the decision of the Conference that further restriction of Chinese immigration is essential to the welfare of the people of Australasia, because the vigorous (? various) legislative (? legislatures) of each of the Colonies have already proved successful in limiting the number of Chinese immigrants,

a fact which is established by statistics and admitted in the Ministerial Memorandum of Victoria upon this subject, despatched in March last. Also from the engagement by the Governments to secure, if practicable, the early passage of a measure similar to the draft Bill through their respective Parliaments without waiting the result of the representations made by cable to the Home Authorities as being inconsistent with the request made by the Governments of New South Wales, Victoria, Queensland, and Tasmania, for Home Government intervention in the matter, which this Bill proposes to dispose of; and because all that need be desired may be accomplished by treaty while drastic legislation, if preceding diplomatic efforts, may prove embarrassing and engender international bitterness, and because convinced that upon occasions where the insular interests of the Colonies can be secured in connexion only with those which are Imperial, it behoves these Colonies to remember that their preservation is maintained by British Forces and that Colonial acts must be justified by the Home Government. Tasmania dissents from the main purpose of the draft Bill because no exception is made which would enable Chinese residents to improve their social condition by the instruction (? introduction) of their wives, it ignores the rights of such naturalized British subjects as may be at present absent from the Colony who have children in the Colonies born of British wives and have accumulated property under the sanction of Colonial laws, it makes no exception in favour of Chinese born under English rule in Hong Kong and elsewhere, it disregards the climatic characteristic of the northern territories of Queensland, South Australia, and Western Australia, which are barriers to successful occupation except in pursuit of avocations peculiarly tropical and unsuitable to European labour.

(Signed) P. O. FYSH.

No. 80.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 15, 1888.)

TELEGRAPHIC.

15th June.—It is fully understood and accepted by Conference that New South Wales Bill now before Parliament will be proceeded with, but New South Wales Ministers concur in draft Bill of Conference. As soon as two Colonies have passed draft Bill, they agree to bring law of New South Wales into strict harmony with that of the other Colonies, reserving to New South Wales right of any variations or additions not inconsistent with main principles of Agreement. This proviso is granted to all other Colonies. Prime Minister informs me that greatest cordiality and good feeling were expressed by all Delegates to Her Majesty's Government.

No. 81.

LORD CARRINGTON (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 15, 1888.)

TELEGRAPHIC.

15th June.—Chinese Bill passed in Legislative Council. Cabinet Ministers accepted amendment reserving to those who feel themselves aggrieved the right of redress for losses in Courts of Law, Cabinet Ministers receiving personal indemnification.

LORD KNUTSFORD to LORD CARRINGTON (NEW SOUTH WALES).

TELEGRAPHIC.

16th June.—Transmit following telegram to other Australian Colonies :—

“ Her Majesty’s Government recognize spirit in which Chinese Immigration question has been discussed by Conference, and will be prepared to consider Resolutions in all their bearings without delay. Desirable that I should have as soon as possible summary of all provisions of proposed Bill.”

No. 83.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received June 16, 1888.)

Government House, Melbourne,

May 10, 1888.

SIR,

By the last mail I transmitted to your Lordship, in my Despatch of 2nd May,* a copy of a memorandum from the Premier, in reply to a minute which I had addressed to him, a copy of which I now enclose, with regard to the action of the Government in prohibiting the landing of the Chinese immigrants who were brought to this port by the steamship “Afghan” from Hong Kong; a précis of this memorandum I telegraphed to your Lordship on the 2nd instant.†

2. The following is a brief analysis of the circumstances attending the arrival of the “Afghan” and the incidents that followed in connexion therewith.

3. On the 27th ultimo the “Afghan” arrived at Port Phillip Heads from Hong Kong with 268 Chinese immigrants on board, of which number 60 were for this Colony, and after examination by the Health Officer, obtained a clean bill of health and proceeded up the Bay, arriving at the Williamstown anchorage the same afternoon.

4. When the Government became aware of the arrival of these immigrants they gave directions that none should be allowed to land until after a careful examination it was ascertained that the laws affecting Chinese immigration to, or residence in Victoria, had been strictly complied with.

5. The Victorian Acts of Parliament referring to this question are the Chinese Immigration Statute, 1865, and the Chinese Act, 1881.

6. Chinese immigrants under the above-mentioned Acts can only land either upon their producing naturalization papers showing they are naturalized British subjects, or by the payment of 10*l.* poll-tax paid through the master of the vessel to the collector or other principal officer of Customs, but the number of immigrants who can be permitted to land from any vessel upon the payment of poll-tax is limited by section 2 of the Act of 1881 to one immigrant to every 100 tons of the tonnage of the vessel.

7. For some time past a fraudulent traffic in naturalization papers has been suspected, that is to say, naturalization papers properly granted to Chinese immigrant residents in the Colony have been sent back to China for the purpose of enabling other immigrants to evade the poll-tax by entering as naturalized British subjects.

8. Out of the Chinese immigrants on board the “Afghan” for this Colony, about 48 presented papers of naturalization which were reported, after careful examination, to have been issued to others than the ostensible holders of them. In fact, some of the papers appeared already to have done service two or three times over. These immigrants therefore could not claim the right of entry as British subjects, and could therefore only hope to be allowed to land on the payment of the poll-tax. If, however, they landed as Chinese immigrants, and not as naturalized British subjects, this would at once render the captain and owner of the “Afghan” liable to the heavy penalty, under the second section of the Act of 1881, for bringing more than one immigrant to every 100 tons of tonnage.

9. The liability to payment of penalty the Government consider under the second section of the Act, 1881, to which I have referred, is not dependent upon the landing of immigrants in excess of the tonnage limitation, but can be imposed upon the owner,

master, or charterer of any vessel that may arrive in any port of Victoria with an excess of legal number of immigrants on board.

10. The attention of the agents of the "Afghan" was called to the infraction of the law, but the Government being anxious under the circumstances not to deal heavily with the owner of the vessel, consented to an arrangement by which they would forego proceedings for the recovery of any penalty, provided the immigrants were not landed. This arrangement resulted in the "Afghan" leaving with all the Chinese on board on the 4th May instant for Sydney, for which place she had likewise a consignment of Chinese immigrants.

11. On the 1st instant my Ministers submitted for my approval an Order in Council to declare Hong Kong, Singapore, together with Chinese and other Eastern ports, to be infected ports, and all intercolonial or other vessels bringing Chinese passengers to any port in Victoria to be detained by the Health Officer of such port until such vessel and passengers be severally released by such officer.

12. My Government informed me as their reason for submitting this Order in Council, that they had reason to believe vessels from Hong Kong and Chinese ports were bringing a number of Chinese immigrants to this and to other Colonies, and that the law which limits one Chinese immigrant to every 100 tons of tonnage, and which is intended to prevent a sudden or large influx of Chinese into the Colony, was in danger of being evaded by their being transhipped at some port in Australia into intercolonial steamers trading with Victoria, and as from nine to twelve of these steamers arrive weekly from New South Wales and Queensland ports, it was evident that not only the object of the Chinese Immigration Acts, but also quarantine restrictive measures, might thus be defeated.

13. Acting upon the advice of my responsible Ministers, supported as it was by the opinion of the Attorney-General, I signified my assent to this Order in Council, evidence of the usual character having been placed before me that the ports named in the Order in Council were ports that had been declared infected ports.

14. On the 30th ultimo, prior to the proclamation of the above Order in Council, the "Burrumbeet," an intercolonial trading steamer arrived with 14 Chinese on board. I am informed that six presented naturalization papers, but afterwards sought to withdraw them, and in consequence of the position in which the Chinese found themselves placed, they requested permission, through one of the leading Chinese merchants settled in Melbourne, to return to their own country, in the event of a passage being provided for them for that purpose. In the meanwhile, pending arrangements being made for a return to China, they were, with their own written consent, landed at the quarantine Station (although not to be detained in quarantine), where they are cared for at the Government expense. Previous to their removal, and several days after the arrival of the "Burrumbeet," the master of that steamer had not tendered the poll-tax, but I am given to understand that the day following the removal of the immigrants to the quarantine ground, he did tender the poll-tax on the whole 14. It does not appear that the master of the "Afghan" made any similar offer on behalf of the 12 Chinese on board his ship who did not present naturalization papers.

15. I understand that some of the Chinese who claimed to land from the "Afghan" as naturalized British subjects, but who were taken back in her to Sydney, have taken action to have their case decided by the proper legal tribunals, and a writ has been served on the Collector of Customs for the recovery of 1,000*l.* damages. Although I have, as yet, no certain knowledge of the fact, it is also reported that steps will likewise be taken on behalf of the immigrants who arrived by the "Burrumbeet" to have their case brought before the Supreme Court. These cases, if proceeded with, will elicit a full inquiry with regard to the genuine character of the naturalization papers, and an authoritative decision upon the whole question.

I have, &c.,
(Signed) HENRY B. LOCH.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 83.

MEMORANDUM FOR THE HONOURABLE THE PREMIER.

THE Governor requests that the Honourable the Premier will furnish him with information with regard to the course pursued by the Government with respect to the ship "Afghan," and generally as to the regulations which are in force with respect to vessels bringing Chinese immigrants to Victoria.

(Signed) HENRY B. LOCH.

Government House, Melbourne,
2nd May 1888.

No. 84.

LORD CARRINGTON, (NEW SOUTH WALES) to LORD KNUTSFORD.
(Received June 18, 1888.)

TELEGRAPHIC.

18th June.—In answer to your telegram of 16th June,* I forward at once Bill summarised by Attorney-General.

1. Interpretation. Chinese shall include every person of Chinese race not exempted from provisions of this Act. Vessels shall include every ship, boat, or vessel. Master shall include every person other than pilot for time being in command or charge of any vessel.

2. Exemptions. Act shall not apply to any person duly accredited to any Australasian Colony by any Government as its representative on any special mission, to crew of any vessel not being discharged therefrom in Colony and not landing in Colony except in discharge of duties in connexion with such vessel, or any class of persons who shall for time being be exempted from provisions hereof.

3. Power given to Governor in Council to declare by Proclamation exemptions of any persons or class of persons; any such Proclamation may be revoked by Governor in Council by Proclamation.

4. Master of any vessel having Chinese on board upon arrival at any port in Colony forthwith, and before entry at Customs, to deliver to Collector statements specifying to best of his knowledge and means of information number of Chinese on board, places of shipment and destination, and name, calling, or occupation of each such Chinese, under penalty of 100*l*.

5. No vessel to bring more than one Chinese passenger for every 500 tons of tonnage of such vessel, under penalty of 500*l*. for each Chinese in excess of such number.

6. No Chinese shall enter Colony by land without first obtaining permit in writing from some person appointed by Governor in Council. Any Chinese so entering without such permit shall be guilty of misdemeanour, and liable to imprisonment, with or without hard labour, for any term not exceeding six months, and in addition to or substitution for such imprisonment, shall be liable, by order or warrant of a Justice, to be removed or deported to Colony from whence he shall come.

7. All penalties and payments under Act to be part of consolidated revenue.

8. Justices may decide upon their own view whether any person is Chinese within meaning of Act.

9. Any vessel on board which Chinese shall be transhipped from any vessel and brought to any port or place in Colony shall be deemed to be vessel bringing Chinese into Colony and be subject to Act, and Governor in Council may make regulations to carry out Act.

10. Regulations must be laid before Parliament within fourteen days if in session; if not, then within fourteen days after commencement of next session; if not disapproved within fourteen days therefrom they shall become law.

11. Penalties may be recovered in a summary way for [before?] Justices. Colonial Treasurer to have power to authorise any officer to detain any vessel master of which shall, in opinion of Treasurer, have committed an offence or be a defaulter under Act; such detention to be for safe custody only, and cease if bond of two sureties be given by master for payment of amount of penalty or other sum as may be adjudged to be paid;

in default of payment of penalty by master, officer authorised by Treasurer may seize such vessel for purpose of condemnation and sale, as provided by law in case of condemnation or forfeiture of vessel for breach of Customs Laws of Colony; proceeds of sale to be paid to consolidated revenue, and after payment of penalties with costs incurred in and about sale and proceedings leading thereto, balance to be placed by Treasurer to trust account, and held in trust for owners or other persons lawfully entitled to vessel so sold.

12. No poll tax to be hereafter taken or demanded for or in respect of any Chinese. Act is Chinese Immigration Restriction Act.

No. 85.

THE MARQUIS OF SALISBURY to SIR J. WALSHAM.

SIR,

Foreign Office, June 22, 1888.

THE Chinese Minister at this Court, in a note dated the 12th December last,* called my attention to the position of Chinese subjects in certain of the Queen's Colonies, and requested that an inquiry might be instituted into the laws enacted against them by some of the Colonial Legislatures. The Chinese Commissioners, who had recently made inquiries in Australia, had reported to their Government that in each of the Colonies visited by them a poll-tax of 10*l.* is imposed on Chinese subjects, from which the subjects of other Powers are exempt, and that steps were being taken to enact a similar measure in Tasmania. Lew Ta-jên protested against his countrymen being deprived of immunities accorded to them by the treaties and the law of nations, or to their being treated differently from the subjects of other Powers residing in the same parts of Her Majesty's dominions.

The Secretary of State for the Colonies thereupon requested the Governors of the Australasian Colonies and the Governor-General of Canada to furnish Reports on the subject of any exceptional legislation affecting Chinese subjects in force in their respective jurisdictions.

Before the Reports which had been called for could reach Her Majesty's Government information was received that there was considerable public agitation in Australia with respect to the influx of Chinese labourers, and that in New South Wales more restrictive measures were demanded than the 10*l.* poll-tax and the limit of one immigrant to every 100 tons of shipping, which have been in force for some years past.

The recent conclusion of a treaty between China and the United States of America, for the exclusion of labourers from China, seems to have increased the feeling in Australia in favour of more stringent regulations in the Colonies of that Continent, and the working classes are represented to be strongly opposed to any further introduction of labourers on a large scale. Chinese immigrants are, it appears, objected to not only on account of their vast numbers and their competition as wage-earners, but on the ground that they do not become assimilated with the British population, and that they rarely, if ever, settle permanently as Colonists; but, on the contrary, remain essentially aliens in manners, customs, and religion, and generally return to China when they have saved sufficient money in the Colonies for their wants in their native country.

At a public meeting held at Sydney on the 27th March it was unanimously resolved that the almost unrestricted influx of the Chinese into Australia will, if continued, threaten the political and social welfare of the Colony, and that the time has arrived for the imposition of substantial and effective restrictions on their further introduction.

The meeting further declared its strong objection to any action of the Government of China in the assistance or encouragement of Chinese immigration into Australia, and it called upon Her Majesty's Government to maintain the right of the Australian Colonies to frame such laws as they may consider necessary to ensure in Australia the preponderance and supremacy of the British race.

While these representations and the question of communicating on the subject with the Chinese Government were being considered by Her Majesty's Government, I received representations from the Chinese Minister in London calling my attention to telegrams which had appeared in the "Times" newspaper relative to the action reported to have been taken by the Colonial Authorities of Victoria and New South Wales in order to prevent the landing in those Colonies of Chinese immigrants who were being conveyed to Australia in a British vessel named the "Afghan."

On inquiry it was ascertained that the action of the Local Government in preventing the landing of Chinese subjects when prepared to pay the prescribed poll-tax had been

*Enclosure in No. 1.

declared by the Supreme Court of New South Wales to be illegal, and all Chinese holding exemption tickets had been allowed to land; but that a number of the passengers on board the "Afghan" who were of Chinese origin had claimed to land in Victoria not as subjects of the Emperor of China, but as naturalized British subjects, and that they had not satisfied the local authorities that the naturalization papers which they produced had actually been issued to the bearers of them.

Her Majesty's Government are, as you well know, most anxious that all proper regard should be shown to the feelings of the Chinese nation, with which this country is happily on a very friendly footing, and that no measures should be adopted in the Colonies that could be regarded as at variance with the treaty engagements between China and Great Britain.

As I have already stated, regulations of a more or less restrictive character, and specially directed against Chinese immigration, have been for some time past in force in the Australian Colonies, and on the Supreme Court of New South Wales declaring the prohibition to land to be illegal, according to the laws of that Colony, the Colonial Legislature forthwith enacted further restrictive measures.

It appeared to Her Majesty's Government that this action on the part of New South Wales was prejudicial to the treatment of the question by negotiation with the Chinese Government. With a view, therefore, to obviate further legislation to which the Chinese Government might take exception, it was proposed that the subject should be fully and freely discussed in all its bearings by Her Majesty's Colonial subjects.

With this object the Secretary of State for the Colonies approved the meeting of a Conference of the Representatives of Australasian Governments to consider the question. It met on the 12th instant, and two following days. The conclusions at which the Representatives arrived are set forth in the telegram addressed to the Secretary of State for the Colonies by the Governor of New South Wales, of which I transmit a copy herewith.*

They state that they are most anxious that Her Majesty's Government should enter into communication with the Government of China, with a view to obtaining as soon as possible a treaty under which all Chinese, except officials, travellers, merchants, students, and similar classes, should be entirely excluded from the Australasian Colonies.

By way of assisting to bring about such an understanding, the Conference has recommended the abolition of the poll-tax now levied upon Chinese immigrants. As, however, the Conference considers that the length of time which may be occupied in negotiations between the Governments of China and Great Britain is uncertain, and the Colonies in the meantime have reason to dread a large influx of labourers from China, the several Colonial Governments feel themselves impelled to legislate immediately to protect their citizens against an invasion which is dreaded by them because of its expected results, not only upon the labour market, but upon the social and moral condition of the people.

I enclose copies of the Resolutions of the Conference which have been embodied in a draft Bill,† and I have to instruct you to place yourself without delay in communication with the Tsung-li Yamén, and urge upon them, with the explanations and arguments which, in your judgment, are most likely to further the object in view, that, in pursuance of the considerations which I have described in this despatch, and which are more particularly set forth in the printed correspondence which I transmit herewith, the Chinese Government should adopt a course similar to that which they followed in the case of the United States, and enter into a Convention with Her Majesty's Government to the effect indicated in the enclosed Resolutions of the Conference held at Sydney.

Sir J. Walsham, Bart.

I have, &c.,
(Signed) SALISBURY.

No. 86.

SIR H. B. LOCH (VICTORIA) to LORD KNUTSFORD.

(Received June 27, 1888.)

MY LORD,

Government House, Melbourne, May 25, 1888.

I HAVE the honour to inform you further with regard to the arrival of Chinese in this Colony, that 14 Chinese immigrants, who arrived by the "Burrumbett," and who

were landed and placed temporarily at the quarantine ground, have since paid the poll-tax required by the provisions of the Chinese Immigration Act, 1881, and have been admitted into the Colony. During their short detention they were allowed perfect freedom within the grounds, which, I may observe, cover an area of upwards of 840 acres, and were well cared for in comfortable residences, food, &c., at the expense of the Government.

2. They are, I believe, the only immigrants who have applied as Chinese subjects for admission into the Colony, the other Chinese who arrived claimed admission as British subjects. Their papers, however, were found, I am informed, to be fraudulent, and they were, therefore, not allowed to avail themselves of the privileges which these papers, if they had been genuine, would have entitled them to have claimed. I apprehend, as they were not refused admission as Chinese subjects, but claimed to enter as naturalised British citizens, and were merely rejected admission on the ground that their papers were not in accordance with the requirements of the law, they cannot now seek the support of the Chinese Government as Chinese subjects.

The Right Honourable
Lord Knutsford, G.C.M.G.,
&c. &c. &c.

I have, &c.,
(Signed) HENRY B. LOCH.

No. 87.

SIR W. F. D. JERVOIS (NEW ZEALAND) to LORD KNUTSFORD.

(Received June 28, 1888.)

MY LORD,

Wellington, May 16, 1888.

WITH reference to your Circular Despatch of 23rd January last,* requesting a report from my Government on the subject of exceptional legislation affecting Chinese subjects which is in force in this Colony, I have the honour to transmit a copy of a memorandum which I have received from the Premier, Sir H. Atkinson, furnishing the desired information.

It will be observed that my Government has, in compliance with popular pressure, brought in a Bill to strengthen the existing restrictions in Chinese immigration.

This Bill, however, includes no provisions which have not already, in the case of the Colony of Victoria, received the assent of Her Majesty. On this ground, as I have already informed your Lordship by telegram, I propose to assent to it.

On the 8th instant, the Government republished a proclamation declaring all Chinese ports to be infected, under the "Public Health Preservation Act, 1876." This proclamation has for some time been in abeyance, but has been revived from the same motives which prompted the introduction of the "Chinese Immigrants Act Amendment Bill."

It appears to me that objection might justly be raised against both the Bill and the proclamation; but as the principle of exceptional legislation affecting the Chinese has been sanctioned in former years by the Imperial Government, I do not see that my Ministers are otherwise than justified in the course that they have taken.

I should add that a party of Chinese who were denied admission to Australia have recently arrived in New Zealand. At Invercargill, a town close to the Bluff where they were expected to land, and also at Dunedin, public meetings were held, and some violent language was used against the Chinese; but when it appeared that the bulk of these immigrants were bound for Greymouth, on the west coast of the South Island, the excitement subsided, and the party was landed a few days later (12th May) at its destination, without any hostile demonstration whatever on the part of the Colonists.

Early on the following morning they were leaving the town peaceably in all directions for different mining quarters.

I have, &c.,
(Signed) WM. F. DRUMMOND JERVOIS.
The Right Hon. the Lord Knutsford,
&c. &c. &c.

Enclosure 1 in No. 87.

MEMORANDUM by the PREMIER of NEW ZEALAND.

The Premier has the honour to return the Circular Despatch of 23rd January last from the Right Hon. the Secretary of State for the Colonies, and in compliance with the request therein contained to forward a copy of the "Chinese Immigrants Act, 1881," which was passed with the view of regulating the immigration of subjects of China, who, although orderly and law-abiding, from their manners and customs were not considered the most desirable persons to be encouraged to settle in the Colony. This Act was reserved for, and received the assent of Her Majesty. A copy of the Gazette of the 27th April 1882, containing the regulations under the Act at page 630, is also forwarded.

The Premier has the honour to add that since the passing of the Act the Chinese in the Colony have remained practically stationary; but this has probably arisen from other causes than through its operation. There is now, however, a very strong feeling against any increase in their number, and much pressure is being put upon the Government to introduce into Parliament measures of a very stringent nature. The Premier, however, hopes this will be avoided if Her Majesty's Government takes the question in hand, and enters into a treaty with China restricting the introduction of Chinese labour into the Australian Colonies upon the basis of the treaty between the United States of America and China.

The Government has introduced into Parliament a Bill, which has been read a second time and will no doubt be passed, simply adding to the Act of 1881 further disabilities, such as are contained in the Act of the Victorian Parliament of 24th December 1881.

The chief reason for the strong feeling that has lately arisen against further Chinese immigration is the fear that the closing of the Australian and American ports may cause such an immediate and large influx of Chinese into New Zealand, who would otherwise have found their way into those countries.

(Signed) H. A. ATKINSON.

Premier's Office, Wellington,
16th May, 1888.

Enclosure 2 in No. 87.

The Chinese Immigrants Act, 1881 (*see* No. 21 of Appendix II.)

Enclosure 3 in No. 87.

EXTRACT FROM NEW ZEALAND GAZETTE, No. 42, 27th April 1882.

REGULATIONS under "The CHINESE IMMIGRANTS ACT, 1881."

ARTHUR GORDON, GOVERNOR.

ORDER IN COUNCIL.

At the Government House, at Wellington, this 21st day of April 1882.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by the fifteenth section of "The Chinese Immigrants Act, 1881," it is enacted that the Governor in Council may from time to time make such regulations as he shall deem necessary for giving effect to the said Act:

Now, therefore, his Excellency the Governor, by and with the consent of the Executive Council of the said Colony, and in exercise and pursuance of the powers and authorities vested in him by the said Act, doth hereby make the following regulations for giving effect to the said Act, that is to say—

1. The form of certificate to be given to each Chinese person under the seventh section of the said Act, on whose behalf the prescribed sum of 10*l.* has been paid under the fifth section thereof, shall be as follows:—

NEW ZEALAND.

No. .

THIS is to certify that [name of Chinese], born at _____, 18 .
is _____, and whose former place of residence was _____, whose apparent age
_____ , did arrive in this

Colony by the vessel _____, from _____, and that the master of the said vessel has paid to me the sum of 10*l.* required by the fifth section of "The Chinese Immigrants Act, 1881," on behalf of the said

£10 0 0

Collector of Customs.

2. The form of Certificate of exemption to be given to each Chinese person, under the thirteenth section of the said Act, shall be as follows, or to the like effect :—

[*Name of Chinese*], of _____, a Chinese resident in the Colony of New Zealand at the date when "The Chinese Immigrants Act, 1881," came into operation, did, within two months thereafter, apply to me for a certificate of exemption from payments under the said Act: This is, therefore, to certify that the said _____ [Place and date.] is exempt from such payments.

Resident Magistrate [*or*] Warden.

FOSTER GORING,
Clerk of the Executive Council.

Enclosure 4 in No. 87.

(Hon. Sir H. ATKINSON.)

CHINESE IMMIGRANTS ACT AMENDMENT.

ANALYSIS.

- | | |
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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Limitation in number of Chinese to be brought to Colony by vessel. 4. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881." 5. Chinese not paying penalty may be imprisoned. 6. Exemption of Chinese immigrants who are British subjects. 7. Exemption of certain Chinese officials. 8. Exemption of crews of vessels who do not land in Colony. | <ol style="list-style-type: none"> 9. Provision against evading Act by transhipping Chinese into other vessels. 10. Burden of proof to be on defendant. 11. Prohibition against alien Chinese voting at elections of local authority. 12. Officers of local authority to cancel names of Chinese from voters' lists in certain cases. Procedure thereon. Revision Court to strike out names of alien Chinese. 13. Interpretation. Schedule. |
|--|--|

A BILL intituled an Act to amend "The Chinese Immigrants Act, 1881."

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The short title of this Act is "The Chinese Immigrants Act Amendment Title Act, 1888."

2. In this Act, "The Chinese Immigrants Act, 1881," is referred to as "the said Short title. Act."

3. The third section of the said Act is hereby repealed, and in lieu thereof it is Interpretation. enacted—

If any vessel shall arrive in any port or place in New Zealand having on board a greater number of Chinese passengers than in the proportion of one to every *one hundred* Limitation in number of Chinese to be brought to Colony by vessel. tons of the tonnage of such vessel, according to the registry thereof if British, and, if not, then according to the measurement prescribed by any Act for the time being in force regulating the measurement of British ships, the owner, charterer, or master of such vessel shall be liable on conviction to a penalty not exceeding *one hundred* pounds for each Chinese passenger so carried in excess.

4. The penalty prescribed by the sixth section of the said Act shall henceforth be *fifty* pounds in lieu of twenty pounds as therein provided.

It shall also be an offence within the meaning of the said section, as amended by this Act, if the master of any vessel which shall have brought Chinese to the Colony shall permit or suffer any Chinese to escape from such vessel before the prescribed amount shall have been paid on behalf of such Chinese. Increase of penalty prescribed by sixth section of "The Chinese Immigrants Act, 1881."

Chinese not paying penalty may be imprisoned.

5. If any Chinese who becomes liable to the penalty prescribed by the ninth section of the said Act shall make default in payment of such penalty, he shall be liable to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any justice of the peace to be dealt with in due course of law.

Exemption of Chinese immigrants who are British subjects.

6. Notwithstanding anything in the said Act or this Act, any Chinese arriving in New Zealand who produces evidence to the satisfaction of the collector or other principal officer 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 shall, on being verified to the satisfaction of such collector or other principal officer of Customs, be sufficient evidence of the claim of such Chinese to exemption under this section.

Exemption of certain Chinese officials.

7. The sum of *ten* pounds required to be paid by the said Act shall not be payable by or for 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 crews of vessels who do not land in Colony.

8. The penalties and restrictions imposed by the said Act as amended by this Act shall not nor shall any of them be held to be applicable in the case of any Chinese being one of the crew of any vessel arriving in any port in New Zealand, and no such Chinese being one of such crew shall be discharged and landed from such vessel within the Colony, or shall at any time go on shore, except in the performance of his duties in connexion with such vessel, and every such Chinese so discharged and landed shall be liable to a penalty of *twenty* pounds.

Provision against evading Act by transshipping Chinese into other vessels.

9. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony, and shall be subject to all the requirements and provisions of the said Act and this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond New Zealand.

Burden of proof to be on defendant.

10. For the purpose of any proceeding taken under any of the provisions of the said Act or 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 the said Acts.

Prohibition against alien Chinese voting at elections of local authority.

11. No Chinese, notwithstanding that he holds a miner's right or other document now or hereafter in force relating to mining, or is a ratepayer, shall be entitled to vote at any election of a member of a local authority, unless such Chinese is a natural-born or naturalised subject of Her Majesty; and where the fact that a name appears on a valuation roll or rate roll is a qualification to vote at any such election the returning officer or deputy returning officer shall, in the case of a Chinese, reject any vote tendered or given by such Chinese unless evidence is then and there produced to the satisfaction of such returning officer or deputy returning officer that such Chinese is a natural-born or naturalised subject of Her Majesty.

Officers of local authority to cancel names of Chinese from voters' lists in certain cases.

12. The proper officer shall, when preparing the voters' list in respect of any local authority, omit therefrom the names of all Chinese who are not known to him to be natural-born or naturalised subjects of Her Majesty; and every such officer shall for such purpose decide upon his own belief or view or knowledge or judgment whether any such Chinese is or is not such an alien Chinese.

To each Chinese so omitted from such voters' list the proper officer shall send a notice in the form of the schedule hereto, or to the like effect.

Procedure thereon.

In any proceedings taken for the insertion of the name of such Chinese upon any voters' list of a local authority no costs shall be given against the proper officer by reason of such omission.

Revision court to strike out names of alien Chinese.

Every court for revising the voters' list of a local authority shall expunge therefrom the names of all Chinese against whom objections shall have been lodged, unless such Chinese prove to the satisfaction of the court that they are natural-born or naturalised subjects of Her Majesty.

Interpretation.

13. For the purposes of this Act, if not inconsistent with the context,—

“Court” means any court or authority having the duty of revising the voters' list of a local authority as herein-after respectively defined:

“Local authority” means and includes any borough council, county council, town board, road board, harbour board, or river board, and any licensing committee:

“Proper officer” means the clerk or other officer or person whose duty it is to prepare any voters’ list of or relating to a local authority, or the corporation which it represents:

“Ratepayer” means any person entitled to vote at an election of a member of any local authority:

“Voters’ list” includes any list or roll, howsoever designated (but not being a valuation list or roll), setting forth the names of persons entitled to vote in the election of members of a local authority, and whether for an entire district or for any subdivision thereof, by whatever name such subdivision may be called.

SCHEDULE.

Schedule.

To [name] residing at [residence].

You are required to take notice that I have omitted your name from [state what] prepared by me under [state provision of Act requiring preparation of voters’ list] for the [state district or subdivision, however named], on the ground that I believe you are a Chinese, and that you are not known to me as being either a natural-born or a naturalised subject of Her Majesty Queen Victoria.

If you feel aggrieved at being so omitted, and think that your name has been improperly omitted from such [state what], you may claim to have your name inserted therein, in accordance with [state provision of Act under which such claim can be made].

Dated at _____, this _____ day of _____, 18 _____

A.B.,

[Add in what capacity notice is given.]

Enclosure 5 in No. 87.

EXTRACT FROM NEW ZEALAND GAZETTE, May 10, 1888.

REPUBLICATION OF PROCLAMATIONS declaring CHINA, JAVA, &c., to be INFECTED PLACES under “THE PUBLIC HEALTH ACT, 1876.”

Colonial Secretary’s Office, Wellington,
May 8, 1888.

THE following Proclamations are republished for general information; and it is hereby notified that strict quarantine will be enforced in reference to all vessels arriving at any port or place in New Zealand from or having touched at any of the places mentioned in the Proclamations republished hereunder, or having received any person or thing whatsoever from or out of any vessel coming from or having touched at any of such places.

T. W. HISLOP.

CHINA and HONG KONG declared INFECTED PLACES under “THE PUBLIC HEALTH ACT, 1876.”

(L.S.)

ARTHUR GORDON, GOVERNOR.

A PROCLAMATION.

IN pursuance of section ninety-two of “The Public Health Act, 1876,” I, Arthur Hamilton Gordon, the Governor of the Colony of New Zealand, do hereby proclaim and notify that the Empire of China and the British Possession of Hong Kong are infected with the disease called small-pox, being an infectious or contagious disease highly dangerous to the health of the people.

Given under the hand of his Excellency the Honourable Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty’s High Commissioner for the Western Pacific, Governor and Commander-in-Chief in and over Her Majesty’s Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this eighth day of July, in the year of our Lord one thousand eight hundred and eighty-one.

THOMAS DICK.

God save the Queen!

SUMATRA declared an INFECTED PLACE under "THE PUBLIC HEALTH ACT, 1876."

(L.S.)

ARTHUR GORDON, Governor.

A PROCLAMATION.

IN pursuance of section ninety-two of "The Public Health Act, 1876," I, Arthur Hamilton Gordon, the Governor of the Colony of New Zealand, do hereby proclaim and notify that the Island of Sumatra is infected with the disease called cholera, being an infectious or contagious disease highly dangerous to the health of the people.

Given under the hand of his Excellency the Honourable Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Majesty's High Commissioner for the Western Pacific, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this fifth day of June, in the year of our Lord one thousand eight hundred and eighty-two.

THOMAS DICK.

God save the Queen!

JAVA, MAURITIUS,* and ISLANDS of EASTERN ARCHIPELAGO declared INFECTED PLACES under "THE PUBLIC HEALTH ACT, 1876."

(L.S.)

WM. F. DRUMMOND JERVOIS, Governor.

A PROCLAMATION.

IN pursuance of section ninety-two of "The Public Health Act, 1876," I, William Francis Drummond Jervois, the Governor of the Colony of New Zealand, do hereby proclaim and notify that the island of Java and the islands of the Eastern Archipelago are infected with the disease called cholera, and that the Mauritius* is infected with the disease called small-pox, being infectious or contagious diseases highly dangerous to the health of the people.

Given under the hand of his Excellency Sir William Francis Drummond Jervois, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at the Government House, at Wellington, this seventh day of March, in the year of our Lord one thousand eight hundred and eighty-four.

THOMAS DICK.

God save the Queen!

APPENDIX I.

LEW TA JÊN to the EARL OF ROSEBERY.

MY LORD,

Chinese Legation, July 13, 1886.

I HAVE the honour to invite the attention of your Lordship to the exceptional position in which Chinese subjects residing in the province of British Columbia are placed by the enforcement of an Act passed by the Legislative Assembly of that province in 1884 entitled, "An Act to regulate the Chinese population of British Columbia."

The legality of the Act has not only already been questioned, but in the case of Bull v. Wing Chong, now in appeal to Her Majesty's Privy Council, it has been declared by the Supreme Court of British Columbia to be *ultra vires* the Legislative Assembly of that province.

* Mauritius since declared clean. See *New Zealand Gazette* of 18th September 1884, p. 1356.

Believing the Act to be at variance with the treaties, opposed to the law of nations, hostile to the benevolent spirit of British legislation, unjust in its operation, and highly prejudicial to the interests of Chinese subjects residing in those parts of Her Majesty's dominions, I confidently anticipate that the decision of the Supreme Court of British Columbia will be upheld; nevertheless, deeming the matter to be one of very great importance, I consider it my duty to bring it to the notice of Her Majesty's Government.

The Act, which is to be cited as "The Chinese Regulation Act of 1884," has for its preamble a series of charges such as was never perhaps before made in a public document against the people of a friendly nation.

Even if the Act contained no provisions inimical to the rights of Chinese subjects in the Colony, the preamble, constituting as it does a breach of international courtesy, would, in itself, afford a very sufficient reason for its being rescinded. The principle of avoiding the employment in official documents of any epithet which could wound the "amour propre" of either of the two nations has already been recognised. Art. LI. of the Treaty of Tientsin stipulates for the discontinuance, by the Chinese Government, of the use in official correspondence relating to British subjects of the Chinese character 夷, because of its being capable of receiving the offensive interpretation of "barbarian"; but even the word "barbarian," when taken in its most offensive signification, is less objectionable than the odious terms applied to all persons of the Chinese race in the preamble of the Chinese Regulation Act.

The preamble runs as follows:—

"Whereas the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant, and the population so introduced are fast becoming superior in number to our own race, are not disposed to be governed by our laws, are dissimilar in habits and occupation from our people, evade the payment of taxes justly due to the Government, are governed by pestilential habits, are useless in cases of emergency, habitually desecrate graveyards by the removal of bodies therefrom, and generally the laws governing the whites are found to be inapplicable to the Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community."

"And whereas it is expedient to pass special laws for the government of Chinese.

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

Here we have a whole race accused of a series of the gravest and most revolting charges that could possibly be brought against the people of any country, and made against them in the name of Her Majesty the Queen. The Imperial Government cannot but think that the language of the Act has escaped the attention of Her Majesty's Government.

Mr. Justice Crease, the judge from whose decision the appeal in the case of Bull v. Wing Chong is made, commenting on the preamble of the Act, said "it looks like a bill of indictment as against a race not suited to live among a civilised nation." In the name of my Government I protest against its being employed to Chinese subjects residing in British Columbia, and to their being made the subject of the discriminative legislation for which these charges are the pretext. If Chinese subjects, emigrating to Her Majesty's Colonies, as they are entitled to do by Art. V. of the Pekin Convention of 1860, should break the laws applying to Her Majesty's subjects, or to other foreigners residing in the country, they may be punished for doing so; punished by the laws to which the other inhabitants of the Colony are amenable, but, in the absence of any treaty stipulations to that effect, it would be contrary to international usage to make them the subject of an invidious legislation, or to impose on them burthens from which the inhabitants of the country, and more especially other foreigners, following the same vocations are exempt. Yet this is just what the Regulation of 1884 does. Articles 3, 4, and 5 of the Regulations impose on every Chinaman above the age of 14 years inhabiting the country the obligation of paying to the Government the sum of 10 dollars per annum, and of furnishing himself with evidence of having done so on pain of being subjected to a penalty of 40 dollars. Art. 14 imposes on Chinese subjects wishing to engage in mining operations the necessity of taking out a "free miner's certificate" at a cost of 15 dollars per annum. Foreigners of whatever other race or nationality than Chinese may reside in the country without paying the first of these imposts and engage in mining operations on paying only five dollars.

The Imperial Government cannot understand the reason of these distinctions, so prejudicial to Chinese interests, and so little calculated to promote the object which the two Governments have so much at heart—the creation of a more cordial feeling between

the people of England and China. Is it intended by them to punish persons of the Chinese race for the offences imputed to them in the preamble of the Act, or are these taxes imposed on Chinamen as a remedy for the evils which their presence is said to originate? If as a punishment, they ought surely to be tried before they are condemned, and if as a remedial measure, it is difficult to understand how they are to operate.

It is therefore only allowable to consider it as a fiscal measure, but here it is open to the objection that from an international point of view the application to Chinese subjects who, on the faith of the treaties between China and Great Britain, have repaired to Her Majesty's colonial possession, of a system of taxation other than that which is applied to the people of the country, and the subjects of other powers residing there, would be invidious and offensive, and contrary to established usage. It is a well recognised principle of international law that whilst a prince, in the absence of any treaty obligation to the contrary, may refuse domicile to the citizens of other nationalities, yet, when he does permit them to enter his dominions, he tacitly engages to treat them as the other inhabitants of the country. To do otherwise would be to refuse to grant to one what is fully accorded to all, thus making an invidious distinction, inimical to the State to which they belong and injurious to commerce. But it is not only to the fiscal burthens imposed on Chinese subjects, as such, by the Act that I take exception. The police regulations applied to Chinese subjects are still more grievous. The Act renders a Chinaman, the moment he attains the age of 14, no matter how exemplary may have been his conduct, liable to be treated as a suspect and worse than a ticket-of-leave man. He is to be stopped on the highway and made to show his certificate, or, as the Act calls it, his license. If he applies for employment, or asks for shelter for the night, he has again to produce his certificate; and as, by Articles 10 and 13, the onus of correctly judging whether the license has been lawfully acquired is thrown on the employer of a Chinese and the person who gives him lodging, their effect is to make the Chinese applicant an outcast whom no man may employ or shelter without making himself liable to be fined, and, in the event of nonpayment of the fine, to distress of his goods and chattels, to imprisonment even, with liability to be made to labour on the public works; and this extraordinary rigour of treatment is to be applied not because the Chinaman is a malefactor, but simply and purely because he is a Chinaman, a subject of a friendly nation to whom the British Government have undertaken to give residence and protection in Her Majesty's colonial possessions. Art. I. of the Treaty of Nankin confers on Chinese subjects "full security and protection for their persons and property" throughout the whole extent of the British dominions; and Art. V. of the Pekin Convention of 1860 provides that Chinese subjects "who may wish to take service in British colonies" or "to enter into engagements with British subjects for that purpose" may do so without either leave or license.

I shall not further pursue the demonstration of the very exceptional character of the Act of the Legislative Assembly of British Columbia, the Imperial Government considering that it is only necessary to bring it to the notice of Her Majesty's Government to have it disallowed. They cannot believe that an Act whose provisions are so opposed to international usage, so incompatible with treaty obligations, so repugnant to the generous spirit of British legislation, which has always been to remove and not to create disabilities of race and creed, that an Act which offends the just susceptibilities of a friendly nation, and imposes grievous hardships on its subjects, will find favour in the eyes of Her Majesty's Government.

British subjects residing in China are not called upon to contribute anything to the imperial taxation of the country, and in this respect they are placed in a more advantageous position than the native population. For Chinese subjects residing in Her Majesty's dominions no such exemption is claimed. All that is demanded for them is that they shall not be made the subject of an exceptional treatment and be called upon to bear burthens from which the inhabitants of the country, and more especially other foreigners, are exempt.

The Earl of Rosebery.

I have, &c.,
(Signed) LEW.

APPENDIX II.

ACTS RELATING TO CHINESE IMMIGRATION INTO BRITISH COLONIES.

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1	Canada - -	July 20, 1885	The Chinese Immigration Act, 1885	60
2	Ditto - -	June 23, 1887	An Act to amend the Chinese Immigration Act.	63
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9	Victoria - -	—	Summary of the provisions of repealed Acts, Nos. 39 of 1855, 41 of 1857, 80 of 1859, 132 of 1862, 170 of 1863, and 200 of 1864.	71
10	Ditto - -	1865	The Chinese Immigrants Statute, 1865.	72
11	Ditto - -	Dec. 24, 1881	The Chinese Act, 1881 - -	73
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13	South Australia - -	—	Summary of an Act of 19th November 1857, to make provision for levying a charge on Chinese arriving in the Colony. Repealed in 1861.	75
14	Ditto - -	Nov. 18, 1881	The Chinese Immigrants Regulation Act of 1881.	76
15	New South Wales - -	—	Summary of the Chinese Immigrants Regulation and Restriction Act of 1861. Repealed in 1867.	77
16	Ditto - -	Dec. 6, 1881	The Influx of Chinese Restriction Act of 1881.	78
17	Queensland - -	Aug. 20, 1877	The Chinese Immigrants Regulation Act of 1877.	80
18	Ditto - -	March 10, 1884	The Chinese Immigrants Regulation Act Amendment Act of 1884.	81
19	Tasmania - -	Nov. 7, 1887	The Chinese Immigration Act, 1887	82
20	Western Australia - -	July 28, 1886	An Act to regulate and restrict Chinese Immigration.	84
21	New Zealand - -	1881	The Chinese Immigrants Act, 1881 -	86

No. 1.

CANADA.

48-49 VICTORIA.

Chapter 71.

An Act to restrict and regulate Chinese Immigration into Canada. [*Assented to 20th July, 1885.*]

Preamble.	WHEREAS it is expedient to make provision for restricting the number of Chinese immigrants coming into the Dominion, and to regulate such immigration; and whereas it is further expedient to provide a system of registration and control over Chinese immigrants residing in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
Interpretation.	1. In this Act, unless the context otherwise requires,—
Master.	The expression "master" means any person in command of any vessel;
Vessel.	The expression "vessel" means any sea-going craft of any kind or description capable of carrying passengers;
Tonnage.	The expression "tonnage" means tonnage according to the measurement fixed by the Merchants' Shipping Acts of the Imperial Parliament;
Chinese immigrant.	The expression "Chinese immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section four of this Act;
Controller.	The expression "controller" means any officer charged with the duty of carrying the provisions of this Act into effect.
Powers of Governor in Council.	2. The Governor in Council may,—
Appointments.	Appoint one or more persons to carry the provisions of this Act into effect;
Present officer.	Assign any duty in connection therewith to any officer or person in the employ of the Government of the Dominion of Canada;
Duties.	Define and prescribe the duty or duties of such officer or person;
Remuneration.	Fix the salary or remuneration to be allowed to such officer or person.
Publication of appointments.	3. All appointments made under this Act shall be published in the <i>Canada Gazette</i> .
Duty payable by Chinese immigrants.	4. Subject to the provisions of section thirteen of this Act every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or other place of entry, the sum of fifty dollars, except the following persons, who shall be exempt from such payment, that is to say, first: the members of the Diplomatic Corps, or other Government representatives and their suite and their servants, consuls and consular agents; and second: tourists, merchants, men-of science and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Chinese Government or other Government whose subjects they are; and every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (<i>visé</i>) by a British Consul or Chargé d'Affaires or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of departure: but nothing in this Act shall be construed as embracing within the meaning of the word "merchant," any huckster, pedler, or person engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation.
Exception.	
Certificate proving exemption.	
Term "merchant" limited.	
Number of Chinese immigrants in any vessel.	5. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall be liable to a penalty of fifty dollars for each person so carried in excess.
Liability and duty of masters of vessels for contravention.	6. Every master of any vessel bringing Chinese immigrants to any port in Canada shall be personally liable to Her Majesty for the payment of the fee imposed by section four of this Act in respect of any immigrant carried by such vessel, and shall deliver, together with the total amount of such fee, to the controller, immediately on his arrival in port and before any of his passengers or crew shall have disembarked, a complete and accurate list of his crew and passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each passenger.

7. Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the duty payable under the provisions of this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel, shall in addition to the amount of the fee mentioned in the next preceding section, be liable to a penalty of not less than five hundred dollars, nor more than one thousand dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months, and such vessel shall be forfeited to Her Majesty, and shall be seized by any officer charged with the duty of carrying this Act into effect and dealt with accordingly.
8. No master of any vessel carrying Chinese immigrants shall land any passenger or permit any passenger to land from such vessel, until a permit to do so, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller, under a penalty of one hundred dollars.
9. No controller at any port shall grant a permit allowing Chinese immigrants to land, until the quarantine officer has granted a bill of health and has certified, after due examination, that no leprosy or infectious or contagious disease exists among them on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious or contagious disease, or to any Chinese woman who is known to be a prostitute.
10. The controller shall deliver to each Chinese immigrant who has been permitted to land, and in respect of whom the duty has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing, and an acknowledgment that the duty has been duly paid; and such certificate shall be *prima facie* evidence of the right of the person presenting the same to enter the Dominion of Canada; but the same may be contested by the Government of Canada, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity of such certificate, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by and before any judge of a Superior Court of any Province of Canada where such certificate is produced.
11. The controller shall keep a register of all persons to whom certificates of entry have been granted.
12. Every Chinese immigrant subject to pay the duty imposed by section four of this Act who enters Canada otherwise than by disembarking from any vessel, shall forthwith make declaration of his entry to the controller, or, in the absence of such officer, to the Customs officer of the nearest or most convenient place, and shall forthwith pay to such controller or officer the duty of fifty dollars imposed by this Act, and the controller or officer shall grant a certificate of such entry and payment, in conformity with the provisions of section ten of this Act; and if the declaration is made to a Customs officer he shall report the fact to the controller at the principal seaport of the Province into which such Chinese immigrant has come, and the controller shall record the same in the register of certificates of entry kept by him.
13. The entrance fee or duty payable under this Act shall not apply to any Chinese person residing or being within Canada at the time of the coming into force of this Act, but every such Chinese person who desires to remain in Canada may obtain, within twelve months after the passing of this Act, and upon the payment of a fee of fifty cents, a certificate of such residence from the controller, or from a judge of a Superior Court, a justice of the peace, a police magistrate, a stipendiary magistrate, a recorder, or from the mayor or secretary-treasurer of the municipality in which he resides, or from any officer charged with the duty of carrying this Act into effect; and the person granting such certificate shall report the fact to the controller at the principal seaport of the Province in which such Chinese person resides.
14. Every Chinese person who wishes to leave Canada, with the intention of returning thereto, shall give notice of such intention to the controller at the port or place whence he proposes to sail or depart, and shall surrender to the said officer his certificate of entry or of residence, and shall receive in lieu thereof, on payment of a fee of one dollar, a certificate of leave to depart and return; and the person to whom such certificate is granted shall be entitled, on presentation of the same on his return, to receive from the controller the amount of the entrance fee paid by him on such return and to have his original certificate of entry or residence returned to him:

Penalty for landing any Chinese before duty is paid, &c.

Forfeiture vessel.

No passenger to land until permit is obtained.

Penalty.

Bill of health to be obtained.

No permit in certain cases.

Certificate to be delivered to immigrant permitted to land.

Its effect, but may be contested.

How decided.

Register of certificates.

As to immigrants arriving otherwise than by vessel.

Report to controller in such case.

Duty not to be levied on Chinese now resident.

Certificate in such case.

Certificate to Chinese leaving Canada and intending to return.

Effect of such certificate.

Provision if certificate is lost.

2. In case of the loss of such return certificate, and on proof of such loss to the satisfaction of the controller, the person to whom such certificate was granted, and who has paid the entrance fee imposed by section four of this Act a second time, shall be entitled to have his second entrance fee returned to him together with his first certificate of entry or residence.

Statement for Provincial Secretary by controller.

15. The controller shall, on the first day of January in each year, send to the Provincial Secretary of the Province wherein certificates of entry have been granted a certified list of all Chinese immigrants to whom such certificates have been granted during the year next preceding.

Penalty on Chinese for evading this Act.

And for aiding in evasion.

16. Every Chinese person who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of duty, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such Chinese person in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both.

Penalty for taking part in organizing unlawful court, as to offences by Chinese.

Proviso.

17. Every person who takes part in the organization of any sort of court or tribunal, composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision or decree or order of any such court or tribunal, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding twelve months, or to a penalty not exceeding five hundred dollars, or to both: but nothing in this section shall be construed to prevent Chinese immigrants from submitting any differences or disputes to arbitration, provided such submission be not contrary to the laws in force in the Province in which such submission is made.

Penalty for molesting officers.

18. Every person who molests, persecutes, or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.

Penalty for other contraventions.

19. Every person who contravenes any provision of this Act, for which no special punishment is herein provided, is guilty of a misdemeanor, and liable to a penalty not exceeding five hundred dollars, or imprisonment for a term not exceeding twelve months, or to both, in the discretion of the court before which the conviction is had.

Application of dues, penalties, &c.

20. All dues, pecuniary penalties, and other sources of revenue under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but one-fourth part of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected.

Chinese interpreter.

21. The Governor in Council may engage and pay an interpreter, skilled in the English and Chinese languages, at a salary of not more than three thousand dollars per annum, to reside in the Province of British Columbia, and may assign to him such duties as he deems meet.

Before whom suits may be brought.

22. All suits or actions for the recovery of dues under this Act and all prosecutions for offences under this Act which are not herein declared to be misdemeanors, shall be tried before one or more justices of the peace, or before the recorder, police magistrate, or stipendiary magistrate having jurisdiction where such dues are exigible or where the offence was committed.

When the provisions of this Act shall come into force.

23. This Act, as respects any vessel sailing from a port in the continent of North America, shall come into force one month after the passing thereof, and as respects other vessels and other matters, the same shall come into force on the first day of January one thousand eight hundred and eighty-six, except that certificates under section thirteen may be granted, in accordance with the terms of the said section, and that controllers may be appointed at any time after the passing hereof.

Short title.

24. This Act may be cited as "*The Chinese Immigration Act, 1885.*"

No. 2.
CANADA.

50-51 VICTORIA.

Chapter 35.

An Act to amend "The Chinese Immigration Act." [Assented to 23rd June, 1887.]

WHEREAS it is expedient to amend "The Chinese Immigration Act": Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
R.S.C., c. 67.

1. No duty shall be payable under "The Chinese Immigration Act," in respect of any woman of Chinese origin who is the wife of a person who is not of Chinese origin; but, for the purposes of the said Act, such woman shall be deemed to be of the same nationality as her husband.

Exemption from duty in a certain case.

2. Persons of Chinese origin may pass through Canada by railway, *in transitu*, from one port or place out of Canada to another port or place out of Canada, without payment of the entry dues provided for under section eight of "The Chinese Immigration Act," provided that such passage is made in accordance with, and under such regulations, as are made by the Minister of Customs for such purpose; and any railway company which undertakes to transport any such persons through Canada, and fails to comply with such regulations, or to take such persons out of Canada at the designated port of exit and within the time specified in the undertaking shall, in addition to the entry dues payable under the said section eight of the Act hereinbefore cited, be liable to the penalty or forfeiture provided by law for non-compliance with Customs bonding regulations.

Conditions as to passage through Canada.

Penalty for failure to fulfil conditions.

3. Section fifteen of "The Chinese Immigration Act" is hereby repealed and the following substituted therefor:—

Section 15, repealed; new section.

"15. All duties, pecuniary penalties, and revenue from other sources under this Act shall be paid into and form part of the Consolidated Revenue fund of Canada; but one-fourth part of the net proceeds of all entry dues paid by Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected."

Application of duties, &c.

4. Section twenty of "The Chinese Immigration Act" is hereby amended by striking out therefrom the words "or to both."

Section 20 amended.

No. 3.

BRITISH COLUMBIA.

Chapter 35.

An Act to provide for the better collection of Provincial Taxes from Chinese.
[2nd September 1878.]

WHEREAS Acts are in force in the Province providing for the collection of taxes on real and personal property, on income, on unoccupied land, and also for the collection of a separate tax for the maintenance of the school system.

Preamble.

And whereas large numbers of Chinese evade the payment of such taxes by reason of the provisions of the said Acts not being applicable for the collection of taxes from Chinese:

And whereas it is advisable, in order that all should contribute to the general revenue, that a more simple method should be adopted for the collection of taxes from Chinese:

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 provisions of the "Assessment Act, 1876," and of the "School Tax Act, 1876," shall not apply to Chinese, but in lieu thereof the following provisions shall be substituted.

Certain Tax Acts not to apply to Chinese.

2. Every Chinese person over twelve years of age shall take out a licence every three months, for which he shall pay the sum of ten dollars, in advance, unto and to the use of Her Majesty, Her heirs and successors, and such licence may be in the form A. in the Schedule hereto.

Every Chinese person over 12 years of age to take out a licence every three months.

3. The Lieutenant-Governor in Council shall from time to time appoint persons to act, during pleasure, as collectors under the provisions of this Act, or any portion thereof, and

Lieutenant-Governor in Council to

appoint collectors.

may require from such person such security as he may think fit, and may allow the collector such percentage upon the amount of his collections as may seem reasonable and just upon the gross amount collected in any one year, and the Lieutenant-Governor in Council may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Duties of collectors.

4. Every collector shall collect the tax from each person liable to pay the same, and shall, as soon afterwards as may be, pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may direct.

Employers of Chinese labour to furnish lists of employes to collector.

5. Every merchant, farmer, trader, or employer of Chinese labour shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinamen in his employ or indirectly employed by him, liable to pay the said tax; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for failure to furnish list, and for making false statement in list.

6. In case any person fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such person shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein the merchant, farmer, trader, or employer carries on his business, forfeit and pay a fine not exceeding one hundred dollars for every Chinese person in his employ, to be recovered by distress of the goods and chattels of the person failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Licence how levied by collector.

7. The collector may, by himself or by his agent, levy the amount of the quarterly licence from any Chinese person not being in lawful possession of a licence, with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises; and the costs chargeable shall not exceed those usually payable under warrant of distress for rent.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the quarterly receipt; proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Chinese persons not in possession of lawfully issued licence to be subject to certain penalties.

8. Any Chinese person who shall not have in his possession a licence lawfully issued to him, and any person who shall employ any Chinese person who has not in his possession a licence lawfully issued to him, shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars, and in default of immediate payment the amount of such penalty shall be levied by distress and sale of the goods and chattels of the persons contravening the provisions of this Act, or if sufficient distress be not found, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding two months and not less than one month.

What averment of such licence being lawfully issued shall suffice.

9. In any prosecution for the infraction of any of the provisions of this Act the averment in the information that any person named therein had not in his possession, at the time of the alleged infraction, a licence lawfully issued to him, shall be sufficient proof that such person had not such licence unless the defendant shall prove the contrary.

Who to hear and determine information for infraction of provisions of this Act.

10. Any information for any infraction of the provisions of this Act, may be heard and determined by any mayor, warden, or any justice of the peace, and the same may be heard and determined in a summary manner at any locality where the accused shall be found.

Employer of a Chinese person to demand his quarterly licence.

11. Every employer of a Chinese person shall demand from every such person in his employ his quarterly licence, and shall retain the same in his possession during the time such person is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Chinese persons refusing, neglecting, or being unable to take out licences to be liable to perform labour on public roads and works in lieu thereof.

12. Every Chinese person who neglects, refuses, or is unable to take out the said quarterly licence, shall be liable, at the instance of the collector, to perform labour on public roads and works in lieu thereof. The cost of food, five per cent. of the wages of the overseer hereinafter mentioned, and five per cent. on the amount of the quarterly licence for cost of wear and tear of tools, shall be added to the quarterly sum of ten dollars, and shall be deemed to be payable by every Chinese person performing such labour in addition to the amount of his quarterly licence. A day's labour duly performed shall be equivalent to 50 cents, and each Chinese person shall perform the work required of him continuously until

an amount of work equivalent to the whole sum due by him has been performed. On the completion of such amount of work as aforesaid, the overseer shall give to each Chinese person performing the same a licence for the quarter, calculated from the time such Chinese person commenced to work, and such licence may be in the form B. in the schedule hereto.

13. Every Chinese person performing such labour as aforesaid, shall be at the place appointed by the overseer at 7 o'clock in the morning to begin his labour, and shall labour from the said hour of 7 a.m. until 6 o'clock in the evening, doing such work as shall be directed by the overseer or his agent, in a proper and workmanlike manner. One hour shall be allowed at mid-day for food.

Hours of labour.

14. If any Chinese person liable to perform the labour aforesaid, shall fail, refuse, or neglect to perform the said labour at the time and place appointed, or if, when present, shall decline, neglect, or refuse to labour in a proper and workmanlike manner, or to do such work as he is directed by the overseer, he shall be liable for each day's default or neglect to perform two days' labour instead of one; or in default thereof may be imprisoned, with hard labour for any term not exceeding six months, on conviction in a summary way before a justice of the peace; and if any person shall obstruct or cause to be obstructed others in the performance of their duties, or shall do anything calculated to obstruct the due performance of the labour shall, on conviction thereof in a summary way before a justice of the peace, be imprisoned with hard labour for a period not exceeding six months. The overseer is hereby empowered and required to prosecute in such cases.

Penalty for refusing to perform labour.

15. It shall be lawful for the Lieutenant-Governor in Council to appoint such persons from time to time, as he may think fit, to be overseers under this Act, with such remuneration as he shall think fit, and also to prescribe the duties of such overseers.

Lieutenant-Governor in Council to appoint overseers.

16. The toll collector at Yale and at Telegraph Creek, Cassiar, shall before allowing any Chinese person to pass through either toll gate, demand from such person the production of his licence, and until the same is produced, such person shall not be allowed to proceed through the toll gate.

Chinese persons passing through certain toll-gates to produce licenses.

17. The provisions of this Act shall not apply to Chinese actually employed in the canneries of this Province until the 1st day of November, A.D. 1878.

Act not to apply to certain persons until 1st November 1878.

The provisions contained in sections 8, 11, 12, 13 and 14, shall not be enforceable or have any effect until after the expiration of one month from the passage of this Act.

Certain sections not to apply for one month after passing of Act. Short title.

19. This Act may be cited as the "Chinese Tax Act, 1878."

SCHEDULE.

FORM A.

"Chinese Tax Act, 1878."

No. . District of . Date , 18 .
 Received of , ten dollars, being three months licence from the day of
 , to the day of , 18 .
 _____,
 Collector.

FORM B.

"Chinese Tax Act, 1878."

No. .

This is to certify that _____ has performed statute labour under the provisions of the above Act, and this certificate is equivalent to a licence for three months ending the day of , 18 .

 Overseer.

No. 4.

BRITISH COLUMBIA.

Chapter 2.

An Act to prevent Chinese from acquiring Crown Lands. [18th February 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Chinese not to record or acquire Crown lands.

1. It shall not be lawful for a Commissioner, as defined by the "Land Act, 1884," or any other person, to issue a pre-emption record of any Crown land, or sell any portion thereof, to any Chinese, nor grant authority under the said Act to any Chinese to record or divert any water from the natural channel of any stream, lake, or river in this Province.

Such record or grant to be void.

2. Any record or grant made contrary to the provisions of this Act shall be void and of no effect.

Meaning of "Chinese."

3. The term Chinese in this Act shall mean any native of the Chinese Empire or its dependencies, and shall include any person of the Chinese race.

No. 5.

BRITISH COLUMBIA.

Chapter 3.

An Act to prevent the Immigration of Chinese. [18th February, 1884.]

Preamble.

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

"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:—

Interpretation of "Chinese."

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.

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

Recovery of penalty.

Chinese immigrants may be arrested without warrant.

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

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, 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.

Arrest of persons bringing, &c. Chinese into the Province.

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.

Act not to apply to Chinese employed on vessels, &c.

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 bonâ 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.

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

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.

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

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

Operation of Act postponed.

No. 6.

BRITISH COLUMBIA.

Chapter 4.

An Act to regulate the Chinese population of British Columbia. [18th February, 1884.]

WHEREAS the incoming of Chinese to British Columbia largely exceeds that of any other class of immigrant, and the population so introduced are fast becoming superior in number to our own race; are not disposed to be governed by our laws; are dissimilar in habits and occupation from our people; evade the payment of taxes justly due to the Government; are governed by pestilential habits; are useless in instances of emergency; habitually desecrate graveyards by the removal of bodies therefrom; and generally the laws governing the whites are found to be inapplicable to Chinese, and such Chinese are inclined to habits subversive of the comfort and well-being of the community:

Preamble.

And whereas it is expedient to pass special laws for the Government of Chinese:

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

1. This Act shall be cited as the "Chinese Regulation Act, 1884."

Short title.

2. The term "Chinese" wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Meaning of "Chinese."

3. From and after the passage of this Act there shall be payable and paid by every Chinese in British Columbia, above the age of fourteen years, unto and for the use of Her Majesty, Her heirs and successors, the sum of ten dollars, and thereafter on the 1st day of June in each and every year there shall be likewise payable and paid by such Chinese person a further sum of ten dollars.

Imposes annual tax of \$10 on every Chinese.

4. The Lieutenant-Governor in Council shall immediately upon the passage of this Act, and from time to time thereafter as occasion may require, appoint in each electoral district one or more person or persons to be called Chinese collectors, to collect and receive such payments from Chinese, and such collector or collectors immediately upon such payment shall issue and deliver to the person paying the same a licence in the form contained in the schedule hereto, and the Lieutenant-Governor in Council may require from the collectors so to be appointed such security as he may see fit and may allow them such percentage upon the amount of collections as may seem reasonable and just, and the Lieutenant-Governor in Council may further allow such additional sum by way of expenses as may be necessary and reasonable for the purpose of carrying out the provisions of this Act.

Appointment of Chinese collectors.

5. Any Chinese who shall be found within the Province not having in his possession a licence issued under the provisions of this Act, lawfully issued to him, shall on conviction thereof forfeit and pay a sum not exceeding forty dollars.

Penalty for not having a licence.

Penalty on collector, &c. for disobeying the provisions of this Act.

6. Any collector or Government servant wilfully disobeying any of the provisions of this Act shall forfeit and pay a sum not exceeding one hundred dollars.

Taxes collected to be paid into the Treasury.

7. Every collector shall collect the tax from each Chinese, and shall as soon afterwards as may be pay over the amount to the officer in charge of the Treasury, or to such other person as the Lieutenant-Governor in Council may from time to time direct.

List of Chinese employes to be furnished.

8. Every employer of Chinese shall furnish to the collector, when requested by him so to do, from time to time, a list of all Chinese in his employ, or indirectly employed by him; but no such statement shall bind the collector, nor shall excuse him from making due inquiry to ascertain its correctness.

Penalty for not furnishing such list or for making false statements.

9. In case any employer of Chinese fails to deliver to the collector the list mentioned in the preceding section, when required so to do, or knowingly states anything falsely therein, such employer shall, on complaint of the collector and upon conviction before a justice of the peace having jurisdiction within the district wherein such employer carries on his business, forfeit and pay a fine not exceeding one hundred dollars for every Chinese in his employ, to be recovered by distress of the goods and chattels of such employer failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months.

Collector may distrain for the amount of the licence, with costs.

Of what goods the distress may be had.

10. The collector may, by himself or his agent, levy the amount of the licence from any Chinese not being in lawful possession of a licence, with costs, by distress of his goods and chattels, or of any goods and chattels which may be in the possession of the delinquent, or which may be upon or in any premises (whether the goods of the delinquent or not) for the time being in the possession or occupation of such delinquent Chinese, and for the purposes of this section premises shall be deemed to be in the possession or occupation of any Chinese when it can be shown to the satisfaction of the tribunal having cognizance of the matter—

- (a.) That such Chinese habitually frequents such premises with the assent of the owner.
- (b.) That he is the owner or one of the owners of the premises, or has control either alone or jointly with another or others of such premises or some part thereof.
- (c.) That he has passed the night or slept upon such premises at any time within a week of the levy.

It shall be sufficient authority for the collector to levy as aforesaid on the non-production of the licence. Proof of the lawful possession of such receipt shall lie on the person whose goods are distrained.

Licence to be demanded by employer and retained during the service.

11. Every employer of Chinese shall demand from every such Chinese in his employ his licence, and shall retain the same in his possession during the time such Chinese is in his employ, and shall return the same to him when he leaves his service; and every employer as aforesaid shall produce to the collector, whenever required so to do, such licence for his inspection.

Toll collectors not to allow Chinese to pass unless licence produced.

12. The toll collector at any and every toll gate which may exist in the Province from time to time, shall, before allowing any Chinese to pass through any toll gate, demand from such Chinese the production of his licence, and, until the same is produced, such Chinese shall not be allowed to proceed through the toll gate.

Unlicensed Chinese not to be employed.

13. It shall be unlawful for any person to employ any Chinese who has not in his possession the licence required by this Act, and any person guilty of an infraction of the provisions of this section shall forfeit and pay a fine not exceeding fifty dollars for every Chinese so employed.

Fee for free miner's certificate to a Chinese to be \$15.

14. The sum payable by a Chinese for a free miner's certificate shall be fifteen dollars for each year during which the same is to be in force instead of five dollars, as by the present mining laws provided, and no free miner's certificate shall hereafter be issued to any Chinese except upon payment of the said sum of fifteen dollars,

Chinese not to mine without certificate. Not to be employed in mining without certificate.

Penalty for so doing.

15. Any Chinese who shall be found mining for gold and precious metals, or following the ordinary occupation of a free miner, whether on his own account or for others, without having in his possession a free miner's certificate, lawfully issued to him subsequently to the passage of this Act, and any person who shall employ any Chinese in and about gold mining who has not in his possession such a certificate, shall forfeit and pay a sum not exceeding thirty dollars.

Amends "Licences Ordinance, 1867."

16. Sub-section (i.) of the Schedule A. to the "Licences Ordinance, 1867," is hereby amended by adding thereto the following words: "but no licence shall be issued to any Chinese."

17. Without the permission in writing of the Provincial Secretary or Government agent of the district or place where the permission is sought it shall be unlawful to remove the remains of any dead Chinese from any cemetery or place where such dead Chinese may have been interred, or to exhume the bodies or remains of any dead Chinese, and any person guilty of an infraction of this section shall forfeit and pay a sum not exceeding one hundred dollars.

Dead bodies of Chinese not to be exhumed or removed without permission.

18. The use of opium (except for medicinal or surgical purposes) is hereby prohibited, and any person who shall use or consume, or have in his possession any opium, except for the purposes aforesaid, shall forfeit and pay a penalty not exceeding one hundred dollars, and the onus of proof shall lie upon the party charged of showing that such opium was used, or consumed, or in his possession for medicinal or surgical purposes.

Prohibits the use of opium, except for medicinal purposes.

19. Any pecuniary penalty by this Act imposed may be sued for and recovered in a summary way before any justice of the peace having jurisdiction in the locality where the charge is made, and in default of immediate payment of any such penalty the same may be recovered by distress and sale of the goods of the offender, and failing sufficient distress, the offender shall suffer a term of imprisonment not exceeding three calendar months.

Recovery of penalties.

20. No conviction for any offence shall be quashed for want of form, and no conviction shall be removed into any of Her Majesty's Courts by certiorari or reviewed in any manner, except by appeal in manner hereinafter stated, that is to say: Any Chinese convicted of an offence against the provisions of this Act may appeal to the county court nearest to the place of conviction, provided he shall, within four days after such conviction, have given notice in writing to the convicting magistrate of his intention to appeal, and shall have furnished security in the sum of one hundred dollars, conditioned to abide by the decision of the appellate court, and shall have also deposited with the convicting magistrate a sum of money sufficient in the opinion of such magistrate to pay the costs and expenses of a jury to try such appeal, and such appeal shall be heard and tried before the county court with or without a jury of five, at the option of the parties, and notwithstanding any defect in the proceedings, the appeal shall be heard and decided on the merits, and if the conviction be affirmed the appellant shall be punished according to the conviction, and shall pay the costs of the appeal, and if the appeal be allowed, it shall be lawful for the Lieutenant-Governor in Council to issue his warrant to the treasurer for the repayment to the appellant of the money paid by him for jury process.

Convictions not to be quashed for want of form. Appeal to the county court.

Security for costs, &c. of appeal.

21. Any Chinese who shall lend his licence or free miner's certificate to another Chinese, and any Chinese who shall utter or pass off upon any collector or other person any licence or free miner's certificate other than his own, with intent himself to avoid payment of the licence fee payable under this Act (and the onus of proving that such was not his intent shall rest upon the person charged,) shall forfeit and pay a penalty of not less than twenty dollars nor more than one hundred dollars.

Penalty for lending or using borrowed licences, &c.

22. The tribunal having cognizance of any matter under the provisions of this Act may decide, upon its own view and judgment, whether any person is a Chinese, and whether any person found by the Court to be a Chinese be of the age of fourteen years.

Proof as to age and nationality of Chinese.

23. It shall not be lawful to let or occupy, or suffer to be occupied, as a dwelling, any room unless the following requirements are complied with, that is to say:—

Sanitary provisions affecting buildings let to Chinese.

(a.) Unless such room contains at all times at least 384 cubic feet of space for each person occupying the same:

(b.) Unless such room has a window, made to open, at least two feet square.

24. Any person who lets, occupies, or knowingly suffers to be occupied, any room contrary to the provisions of section 23, shall be liable for every offence to a penalty not exceeding fifty dollars.

Penalty for infraction of the provisions of section 23.

25. Any room in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

Interpretation of "occupied as a dwelling."

26. The Lieutenant-Governor in Council may, by any general regulation, direct that any persons imprisoned in respect of any infraction against the provisions of this Act shall be worked and employed at such places and on such public works, or local works 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 prisoners, as the said Lieutenant-Governor may from time to time deem advisable.

Rules, &c. may be made for the management and employment of persons imprisoned for infractions of this Act.

27. The Lieutenant-Governor in Council may also make such rules and regulations, not inconsistent herewith, as may from time to time appear necessary for carrying out the true intent and meaning of this Act.

And for carrying out the intent of this Act.

Burden of proof lies on the defendant.

28. For the purpose of any proceeding taken under the provisions of this Act, the burden shall lie on the defendant of proving that he is exempt from the operation of any of its 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 or in contemplation of law.

Operation of Act postponed. Short title.

29. This Act shall not come into operation until one year from the passage hereof.

30. This Act may be cited as the "Chinese Regulation Act, 1884."

SCHEDULE.

"CHINESE REGULATION ACT, 1884."

No.	District of	Date	18 .
Received of	, the sum of	day of	dollars, being the
yearly licence, from the	day of	to the	day of 18 .
			Collector.

No. 7.

BRITISH COLUMBIA.

Chapter 2.

An Act to amend the "Chinese Regulation Act, 1884." [9th March, 1885.]

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

1. Section 20 of the said Act is hereby repealed, and in lieu thereof be it enacted:—

Convictions not to be quashed for want of form.

"No prosecution, conviction, or commitment under this Act shall be invalid for want of form, so long as the same is according to the true meaning of this Act."

No. 8.

BRITISH COLUMBIA.

Chapter 13.

An Act to prevent the Immigration of Chinese. [9th March, 1885.]

Preamble.

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

"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:—

Interpretation of "Chinese."

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.

Chinese immigration prohibited.

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, 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.

Penalty of \$50 on every Chinese coming into the province.

3. Any master of a ship, officer, or other 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.

Penalty on persons assisting in bringing in Chinese.

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.

Arrests may be made without warrant for violation of 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.

Not to apply to Chinese employed on vessels.

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, or had been previously, a bonâ 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.

Provisions to enable Chinese residents leaving the province to return.

7. Notwithstanding anything in this Act contained it shall be lawful for the Provincial Secretary, upon proof to his satisfaction that any Chinese who, at any time within one year prior to the passing of this Act, had been a stated resident of the Province, but who at the time of such passage was temporarily absent, to issue a certificate to such Chinese, exempting him from the provisions of this Act.

Provisions to enable return of Chinese residents now absent.

8. It shall be lawful to impose a fee not exceeding \$5 for every certificate to be granted under the provisions of this Act, which fee shall form part of the Provincial Revenue.

Fees.

9. 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.

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

No. 9.

VICTORIA.

REPEALED ACTS.

The substance of certain repealed Acts was as follows:—

By No. 39 of 1855 the word "immigrant" was defined to mean any male adult native of China or its dependencies, or of any islands in the Chinese seas, or any person born of Chinese parents. If any ship carrying any immigrants arrived at any port in Victoria with a greater proportion of passengers than one to every ten tons of the ship's tonnage, the owner, charterer, or master was made liable on conviction to a penalty not exceeding 10% for each passenger so carried in excess: on arrival in such port the master was to pay to the proper officer of Customs a rate of 10% for every such immigrant: power was given to the Governor, with the advice of the Executive Council, to levy such a sum from each immigrant as might be necessary for the payment of the officers employed in carrying out the Act.

By No. 41 of 1857 every male native of China or its dependencies, or of any islands in the Chinese seas, not being a natural-born or naturalised subject of the Queen, and every

male person above the age of 12 years born of Chinese parents who might reside in Victoria was to obtain a licence, for which the sum of 1*l.* was to be paid; every such licence was to be renewed every two months upon payment of 1*l.*; after the expiration of the second month after the passing of the Act no such licence was to be granted, except in exchange for the receipt for the said head money of 10*l.*, or for the licence issued as aforesaid for the preceding two months, unless the applicant paid a fee of 10*l.* in addition to the said sum of 1*l.*

By No. 80 of 1859 "immigrant" was defined to 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. The two previous Acts were repealed, and it was enacted that every immigrant should pay or have paid for him the sum of 10*l.* on arrival in Victoria in any ship, or 40*l.* on arrival by any other means than by ship; no ship carrying immigrants was to have on board a greater proportion of passengers than one to every ten tons of tonnage, the master of every ship was to pay 10*l.* for every immigrant carried and landed; every immigrant was to pay 4*l.* yearly as residence fee, and penalties were imposed for failures to pay the said entrance and residence fees.

By No. 132 of 1862 the provisions of the last abstracted Act relating to residence fees were repealed.

By No. 170 of 1863 the provisions of the same Act relating to entrance fees were suspended for the term of two years.

By No. 200 of 1864 the three last abstracted Acts were repealed, and the provisions of the first of them relating to the imposition of entrance fees (but not those relating to residence fees) were in substance re-enacted.

No. 10.

VICTORIA.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

No. CCLIX.

An Act to amend the Laws affecting the Chinese immigrating to or resident in Victoria.

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

Title of Act. 1. This Act shall be called and may be cited as the "*Chinese Immigrants Statute 1865.*"

Repeal of Act. Schedule. 2. From and after the passing of this Act the Act mentioned in the Schedule hereto shall be and the same is hereby repealed but nothing herein shall affect any act regulation appointment or order lawfully done or made or any penalty incurred before the passing of this Act.

Interpretation. 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—

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.

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.

Governor in Council to appoint officers. 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 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.

6. 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 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.

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

7. If any person shall hinder molest obstruct or assault any person 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.

8. 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 the Governor in Council shall deem desirable.

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

9. 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.

Penalties recovered in a summary manner.

10. 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 in force relative to the goldfields shall be entitled to vote at the election of members for any mining board.

Immigrant not to vote at elections for mining boards.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.	Section 2.
27 Vict. No. 200-	"The Chinese Immigration Statute 1864"	The whole.	

No. 11.

VICTORIA.

ANNO QUADRAGESIMO QUINTO VICTORIÆ REGINÆ.

No. DCCXXIII.

An Act to amend "*The Chinese Immigrants Statute 1865.*" [24th December 1881.]

Be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and the 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 Act 1881,*" and shall be read and construed as one with "*The Chinese Immigrants Statute 1865,*" and shall commence and come into operation on the first day of April one thousand eight hundred and eighty-two.

Title and commencement of Act. No. 259.

- Number of Chinese immigrants to be brought to Colony by vessel. 2. If any vessel having on board a greater number of immigrants (within the meaning of the Act No. 259) than in the proportion of one such immigrant to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in Victoria the owner master or charterer of such vessel shall be liable on conviction to a penalty of one hundred pounds for each immigrant so carried in excess of the foregoing limitation. For the purposes of this Act the tonnage of a vessel shall be ascertained in the manner prescribed by "*The Passengers, Harbors and Navigation Statute 1865.*"
- Ten pounds to be paid for each Chinese immigrant arriving by vessel. 3. Before any immigrant arriving from parts beyond Victoria shall be permitted to land from any vessel at any port or place in Victoria and before making any entry at the customs the master of the vessel by which such immigrant shall so arrive shall pay to the collector or other principal officer of customs the sum of ten pounds for every such immigrant, and no entry shall be deemed to have any legal effect until such payment shall have been made and such immigrant for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect. If any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in Victoria any immigrant before such sum shall have been paid by such master or his agent or before such list shall be delivered such master shall be liable for every such offence to a penalty of fifty pounds for each immigrant so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such immigrant.
- Penalty. 4. If any immigrant shall enter or attempt to enter this Colony by sea who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds, and on default of payment of such penalty shall be liable to imprisonment for twelve months unless such penalty be sooner paid, and may be apprehended and taken before any justice to be dealt with in due course of law.
- Penalty on not paying or having had paid fee for entrance to the Colony. 5. Notwithstanding anything in this Act contained any immigrant arriving in Victoria who produces evidence to the satisfaction of the collector or other principal officer of customs or other duly authorised officer 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 shall on being verified to the satisfaction of such collector or other officer be sufficient evidence of the claim of such immigrant to exemption under this section.
- Exemption of Chinese immigrants who are British subjects. 6. The aforesaid sum of ten pounds shall not be payable by or for any immigrant 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. 7. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in the case of any immigrant being one of the crew of any vessel arriving in any port in Victoria and no such immigrant being one of such crew shall be discharged and landed from such vessel within Victoria or shall at any time go on shore except in the performance of his duties in connexion with such vessel, and every such immigrant so discharged and landed or so going on shore shall be liable to a penalty of twenty pounds.
- Exemption of crews. 8. Any vessel on board which immigrants shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing immigrants into the said Colony from parts beyond the said Colony, and shall be subject to all the requirements and provisions of this Act, and all immigrants so transhipped and brought to such port or place shall be deemed to be immigrants arriving from parts beyond Victoria.
- Provision against evading Act by transshipping Chinese into other vessels. 9. For the purposes of any proceeding taken under any of the provisions of this Act or the Act No. 259 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 the said Acts.
- Burden of proof. 10. The Governor in Council may make such rules and regulations not inconsistent herewith as may be necessary for carrying out the provisions of this Act.
- Regulations. 11. The tenth section of "*The Chinese Immigrants Statute 1865*" shall be and is hereby amended as follows by adding after the last word in such section the words following:—"nor at any municipal or parliamentary election (notwithstanding that such immigrant is a ratepayer) unless such immigrant is a naturalized or natural-born subject of Her Majesty."
- Amendment of section 10 of Act No. 259.

12. The collectors of the city of Melbourne and of the town of Geelong and the town clerk of every city and borough and the secretary of every shire shall when preparing the citizen burgess or voters' list for such city town borough or shire as the case may be omit therefrom the names of all immigrants who are not known to such collectors town clerk or secretary to be natural-born or naturalized subjects of Her Majesty Queen Victoria, and every such collector town clerk or secretary shall for such purpose decide upon his own belief or view or knowledge or judgment whether any ratepayer is or is not such an alien immigrant. To each and every immigrant so omitted from any such citizen burgess or voters' list every such collector town clerk or secretary shall send a notice in the form of the Schedule hereto or to the like effect. In any proceedings taken for the insertion of such immigrant's name upon the ratepayers' roll no costs shall be given against any such collector town clerk or secretary by reason of such omission.

Collectors town clerk or secretary to omit Chinese name from citizen burgess or voters' lists unless such Chinese be known to be a natural-born or naturalized subject. 6 Vict., No. 7, s. 15. No. 506, s. 77.

13. Every court for revising the citizen or burgess lists of the city of Melbourne or town of Geelong and every revision court of every municipal district shall expunge from the citizen burgess or voters' lists as the case may be the names of all immigrants against whom objections shall have been lodged unless such immigrants prove to the satisfaction of the Court that they are natural-born or naturalized subjects of Her Majesty.

Revision court to strike out alien Chinese. 6 Vict., No. 7, s. 17. No. 506, s. 80.

SCHEDULE.

Mr. _____ residing at _____
 You are hereby required to take notice that I have omitted your name from the *citizen burgess or voters' list* prepared by me under *section fifteen of the Act 6 Vict. No. 7 or section seventy-seven of the Act No. 506*, for the *City Town Borough or Shire* of _____ on the ground that I believe that you are a Chinese and that you are not known to me as being either a natural-born or a naturalized subject of Her Majesty Queen Victoria. If you feel aggrieved at being so omitted and think that your name has been improperly omitted from such list you can claim under and in accordance with the provisions of *section sixteen of the said Act 6 Vict. No. 7 or section seventy-nine of the said Act No. 506*, to have your name inserted in the said *citizen burgess or voters' list*.

Dated at _____ this _____ day of _____ 188__
 A.B.
 Collector, Town clerk [or secretary] of _____

No. 12.
 VICTORIA.
 ANNO QUINQUAGESIMO PRIMO VICTORIÆ REGINÆ.
 No. DCCCCLXI.

An Act to amend "*The Factories and Shops Act 1885.*" [17th December 1887.]

3. If not inconsistent with the context or subject matter, any office building or place in which Chinese are engaged directly or indirectly in working for hire or reward in any handicraft or in preparing or manufacturing articles for trade or sale shall be deemed a factory or workroom within the meaning of the principal Act and any Act for the time being in force amending it.

Factories employing Chinese workmen open to inspection.

No. 13.
 SOUTH AUSTRALIA.
 REPEALED ACTS.

The substance of No. 3 of 1857, repealed by No. 14 of 1861, was as follows:—
 The word "Chinese" was defined to mean any native of China or its dependencies, or of any islands in the Chinese seas, or any person born of Chinese parents. If any ship arriving in any South Australian port had on board a greater number of passengers than in the

proportion of one to every ten tons of tonnage, and more than one sixth of such passengers should be Chinese, the owner, charterer, or master of such ship was made liable on conviction to a penalty not exceeding 10*l.* for each passenger so carried in excess; and for every Chinese passenger on board the master was to pay the sum of 10*l.*

No. 14.

SOUTH AUSTRALIA.

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.)

Preamble.

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 :

Interpretation.

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

“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.

This Act not
applicable to
Northern
Territory.
Proviso.

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 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*l.* 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.

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. Like sum for Chinese arriving otherwise.
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. Chinese to be vaccinated.
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.

No. 15.

NEW SOUTH WALES.

REPEALED ACT.

The substance of No. 3 of 1861, repealed by No. 8 of 1867, was as follows:—

The word "Chinese" was defined to mean any male native of China or its dependencies or of any island in the Chinese seas, not born of British parents, or any male person born of Chinese parents. No ship arriving in any port in New South Wales was to have on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the ship's tonnage. The sum of 10% was to be paid by the master for each Chinese before landing; the like sum to be paid by or for any Chinese arriving in New South Wales otherwise than by any vessel. No letters of naturalization to be issued to any Chinese.

NEW SOUTH WALES.

ANNO QUADRAGESIMO QUINTO VICTORIÆ REGINÆ.

An Act to restrict the Influx of Chinese into New South Wales. [Assented to 6th December, 1881.]

Preamble.

WHEREAS it is expedient to regulate and restrict the immigration and introduction of Chinese into New South Wales. Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation.

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:—

“Chinese”—Any person of the Chinese race.

“Vessel”—Any ship or vessel of whatsoever kind or description.

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

Master on arrival to give list of Chinese on board.

2. The master of every vessel upon arrival at any port or place in this Colony from parts beyond the Colony having Chinese on board shall before making any entry at the Customs deliver to the collector or other principal officer of Customs a list of such Chinese specifying to the best of his knowledge 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 not delivering such list not exceeding two hundred pounds.

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

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 of one hundred pounds for each Chinese carried in excess of the foregoing limitation unless the defendant shall show that the Chinese so carried is a British subject or one of the crew or has not been landed in the Colony and is not intended to be so landed 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” being the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four.

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

4. Before any Chinese arriving from parts beyond this Colony shall be permitted to land from any vessel at any port or place in the said Colony 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 or other principal officer the sum of ten pounds for every such Chinese and no entry shall be deemed to have any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect And if any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in the said Colony any Chinese before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offence to a penalty of fifty pounds for each Chinese so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.

Penalty.

The like sum to be paid for Chinese arriving otherwise than by sea.

5. Every Chinese arriving in this Colony after the passing of this Act otherwise than by a vessel shall pay or there shall be paid for him to some officer whom and at such places as the Governor with the advice aforesaid may appoint at on or near the borders of the Colony or otherwise conveniently situated for that purpose the sum of ten pounds.

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

6. If any Chinese shall enter or attempt to enter this Colony who shall not have paid or had paid for him the said sum of ten pounds he shall be liable to a penalty of ten pounds and to the payment in addition thereto of the said sum of ten pounds required to be paid by section four hereof and on default of payment either of such penalty or sum shall be liable to imprisonment for twelve months unless such penalty and sum be sooner paid and may be apprehended and taken before any justice of the peace to be dealt with in due course of law.

7. 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 Consolidated Revenue. Appropriation of penalties and payments under Act.
8. For the purposes of all proceedings under this Act the justices may decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act. Evidence of person being a Chinese.
9. It shall be lawful for the Colonial Treasurer or any person authorized by him upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this Act a *bonâ fide* resident of this Colony 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. Certificate of exemption may be granted in certain cases.
10. Notwithstanding anything in this Act contained any Chinese arriving in the Colony who produces evidence to the collector of Customs or other duly authorized officer 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.
11. 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.
12. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Exemption of crews.
13. 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 authorized by the Colonial Treasurer before any two or more justices of the peace in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the said Treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this Act. Provided that if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation or forfeiture of a vessel for a breach of the Customs laws of the said Colony. Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold. Penalties how recovered.
14. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the said Colony and shall be subject to the provisions of this Act. Provision against evading Act by transshipping Chinese into other vessels.
15. This Act may be cited as the "Influx of Chinese Restriction Act of 1881." Short title.

No. 17.

QUEENSLAND.

ANNO QUADRAGESIMO PRIMO VICTORIÆ REGINÆ.

No. 8.

An Act to regulate the Immigration of Chinese and to make provision against their becoming a charge upon the Colony. [Assented to 20th August 1877.]

Preamble.

WHEREAS it is expedient to regulate the immigration of Chinese into the Colony of Queensland 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 Queen's most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

Interpretation.

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—

“Chinese”—Any native of the Chinese Empire or its dependencies not born of British parents.

“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.

Master on arrival to give list of Chinese aboard.

2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond the Colony in any port of the Colony 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 And for each default herein such master shall be liable to a penalty not exceeding two hundred pounds.

Number of Chinese ships may carry.
Penalty.

3. If any vessel shall arrive in any port in Queensland having on board a greater number of Chinese passengers 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.

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

4. Before any Chinese arriving from beyond the Colony 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 Colony 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.

Vessel forfeited.

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.

Like sum for Chinese arriving otherwise.

5. Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor in Council may appoint at any places on or near the borders of the Colony or otherwise conveniently situate for that purpose a like sum of ten pounds.

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

6. 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 which certificate shall be in a form to be prescribed by the Governor in Council 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. All sums so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him applied in manner following that is to say—

Mode of application of payments.

If at any time within three years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid such Chinese shall depart from the Colony to parts beyond the seas and shall before his departure prove to the satisfaction of the Colonial Treasurer that during his residence in the Colony he has not been confined in any gaol or lock-up after conviction of any offence and that he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the Colony and that he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital benevolent asylum lunatic asylum or other place for the care treatment or cure of the sick poor or insane and that no expense or charge has fallen upon the revenue for his support than upon production to the collector or other principal officer of Customs at the port of embarkation of the certificate given to such Chinese on his arrival the amount so paid in respect of such Chinese shall be repaid to him on board of the ship by which he shall so depart. But if he shall fail to make such proof within the period aforesaid the amount shall be paid into the Consolidated Revenue.

8. If any Chinese shall enter or attempt to enter the Colony 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 who may take sufficient bail for his appearance at the next court of petty sessions or remand him to such court as to such justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid.

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

9. 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.

10. It shall be lawful for the Colonial 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 Colony 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.

11. 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.

Act not to apply to crew.

12. All penalties and forfeitures imposed by this Act shall be sued for prosecuted and recovered in the name of some officer of Customs or other person thereunto authorised by the Governor in Council.

Penalties how recovered.

13. This Act shall be styled and may be cited as "*The Chinese Immigrants Regulation Act of 1877.*"

Short title.

No. 18.

QUEENSLAND.

ANNO QUADRAGESIMO SEPTIMO VICTORIÆ REGINÆ.

No. 13.

An Act to amend "*The Chinese Immigrants Regulation Act of 1877.*" [Assented to 10th March 1884.]

WHEREAS it is desirable to make more effectual provision for restricting the immigration of Chinese into the Colony of Queensland: 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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act shall be read and construed with and as an amendment of "*The Chinese Immigrants Regulation Act of 1877,*" hereinafter called the principal Act.

Act to be read with 41 Vict., No. 8.

2. The third, sixth, and seventh sections of the principal Act are hereby repealed: But such repeal shall not affect the liability of any person to any penalty for the violation of any of the provisions of the said sections, or the right of any Chinese already arrived in the Colony

Repeal of ss. 3, 6, and 7 of principal Act.

to the repayment to him of the sum of ten pounds upon fulfilment of the conditions in the said seventh section specified.

Ships not to carry more than one Chinese passenger for every fifty tons register

3. If any vessel shall arrive at any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every fifty 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, and master of such vessel shall each be liable, on conviction, to a penalty not exceeding thirty pounds for each Chinese passenger so carried in excess.

30l. to be paid for each Chinese arriving in Colony.

4. The sum to be paid in respect of every Chinese arriving from beyond the Colony shall be thirty pounds instead of ten pounds as heretofore :

The penalty for entering or attempting to enter the Colony without payment of such sum shall be thirty pounds instead of not exceeding ten pounds as heretofore :

And the fourth, fifth, eighth, and eleventh sections of the principal Act shall be read as if the sum of thirty pounds had been mentioned therein respectively instead of the sum of ten pounds, or twenty pounds, wherever either of those sums is now therein mentioned.

Money to be paid into Consolidated Revenue. Recovery of penalties.

5. All sums paid by or on behalf of any Chinese upon entering the Colony shall be paid into the Consolidated Revenue.

6. All pecuniary penalties imposed by the principal Act or this Act may be recovered in a summary way before two justices of the peace.

Short title.

7. This Act may be cited as "*The Chinese Immigrants Regulation Act Amendment Act of 1884*," and shall commence and take effect at the expiration of thirty days from the signification of the Royal Assent thereto.

No. 19.

TASMANIA.

ANNO QUINQUAGESIMO-PRIMO VICTORIÆ REGINÆ.

No. 9.

An Act to regulate and restrict *Chinese* Immigration. [7th November 1887.]

Preamble.

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

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 :—

Interpretation.

1. In this Act, unless the context otherwise determines—

"*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*.

Master on arrival to give list of *Chinese* on board.

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.

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

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. 17 & 18 Vict.
c. 104.

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. Ten pounds to be paid for each *Chinese* arriving by vessel.

Penalty.

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." Chinese to be vaccinated.

46 Vict.,
No. 19.

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

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

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. Appropriation of penalties and payments under Act.

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. 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.

- Penalties how recovered. 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.*"
- 19 Vict., No. 8.
- Short title. 16. This Act may be cited as "*The Chinese Immigration Act, 1887.*"

No. 20.

WESTERN AUSTRALIA.

ANNO QUINQUAGESIMO VICTORIÆ REGINÆ.

No. XIII.

An Act to regulate and restrict Chinese Immigration. [Assented to 28th July 1886.]

- Preamble. WHEREAS it is expedient to regulate and restrict the immigration and introduction of Chinese into Western Australia: Be it enacted by his Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—
- Interpretation. 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:—
 "Chinese,"—Any native of China or its dependencies, or of any island in the Chinese seas, not born of British parents, or any person born of Chinese parents.
 "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.
- Master on arrival to give list of Chinese on board. 2. The master of every vessel having Chinese on board shall immediately on his arrival from beyond this Colony in any port of the Colony, 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. And for each default herein, such master shall be liable to a penalty not exceeding two hundred pounds.
- Number of Chinese ships may carry. 3. If any vessel shall arrive in any port in this Colony having on board a greater number of Chinese passengers for any port in the Colony than in the proportion of one to every fifty 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, and master of such vessel shall each be liable, on conviction, to a penalty not exceeding one hundred pounds for each Chinese passenger so carried in excess.
- Penalty. 4. Before any Chinese arriving from beyond this Colony 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.
- 10l. to be paid for each Chinese arriving by vessel. And if any master shall neglect to pay any such sum, or shall land, or permit to land, or suffer to land or to escape from such vessel at any port or place in the Colony any Chinese, before such sum shall have been paid by such master or his agent, or before such list shall have been delivered, such master shall be liable for every such offence to a penalty not exceeding fifty pounds for each Chinese so landed, or permitted or suffered to land or to escape, and in addition to such penalty shall also pay the sum hereby required to be paid for each such Chinese.
- Penalty. 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.
- Like sum for Chinese arriving otherwise. 5. Every Chinese arriving in this Colony after the passing of this Act, otherwise than by any vessel, shall pay, or there shall be paid for him to some officer whom and at such places as the Governor in Council may appoint at or near the borders of the Colony or otherwise conveniently situated for that purpose, the sum of ten pounds.

6. The collector or other officer receiving such sum from or for any Chinese shall, without demand, forthwith give 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 such Chinese, 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 and to be evidence.
7. All sums paid by or on behalf of any Chinese, and all penalties under this Act, and all moneys being the proceeds of any sale made under the authority of this Act, shall, unless herein otherwise provided, be paid over to the Colonial Treasurer for the public use of the Colony. Application of moneys.
8. If any Chinese shall enter or attempt to enter this Colony 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 twenty pounds, and on default of payment either of such penalty or sum shall, on summary conviction before two or more justices of the peace, be liable to imprisonment for twelve months, unless such penalty and sum be sooner paid, and may be apprehended and taken before any justice of the peace to be dealt with in due course of law. Penalty on non-payment of fee for entrance to the Colony.
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. Evidence of person being a Chinese.
10. It shall be lawful for the Colonial 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 this Colony, 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 in certain cases.
11. Notwithstanding anything in this Act contained, any Chinese arriving in Western Australia who produces evidence to the satisfaction of the collector or other principal officer of Customs or other duly authorised officer 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, on being verified to the satisfaction of such collector or other officer, be sufficient evidence of the claim of such Chinese to exemption under this section. British subjects exempted.
12. 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, nor to any "laborer" within the meaning of "The Imported Labor Registry Act, 1884," brought into the Colony under the provisions of that Act. Exemption of certain officials, &c.
13. The penalties and restrictions imposed by this Act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in Western Australia, and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel. Act not to apply to crew.
14. The Governor in Council may make such rules and regulations, not inconsistent with this Act, as may be necessary for carrying out the provisions of this Act. Rules and regulations.
15. For the purposes of any proceeding under 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, complaint, summons, or conviction, or other document, to state or negative any exception in or exemption under this Act. Burden of proof.
16. It shall be lawful for the collector of Customs or any sub-collector of Customs, by writing under his hand, to authorise any customs or police officer to detain any vessel the master whereof shall, in the opinion of such collector or sub-collector, have committed an offence or be a defaulter under this Act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the collector or sub-collector may order such vessel to be brought. For the purposes of such detention the officer so authorised shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Ordinances and Acts regulating the Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for Collector or sub-collector of Customs may detain vessel in certain cases.
- Such detention to cease on security being given.

On default by master in payment of penalties, &c., vessel may be seized and sold.

Proceeds of sale how dealt with.

Chinese transhipped from one vessel to another.

Penalties, &c., how recoverable.

the payment of the amount of such penalty or penalties and costs as may be adjudged to be paid, and such other sums as he shall be liable to pay under the provisions of this Act. Provided that if default be made in payment of any penalty incurred by such master in terms of any conviction adjudging the payment thereof, or if default shall be made by such master in payment of any other sum or sums which he shall be liable to pay under the provisions of this Act, it shall be lawful for such officer to seize such vessel, and for him and any other person duly authorised or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs laws of the said Colony. Provided that the proceeds of sale of any such vessel shall be paid to the Colonial Treasurer of the Colony for the public use thereof; and after payment of the amount of such penalty or penalties and of all sums which such master shall be liable to pay under the provisions of this Act, and of all costs and expenses incurred in and about such sale and the proceedings leading thereto by virtue of this section, the balance shall be placed by the Colonial Treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

17. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into the said Colony from parts beyond the Colony, and shall be subject to the provisions of this Act, and all Chinese so transhipped and brought to such port or place shall be deemed to be Chinese arriving from parts beyond Western Australia.

18. All sums of money payable under this Act and all penalties imposed by this Act may be sued for, prosecuted, and recovered before two or more justices of the peace in petty sessions, in accordance with the provisions of the Ordinances and Acts regulating proceedings on summary conviction, in the name of some officer of Customs or other person thereunto authorised by the Governor.

No. 21.

NEW ZEALAND.

1881, No. 47.

An Act to regulate the Immigration of Chinese. [*Reserved for the signification of Her Majesty's pleasure.*]

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. The short title of this Act is "The Chinese Immigrants Act, 1881."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Chinese" means any person born of Chinese parents, and any native of China or its dependencies, or of any island in the China seas, born of Chinese parents:

"Vessel" means any ship or other sea-going vessel of whatsoever kind or description:

"Master" means the person, other than a pilot, for the time being in actual command of any such vessel.

Number of Chinese ships may carry.

3. If any vessel shall arrive in any port in New Zealand, having on board a greater number of Chinese passengers 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 prescribed by any Act for the time being in force regulating the measurement of British ships, 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.

Master on arrival to give list of Chinese passengers on board.

4. The master of every vessel having Chinese on board shall, immediately on his arrival in any port of the colony, 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, and the former place of residence of each such Chinese. For any default in complying with this provision such master shall be liable to a penalty not exceeding two hundred pounds.

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

5. Before making any entry at the Customs, and before any Chinese shall be permitted to land, the master shall pay to such collector or other principal officer ten pounds for every such Chinese; and no entry shall be deemed to have been legally made, or to have any legal effect, until such payment shall have been made.

Not to apply to crew of vessel.

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 lands with the intention of remaining in the Colony.

6. If any master shall neglect to pay any such sum, or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by such Chinese, with the intent, in any of the above cases, to evade the payment thereof, such master in addition to such sum shall be liable, for every such offence, to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land.

Penalty on not paying for Chinese on arrival.

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 of this Colony.

Vessel forfeited.

7. On payment of such sum in respect of any Chinese, the Collector or other officer as aforesaid shall, without demand, forthwith supply each Chinese in respect of whom any such payment is made with a certificate, in writing under his hand, of the payment of such sum.

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

Such certificate shall be in a form to be prescribed by the regulations hereinafter mentioned, and, whensoever or 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.

8. All sums so paid by or on behalf of any Chinese shall be paid into the public account and form part of the Consolidated Fund.

Moneys to be paid into the public account.

9. If any Chinese shall enter or attempt to enter the Colony 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, who may take sufficient bail for his appearance at any sitting of a resident magistrate's court at or nearest to the place where such Chinese may be, or remand him to such other court as to such justice shall seem fit, until such Chinese shall produce a certificate of payment as aforesaid.

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

10. It shall be lawful for the Governor to remit the whole or any part of any penalty, forfeiture, or sum of whatever description due or payable under this Act.

Governor may remit penalties, &c.

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

Justices may fix time for payment of penalties.

12. All penalties and sums payable under this Act may be recovered in a summary manner before two justices of the peace, upon the prosecution of some officer of Customs or other person authorised for that purpose by the Governor.

Penalties recovered in a summary manner.

At any hearing the justices may decide upon their own view and judgment whether any person charged before them is a Chinese within the meaning of this Act.

13. Every Chinese within the Colony of New Zealand, at the date when this Act comes into operation, may, within two months thereafter, apply to the resident magistrate's court nearest to his place of abode for a certificate of exemption from payments under this Act.

Certificate of exemption from payment.

Any resident magistrate exercising jurisdiction at such court shall deliver to any Chinese so applying a certificate, which shall bear on the face of it the name of such Chinese, and the signature of the magistrate granting such certificate, and such other matters which may be prescribed in the regulations; and the holder of such certificate shall be exempted from payments under this Act.

For the purposes of this section the term "resident magistrate" shall include a warden having jurisdiction within any gold-field proclaimed under any Act for the time being in force relating to gold-fields.

14. The Colonial Treasurer, or any person authorized by him, may, upon the application of any Chinese, and upon being satisfied that such Chinese was, at the time of the coming into operation of this Act, a *bona fide* resident of the Colony, and that he desires to be absent therefrom for a temporary purpose only, 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.

Certificate of exemption may be granted in cases of temporary absence from the Colony.

And, during the time so specified, the holder of such certificate shall be exempt from all payments under this Act.

15. The Governor in Council may, from time to time, make such regulations as he shall deem necessary for giving effect to this Act, and all such regulations shall be gazetted.

Governor may make regulations.

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