



64

CHAPTER 67.

An Act respecting Chinese Immigration.

A. D. 1886.

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

1. This Act may be cited as "*The Chinese Immigration Act*." 48-49 V., c. 71, s. 24. Short title.

2. In this Act, unless the context otherwise requires,—
(a.) The expression "controller" means any officer charged with the duty of carrying the provisions of this Act into effect; Interpretation.
"Controller."

(b.) The expression "master" means any person in command of any vessel; "Master."

(c.) The expression "Chinese Immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section eight of this Act; "Chinese Im-
migrant."

(d.) The expression "vessel" means any sea-going craft of any kind or description capable of carrying passengers; "Vessel."

(e.) The expression "tonnage" means tonnage according to the measurement fixed by the Merchants' Shipping Acts of the Parliament of the United Kingdom. 48-49 V., c. 71, s. 1. "Tonnage."

3. The Governor in Council may,—

(a.) Appoint one or more persons to carry the provisions of this Act into effect; Powers of
Governor.
Appoint-
ments.

(b.) Assign any duty in connection therewith to any officer or person in the employ of the Government of Canada; Present
officers.

(c.) Define and prescribe the duty or duties of such officer or person; Duties.

(d.) Fix the salary or remuneration to be allowed to such officer or person; Remunera-
tion.

(e.) Engage and pay an interpreter skilled in the English and Chinese languages, at a salary of not more than three thousand dollars a year, who shall reside in the Province of British Columbia, and perform such duties as are assigned to him by the Governor in Council. 48-49 V., c. 71, ss. 2 and 21. Chinese
interpreter.

4. All appointments made under this Act shall be published in the *Canada Gazette*. 48-49 V., c. 71, s. 3. Publication
of appoint-
ments.

Excerpts from the *Chinese Immigration Act (Exclusion Act)*, 1885

An Act Respecting Chinese Immigration (Exclusion Act), 1923. *Statutes of Canada*, 13-14 George V, c.71 Ottawa, Canada. 1923. Library and Archives Canada.

BC Archives GR0441, Pages 975 to 979

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 incur a penalty of fifty dollars for each Chinese immigrant so carried in excess of such number. 48-49 V., c. 71, s. 5.

No passenger to land until permit is obtained

6. No master of any vessel carrying Chinese immigrants shall land any passenger or permit any passenger to land from such vessel, until a permit so to do, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller; and every master of a vessel who violates the provisions of this section shall incur a penalty of one hundred dollars. 48-49 V., c. 71, s. 8.

Penalty.

Bill of health to be obtained.

7. 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. 48-49 V., c. 71, s. 9.

No permit in certain cases.

Duty payable by Chinese immigrants.

8. 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, a duty of fifty dollars, except the following persons who shall be exempt from such payment, that is to say:—

Exceptions.

(a.) The members of the Diplomatic Corps, or other Government representatives, their suite and their servants and consuls and consular agents;

(b.) 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 of other similar documents issued by the Chinese Government or other Government whose subjects they are:

Certificate proving exemption.

2. Every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (*visé*) 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:

Term "merchant" limited.

3. 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:

4. The entrance duty payable under this section shall not apply to any Chinese person who resided or was within Canada on the first day of January, one thousand eight hundred and eighty-six. 48-49 V., c. 71, ss. 4 and 13 part.

Duty not to be levied on Chinese resident at a date specified.

9. Every Chinese immigrant liable to pay the duty imposed by the next preceding section, 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 the next following section; and if the declaration is made to a customs officer he shall report the fact to the controller at the principal sea port 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. 48-49 V., c. 71, s. 12.

As to immigrants arriving otherwise than by vessel.

Report to controller in such case.

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 Canada; but such certificate may be contested by Her Majesty, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by any judge of a superior court of any Province of Canada where such certificate is produced. 48-49 V., c. 71, s. 10.

Certificate to be delivered to immigrant permitted to land.

Its effect; but may be contested.

How decided.

11. The controller shall keep a register of all persons to whom certificates of entry have been granted. 48-49 V., c. 71, s. 11.

Register of certificates.

12. 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 duty imposed by this Act in respect of any immigrant carried by such vessel, and shall deliver, together with the total amount of such duty, to the controller, immediately on his arrival in port and before any of his passengers or crew disembark, 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. 48-49 V., c. 71, s. 6.

Liability and duty of masters of vessels as to payment of duty.

Certificate to Chinese leaving Canada and intending to return.

Effect of such certificate.

Provision if certificate is lost.

Statement for Provincial Secretary by controller.

Application of dues, penalties, &c.

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

Forfeiture of vessel.

Penalty on Chinese for evading this Act.

13. 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 his certificate of residence under "*The Chinese Immigration Act, 1885*," 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 duty paid by him on such return and to have his original certificate of entry or residence returned to him:

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 duty imposed by this Act a second time, shall be entitled to have his second entrance duty returned to him, together with his first certificate of entry or residence. 48-49 V., c. 71, s. 14.

14. 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. 48-49 V., c. 71, s. 15.

15. All duties, 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. 48-49 V., c. 71, s. 20.

16. 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 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 duty payable under the foregoing provisions of this Act, be liable to a penalty not exceeding one thousand dollars and not less than five hundred 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. 48-49 V., c. 71, s. 7.

17. 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 fine not exceeding five hundred dollars, or to both. 48-49 V., c. 71, s. 16.

And for aiding in evasion.

18. 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 fine 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 is not contrary to the laws in force in the Province in which such submission is made. 48-49 V., c. 71, s. 17.

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

Proviso: as to arbitrations.

19. 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. 48-49 V., c. 71, s. 18.

Penalty for molesting officers.

20. Every person who violates any provision of this Act, for which no special punishment is herein provided, is guilty of a misdemeanor, and liable to a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding twelve months, or to both. 48-49 V., c. 71, s. 19.

Penalty for other contraventions.

21. All suits or actions for the recovery of duties or penalties 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 the cause of action arose or where the offence was committed. 48-49 V., c. 71, s. 22.

Before whom suits may be brought.