

13-14 GEORGE V.

CHAP. 38.

An Act respecting Chinese Immigration.

[Assented to 30th June, 1923.]

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

R.S. c. 95;
1908, c. 14;
1917, c. 7;
1921, c. 21.

SHORT TITLE.

1. This Act may be cited as *The Chinese Immigration Act, 1923*.

Short title.

INTERPRETATION.

2. In this Act and in any order, proclamation or regulation made thereunder, unless the context otherwise requires,

Definitions.

(a) "Minister" means the Minister of Immigration and Colonization, or the member of His Majesty's Privy Council of Canada charged with the administration of this Act for the time being;

"Minister".

(b) "Chief Controller" means the chief officer charged, under the direction of the Minister, with the duty of carrying the provisions of this Act into effect and having authority over officers of Immigration and others appointed for the purpose or charged with the duty of assisting in carrying out the provisions of this Act;

"Chief Controller".

(c) "Controller" means the Immigration or other officer at any seaport or frontier port of entry duly appointed as such and charged with the duty of assisting in carrying the provisions of this Act into effect;

"Controller".

(d) "Officer" means any person appointed under this Act for any of the purposes of this Act, whether within or outside of Canada, and any person who is an officer within the meaning of section two, paragraph (b) of *The Immigration Act*;

"Officer".

(e) "Chinese Immigrant" means any person of Chinese origin or descent entering Canada for the purpose

1910, c. 27.

"Chinese Immigrant".

Excerpts from the *Chinese Immigration Act (Exclusion Act), 1923*

An Act Respecting Chinese Immigration (Exclusion Act), 1923. *Statutes of Canada, 13-14 George V, c.38* Ottawa, Canada. 1923. Library and Archives Canada. (Pages 1 to 15)

- of acquiring Canadian domicile, as defined by section two, paragraph (d) of *The Immigration Act*; a person shall not be deemed to be of Chinese origin or descent merely because his mother or his female ancestors or any of them are or were of Chinese origin or descent;
- 1919, c. 25. (f) "Master" or "Conductor" means any person in command of or in charge of any vessel or vehicle;
- "Master."
"Conductor".
- (g) "Vessel" means any sea-going craft of any kind or description capable of carrying passengers;
- "Vessel".
- (h) "Tonnage" means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom;
- "Tonnage".
- (i) "Vehicle" means any ferryboat, boat, railway car, cart, wagon, carriage, sleigh, or other conveyance whatsoever, however propelled or drawn;
- "Vehicle".
- (j) "Rejected" as applied to an immigrant or other person seeking to enter or land in Canada means that such immigrant or other person has been examined by an officer and has been refused permission to land in Canada by the Controller;
- "Rejected".
- (k) "Deportation" means the removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada or to the country of his birth or citizenship;
- "Deportation".
- (l) The "landing" of a person of Chinese origin or descent from a vessel or vehicle, wherever referred to in this Act, means his lawful admission to Canada under this Act by a Controller or other qualified officer, otherwise than for inspection, examination or other temporary purpose, and shall not be held to apply to the placing of such person in a proper building where he may remain until the provisions of this Act have been complied with, and the Controller or other qualified officer has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading or unloading of the vessel to which he belongs, or for the purpose of his transfer to another vessel, subject to such regulations as the Governor in Council may prescribe, and such person or sailor while in such building or while so employed or waiting such transfer shall, for the purpose of this Act, be held to be on board the vessel by which he arrived;
- "Landing".
- (m) "Port of entry" means any port, railway station or place in Canada where immigrants, passengers or other
- "Port of entry".

other persons are examined as to their admissibility to Canada.

ADMINISTRATION.

3. The Governor General in Council may,—

- (a) appoint any official of the Department of Immigration and Colonization or of the Department of Customs and Excise to be Chief Controller or a Controller;
- (b) appoint and fix the salary and remuneration of officers in countries other than Canada for the purpose of endorsing passports or performing other duties under this Act;
- (c) assign any duty in connection with the carrying out of the provisions of this Act to any officer or person in the employ of the Government of Canada;
- (d) define and prescribe the duties of such officer or person;
- (e) make regulations for the carrying out of this Act;
- (f) designate certain ports as ports of entry for the admission to Canada of persons of Chinese origin or descent;
- (g) make regulations providing for the payment of fees for the furnishing of substitutional certificates, endorsing passports and other administrative work in connection with the carrying out of this Act.

Powers of
Governor in
Council.

4. Every officer shall have authority to administer oaths or take evidence under oath in all matters arising under this Act.

Oaths and
evidence.

ENTRY AND LANDING.

5. The entry to or landing in Canada of persons of Chinese origin or descent irrespective of allegiance or citizenship, is confined to the following classes, that is to say:—

Immigration
confined to
certain
classes.

- (a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;
- (b) The children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;
- (c) (1) Merchants as defined by such regulations as the Minister may prescribe;
- (2) Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees;

Diplomatic
corps.

Consuls.

Children
born in
Canada.

Merchants.

Students.

who shall substantiate their status to the satisfaction of the Controller at the port of entry subject to the approval of the Minister, whose decision shall be final and conclusive; provided that no Chinese person belonging to any of the two classes referred to in this paragraph shall be allowed to enter or land in Canada, who is not in possession of a valid passport issued in and by the Government of China and endorsed (*visé*) by a Canadian Immigration Officer at the place where he was granted such passport or at the port or place of departure.

Entry at
port of
entry.

6. No person of Chinese origin or descent shall enter or land in Canada except at a port of entry.

At
Vancouver
and Victoria
only, with
several
exceptions.

7. No person of Chinese origin or descent other than the classes mentioned in paragraphs (*a*) and (*b*) of section five and sections twenty-three and twenty-four of this Act shall be permitted to enter or land in Canada elsewhere than at the ports of Vancouver and Victoria.

PROHIBITED CLASSES.

Prohibited
classes.

1910, c. 27.

8. No person of Chinese origin or descent unless he is a Canadian citizen within the meaning of paragraph (*f*) of section two of *The Immigration Act* shall be permitted to enter or land in Canada, or having entered or landed in Canada shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "Prohibited classes":—

Idiots,
epileptics,
etc.

(*a*) Idiots, imbeciles, feeble-minded persons, epileptics, insane persons and persons who have been insane at any time previously;

Diseased
persons.

(*b*) Persons afflicted with tuberculosis or leprosy in any form, or with any loathsome disease, or with a disease which is contagious or infectious, or which may be or become dangerous to the public health, whether such persons intend to settle in Canada or only to pass through Canada in transit to some other country;

Criminals.

(*c*) Persons who have been convicted of, or admit having committed, any crime involving moral turpitude;

Prostitutes
and pimps.

(*d*) Prostitutes and women and girls coming to Canada for any immoral purpose and pimps or persons living on the avails of prostitution;

Procurers.

(*e*) Persons who procure or attempt to bring into Canada prostitutes or women or girls for the purpose of prostitution or other immoral purpose;

Beggars and
vagrants.

(*f*) Professional beggars or vagrants;

- (g) Persons who in the opinion of the Controller or the officer in charge at any port of entry are likely to become a public charge; Persons likely to become public charges.
- (h) Persons of constitutional psychopathic inferiority;
- (i) Persons with chronic alcoholism, or addicted to the use of drugs; Alcohol or drug addicts.
- (j) Persons not included within any of the foregoing prohibited classes, who upon examination by a medical officer of the Department of Health are certified as being mentally or physically defective to such a degree as to affect their ability to earn a living; Mentally or physically defective.
- (k) Persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; Advocates of force or violence against organized government.
- (l) Persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of Canada or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property; Members of unlawful organizations.
- (m) Persons who have been found guilty of high treason or treason for an offence in connection with the late war, or of conspiring against His Majesty, or of assisting His Majesty's enemies during the war, or of any similar offence against any of His Majesty's allies; Conspirators.
- (n) Persons over fifteen years of age, physically capable of reading, who cannot read the English or the French language or some other language or dialect. For the purpose of ascertaining whether aliens can read, the immigration officer shall use slips of uniform size prepared by direction of the Minister, each containing not less than thirty and not more than forty words in ordinary use printed in plainly legible type in the language or dialect the person may designate as the one in which he desires the examination to be made, and he shall be required to read the words printed on the slip in such language or dialect. The provisions of this paragraph shall not apply to persons residing in Canada at the date of the passing of this Act nor to Canadian citizens; Illiterates.
- (o) Persons who have been deported from Canada, or the United States, or any other country, for any cause whatsoever. Deported persons.

Minister may authorize admission for specified period.

9. The Minister may authorize the admission to Canada of any person of Chinese origin or descent without being subject to the provisions of this Act, and such admission shall be authorized for a specified period only, but may be extended or cancelled by the Minister in writing.

POWERS OF CONTROLLER.

Powers of Controller.

10. (1) The Controller shall have authority to determine whether an immigrant, passenger or other person seeking to enter or land in Canada or detained for any cause under this Act is of Chinese origin or descent and whether such immigrant, passenger or other person, if found to be of Chinese origin or descent, shall be allowed to enter, land or remain in Canada or shall be rejected and deported.

Examination of Chinese.

(2) The examination of persons of Chinese origin or descent applying for admission or entry to Canada shall be separate and apart from the public and in the presence of such persons only as the Controller shall permit: Provided that if, on the preliminary hearing, the Controller is not satisfied that such person is entitled to remain in Canada, the hearing shall be thereupon adjourned for forty-eight hours or for such longer period as the Controller may see fit, and an opportunity shall be given such person to consult with duly accredited legal counsel who shall be entitled to represent him upon the hearing and upon all subsequent proceedings.

Proviso.

Counsel.

No appeal in certain cases.

11. There shall be no appeal from the decision of the Controller, as to the rejection or deportation of any immigrant, passenger or other person found to be of Chinese origin or descent seeking to enter or land in Canada when such decision is based upon a certificate of the examining medical officer to the effect that such immigrant, passenger or other person of Chinese origin or descent is afflicted with any loathsome disease, or with a disease which may be or become dangerous to the public health, or that he comes within any of the following prohibited classes, namely, idiots, imbeciles, feeble-minded persons, epileptics and insane persons: Provided always that Canadian citizens and persons who have left Canada with the declared intention of returning thereto under the provisions of section twenty-three hereof and are seeking re-entry in accordance with the provisions of section twenty-four hereof, shall be permitted to land in Canada.

Appeal to Minister.

12. In all cases other than those provided for in the next preceding section an appeal may be taken to the Minister against the decision of the Controller if the appellant within forty-eight hours serves written notice of such appeal upon the Controller. Such notice of appeal shall

shall act as a stay of all proceedings until a final decision is rendered by the Minister.

13. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station unless released upon security as provided for in the next succeeding section of this Act.

Appellant and dependents to be held in custody.

14. The Controller may at his discretion release any person detained or taken into custody for any cause under this Act pending the final disposition of his case, upon the deposit of money to an amount and under conditions specified by the said Controller.

Release upon deposit.

15. Every person of Chinese origin or descent, brought to Canada by a transportation company and rejected by the Controller, shall be sent back to the place whence he came by the said transportation company and the cost of his maintenance while being detained at an immigrant station, as well as the cost of his return, shall be paid by such transportation company.

Rejected Chinese to be sent back by same transportation company.

16. (1) Every person of Chinese origin or descent deported under the provisions of this Act shall be carried by the same transportation company or companies which brought him into Canada to the port from whence he came to Canada or to the country of his birth or citizenship, without receiving the usual payment for such carriage.

Deported Chinese to be carried back by same transportation company.

(2) In case such person was brought into Canada by a railway company, such company shall similarly convey him or secure his conveyance without the usual payment for such carriage, from the municipality or locality whence he is to be deported to the ocean port from which he will be carried to the country of his birth or citizenship.

Railway companies to convey him to port of deportation.

IDENTIFICATION AND REGISTRATION OF CHINESE IMMIGRANTS.

17. (1) The Controller shall deliver to each Chinese immigrant who has been permitted to land in or enter Canada a certificate containing a description and photograph of such individual, the date of his arrival and the name of the port of his landing, and such certificate shall be *prima facie* evidence that the person presenting it has complied with the requirements of this Act; but such certificate may be contested by His Majesty or by any officer if there is any 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.

Certificate to be delivered to immigrant permitted to land.

Its effect.

May be contested.

How decided.

Register of certificates.

(2) The Chief Controller and such controllers as are by him authorized so to do shall each keep a register of all persons to whom certificates of entry have been granted.

Chinese to register within twelve months from date of the Act.

18. Within twelve months after the coming into force of this Act and subject to such regulations as may be made by the Governor General in Council for the purpose, every person of Chinese origin or descent in Canada, irrespective of allegiance or citizenship, shall register with such officer or officers and at such place or places as are designated by the Governor General in Council for that purpose, and obtain a certificate in the form prescribed: Provided that those persons who may, during the time fixed for registration, be absent from Canada with authority to return, may register upon their return.

Proviso.

CARRIAGE OF CHINESE IMMIGRANTS.

Number of immigrants to be carried on each ship limited.

19. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for every two hundred and fifty tons of its tonnage.

Chinese persons not to leave ship without permit.

20. (1) It shall be unlawful for the master of any vessel carrying persons of Chinese origin or descent, whether immigrants, passengers, stowaways, officers or crew, to any port in Canada to allow any person of Chinese origin or descent to leave 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. Should such master permit any such person to leave the vessel without such permit he shall upon demand pay to the Controller or officer in charge at the port of entry one thousand dollars for each such person so permitted to leave the vessel.

Bill of health to be obtained.

(2) No controller at any port shall grant a permit allowing any person of Chinese origin or descent to leave the vessel until the quarantine officer has granted a bill of health, and has certified, after due examination, that no leprosy or infectious, contagious, loathsome or dangerous disease exists on board such vessel; and no permit to land shall be granted to any person of Chinese origin or descent prohibited entry under section eight of this Act.

No permit in certain cases.

No clearance pending determination and payment of fine.

(3) No vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid; nor shall such fine be remitted or refunded unless in the opinion of the Minister a mistake has been made. Provided that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

21. (1) Every conductor or other person in charge of any railway train or car bringing persons of Chinese origin or descent into Canada shall, immediately on his arrival, deliver to the Controller or other officer at the port or place of arrival a report containing a complete and accurate list of all persons of Chinese origin or descent arriving by or being on board of the railway train or car of which he is in charge, and showing their names in full, the country and place of their birth, their occupation and last place of domicile; and he shall not allow any such persons of Chinese origin or descent to disembark from such train or car until after such report has been made.

Conductor to furnish list of Chinese persons carried.

(2) Every master of any vessel bringing persons of Chinese origin or descent to any port or place in Canada shall be personally liable to His Majesty for the production of such persons carried by such vessel to the Controller, and shall deliver to the Controller immediately on his arrival in port and before any of his Chinese crew or passengers disembark, a complete and accurate list of his crew and passengers, stowaways, or other persons, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each of such immigrants, passengers, or other persons.

Liability of master for production of Chinese.

(3) If the master or conductor of any vessel or vehicle refuses or neglects to furnish the controller with a complete and accurate list of all persons of Chinese origin or descent, as required by this section, such master or conductor shall be required by the controller or officer in charge, with the approval of the Minister, to pay to the said controller or officer in charge the sum of one thousand dollars for each name omitted from the said list, and no such vessel or vehicle shall be granted clearance pending the determination of the question of the liability to the payment of such fine; and in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: Provided that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Penalty.

CHINESE IN TRANSIT.

22. Persons of Chinese origin or descent may pass through Canada in transit from one port or place out of Canada to another port or place out of Canada: Provided that such passage is made in accordance with and under such regulations as are made for the purpose by the Governor in Council.

Conditions as to passage through Canada.

REGISTRATION OUT AND RE-ENTRY.

23. (1) Every person of Chinese origin or descent, who wishes to leave Canada with the declared intention of returning thereto, and who establishes to the satisfaction

Chinese leaving Canada with intention to return.

of the Controller that he was legally landed in Canada, and is lawfully resident therein, shall give written notice of such intention to the controller at the port or place whence he proposes to sail or depart at least twenty-four hours before the intended date of his departure; in which notice shall be stated the foreign port or place which such person wishes to visit and the route he intends taking, both going and returning; and such notice shall be accompanied by a fee of two dollars.

Governor in Council may make regulations.
Registration.

(2) The form of such notice shall be in accordance with such regulations as are made from time to time for the purpose by the Governor General in Council.

(3) The Controller shall enter in a register to be kept for the purpose the name, residence, occupation and description of the person making the declaration, and such other information regarding him as is deemed necessary under such regulations as are made by the Governor General in Council for the purpose.

Re-entry.
Registered persons.

24. (1) The person so registered shall be entitled on his return, if within two years of such registration, and on proof of his identity to the satisfaction of the controller, to re-enter; but if he does not return to Canada within two years from the date of such registration, he shall be treated in the same manner as a person making application for admission as an immigrant.

Non-registered persons.

(2) Every person of Chinese origin or descent who leaves Canada and does not register shall be subject on his return to the provisions of this Act as in the case of a first arrival.

Persons who registered out under P.C. 697 must return within one year from date of this Act.

(3) Every person of Chinese origin or descent, who registered out between April 1st, 1914, and March 31st, 1919, and who, under the provisions of an Order in Council of the 2nd April, 1919 (P.C. 697), was accorded the privilege of prolonging his return to Canada until one year after a proclamation had been published in the *Canada Gazette* declaring that a state of war no longer exists, shall be entitled to re-enter if he returns to Canada within one year from the date of the coming into force of this Act, and substantiates his identity to the satisfaction of the Controller.

Notwithstanding the provisions of the said Order in Council P.C. 697, every person of Chinese origin or descent who registered out between April 1st, 1914, and March 31st, 1919, and who does not return to Canada within one year from the date upon which this Act comes into force shall be subject on his return to the provisions of this Act as in the case of a first arrival.

Chinese sailors on Canadian vessels.

25. (1) Any person of Chinese origin or descent who has been legally admitted to Canada and who is employed

as a member of the crew of any vessel which operates between Canadian and United States ports, shall in order to retain his right of re-entry to Canada on his return with such vessel from such United States ports register with the controller and obtain a certificate of registration, which certificate shall be in the form prescribed and under such regulations as may be made by the Governor General in Council, and shall be produced at any time when demanded by an officer; such registration shall be for a period not to exceed two years and a fee of two dollars shall be charged by the controller for each registration card issued.

Registration.

Fee.

(2) Every person who fails to register in accordance with the provisions of this section shall be subject on his return to Canada to the provisions of this Act as in the case of a first arrival.

Failure to register.

(3) Any transportation company, master, agent, or owner of any vessel who employs on such vessel a person of Chinese origin or descent without such person having complied with this section shall pay to any controller or officer demanding the same the sum of two hundred and fifty dollars for each such person. Pending the determination of the question of the liability to the payment of such fine, which question shall be decided by the Minister, no such vessel shall be granted clearance: Provided that clearance may be granted prior to the determination of such question upon deposit with the controller or officer in charge of a sum sufficient to cover such fine.

Penalty for employing Chinese sailor who has not complied with this section.

OFFENCES AND PENALTIES.

26. Whenever any officer has reason to believe that any person of Chinese origin or descent has entered or remains in Canada contrary to the provisions of this Act or of the *Chinese Immigration Act*, chapter ninety-five of the Revised Statutes of Canada, 1906, or any amendment thereof, he may, without a warrant apprehend such person, and if such person is unable to prove to the satisfaction of the officer that he has been properly admitted into and is legally entitled to remain in Canada, the officer may detain such person in custody and bring him before the nearest controller for examination, and if the controller finds that he has entered or remains in Canada contrary to the provisions of this Act or of the *Chinese Immigration Act* or any amendment thereof, such person may be deported to the country of his birth or citizenship, subject to the same right of appeal as is provided in the case of a person applying for original entry to Canada. Where any person is examined under this section the burden of proof of such person's right to be or remain in Canada shall rest upon him. Where an order for deportation is

Arrest and deportation of any Chinese who has illegally entered or remained in Canada.

made under this section and in the circumstances of the case the expenses of deportation cannot be charged to the transportation company, such expenses shall be paid by the person being deported if able to pay, and, if not, by His Majesty.

Residents of Chinese origin or descent properly admitted may continue to reside in Canada.

27. (1) Every person of Chinese origin or descent resident in Canada at the date of the coming into force of this Act, who was admitted under the provisions of any Act now or heretofore in force, and did not secure such admission by fraudulent misrepresentation, and does not belong to any of the prohibited classes of persons described in section 8 of this Act, shall be deemed to be entitled to continue to reside in Canada: Provided, however, that any such person who was, subsequent to the 25th day of July, 1917, admitted without payment of the head tax because of his being a merchant and who has ceased to belong to such class, shall pay into the Consolidated Revenue Fund of Canada the sum of five hundred dollars, and if he refuses or fails to make such payment he shall *ipso facto* forfeit his right to remain in Canada, and may be arrested by any officer without a warrant and brought before a Controller for examination, whereupon he shall be dealt with to all intents and purposes in the same manner and subject to the same provisions as in the case of a person apprehended under section 26 of this Act.

Proviso as to persons admitted as merchants without paying head tax.

Arrest and deportation of Chinese who ceases to belong to exempt or admissible classes.

(2) Any person admitted under this Act who at any time after admission ceases to belong to any of the classes admissible under this Act shall, unless he is a Canadian citizen, *ipso facto* forfeit his right to remain in Canada and may be arrested by any officer without a warrant and brought before a Controller for examination, whereupon he shall be dealt with to all intents and purposes in the same manner and subject to the same provisions as in the case of a person apprehended under section 26 of this Act.

Carrying Chinese immigrants in excess of number limited by section 19.

28. The owner of any vessel carrying Chinese immigrants to any port in Canada shall incur a penalty of five hundred dollars for each Chinese immigrant therein carried in excess of one for every two hundred and fifty tons of such vessel's tonnage.

Landing Chinese in violation of Act.

29. Every master or conductor of any vessel or vehicle or any other person who lands or brings or assists or permits to land in Canada any person of Chinese origin or descent contrary to any of the provisions of this Act shall be guilty of an offence under this Act and liable to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, for each such person.

30. If any transportation company which has brought to Canada any person of Chinese origin or descent who has been rejected by the controller:—

Liability of transportation companies.

- (a) refuses to return such person to the place whence he came to Canada;
- (b) refuses to pay the cost of his maintenance whilst under detention;
- (c) makes any charge against any such person for his maintenance while under detention, or for his return to the place from whence he came, or at any time takes any security from any such person for the payment of such charges;

such transportation company shall be guilty of an offence and shall be liable to a fine of not more than one thousand dollars and not less than one hundred dollars for each offence.

31. If any railway or other transportation company, having undertaken to transport through Canada any person of Chinese origin or descent in transit, fails to comply with any regulations of the Governor in Council in that behalf, such company shall be liable upon summary conviction to a penalty not exceeding one thousand dollars in each case.

Liability of railway companies.

32. (1) Every person of Chinese origin or descent who—

Chinese landing in violation of Act, or using forged or fraudulent certificate.

- (a) lands or attempts to land in Canada contrary to the provisions of this Act;
- (b) wilfully makes use of or attempts to make use of any forged or fraudulent certificate, or of a certificate issued to any other person for any purpose connected with this Act;

is guilty of an offence, and liable to imprisonment for any term not exceeding twelve months and not less than six months, or to a fine not exceeding one thousand dollars and not less than three hundred dollars, or to both imprisonment and fine, and shall be deported.

(2) Every person who wilfully aids and abets any person of Chinese origin or descent in any evasion or attempt at evasion of any of the provisions of this Act is guilty of an offence and liable to imprisonment for a term not exceeding twelve months and not less than six months, or to a fine not exceeding one thousand dollars and not less than three hundred dollars, or to both imprisonment and fine, and shall be deported unless of Canadian citizenship.

Aiding or abetting Chinese to evade or violate Act.

33. Every owner or master of a vessel and every railway company or person who refuses when requested in writing by the controller or chief controller or Minister to take any person on board such vessel or car under the provisions

Refusing to take Chinese on vessel or car as ordered.

of this Act, shall incur a penalty not exceeding five hundred dollars for each offence.

Chinese failing to register as prescribed.

34. Any person of Chinese origin or descent who fails to register as required by section eighteen of this Act or any order or regulation made hereunder shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding twelve months, or to both. In any prosecution under this section where the accused alleges that he is not a person of Chinese origin or descent, the onus of establishing that fact shall be upon the accused.

Organizing, etc., unlawful courts as to offences by Chinese.

35. 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, decree, or order of any such court or tribunal, is guilty of an offence 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 persons from submitting any differences or disputes to arbitration, if such submission is not contrary to the laws in force in the province in which such submission is made.

Molesting officers.

36. Every person who molests, persecutes or hinders any officer or person appointed to carry or assist in carrying the provisions of this Act into effect is guilty of an offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one thousand dollars.

Violation of Act, order or regulation.

37. Every person who violates any provision of this Act or any order or regulation made thereunder for which no special punishment is herein provided, is guilty of an offence, and liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months.

PROCEDURE.

Jurisdiction of courts in cases of rejection and deportation restricted.

38. No court and no judge or officer thereof shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any controller relating to the status, condition, origin, descent, detention or deportation of any immigrant, passenger or other person upon any ground whatsoever, unless such person is a Canadian citizen, or has acquired Canadian domicile.

39. (1) All suits or actions under this Act, except administrative fines, and all prosecutions for contraventions of this Act which are not herein declared to be indictable offences, 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, and the provisions of Part XV of the *Criminal Code* shall apply to all such suits and actions.

Trial of suits, actions and prosecutions.

(2) In any case where a fine, or imprisonment and a fine, is imposed under the provisions of this Act, the sentence may adjudge a term of imprisonment or a further term of imprisonment not exceeding in any case two months, to be served by the offender if such fine is not paid.

Additional penalty if fine not paid.

40. All pecuniary penalties and revenues from other sources under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada.

Payments into Consolidated Fund.

41. Notwithstanding any provision of this Act or any order or regulation made thereunder, any person of Chinese origin or descent who is at the date of the coming into force of this Act *en route* to Canada and presents himself for admission within three months from said date, shall if admissible under the provisions of the *Chinese Immigration Act* or any amendment thereof, be permitted to enter Canada upon payment of the head tax therein provided: Provided that if he belongs to any of the exempt classes he may be admitted exempt from the head tax.

Chinese *en route* to Canada may be admitted within three months if head tax paid.

Proviso.

42. Where any fine is imposed upon the owner or master of any vessel under any provision of this Act, such vessel shall not be granted clearance until such fine is paid, except upon deposit with the Controller of a sum sufficient to cover such fine.

No clearance of vessel until fine paid, except upon deposit.

REPEAL.

43. Chapter ninety-five of the Revised Statutes of Canada, 1906, chapter fourteen of the statutes of 1908, chapter seven of the statutes of 1917 and chapter twenty-one of the statutes of 1921, are hereby repealed.

Repeal.