

A.D. 1884.



CHAP. 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 grave yards 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 im- Appointment of Chinese Collectors.

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diately 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.

Penalty for not having a licence.

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 on Collector, etc., 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 enquiry 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.

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

Of what goods the distress may be had.

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premises shall be deemed to be in the possession or occupation of any Chinese when it can be shewn 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.

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.

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

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.

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

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.

Unlicensed Chinese not to be employed.

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.

Fee for Free Miners Certificate to a Chinese to be \$15.

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.

Chinese not to mine without certificate.

Not to be employed in mining without certificate.

Penalty for so doing.

16. Sub-section (i.) of the Schedule A to the "Licences Ordinance, 1887."

Amends "Licences Ordinance, 1887."

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nance, 1867," is hereby amended by adding thereto the following words: "but no licence shall be issued to any Chinese."

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

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.

Prohibits the use of opium, except for medicinal purposes

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 shewing that such opium was used, or consumed, or in his possession for medicinal or surgical purposes.

Recovery of penalties.

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.

Convictions not to be quashed for want of form.

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.

Appeal to the County Court.

Security for costs, etc., of appeal.

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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, etc.

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, etc., 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.

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.

Burden of proof lies on the Defendant.

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Operation of Act postponed. 29. This Act shall not come into operation until one year from the passage hereof.
Short title. 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 dollars, being the
yearly licence, from the day of to the day of 18 .
Collector.