

and shall be liable, on conviction, to imprisonment, with or without hard labour, for any term not exceeding six calendar months; and, in addition or substitution for any such imprisonment, shall be liable, pursuant to any warrant or order of the Magistrate or Justices by whom he shall be convicted, to be removed or deported to the colony from whence he shall have come.

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.

8. For the purposes of all proceedings under this Act, the Stipendiary or Police Magistrate or the Justices may decide, upon his or their own view and judgment, whether any person produced before them is a Chinese within the meaning of this Act.

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 the provisions of this Act.

10. The Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days, be laid before both Houses of Parliament, if Parliament be then in session, and, if not then in session, within fourteen days after the commencement of the next session; and if disapproval of such regulations is not expressed by resolution within fourteen days thereafter they shall have the force of law.

11. 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 Colonial Treasurer, or of other officers appointed for such purpose, by like authority before any Stipendiary or Police Magistrate or 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 authorise 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 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 Act or Acts regulating 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 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 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.

12. No poll-tax shall hereafter be taken or demanded from or in respect of any Chinese.

13. This Act may be cited for all purposes as "The Chinese Immigration Restriction Act, 1888."

APPENDICES.

No. 1.—MEMORIAL from CHINESE MERCHANTS.

To the Honourable the Representatives of the Australasian Colonies, meeting in Conference upon the Chinese question in Sydney, June, 1888,—

The humble memorial of the undersigned Chinese merchants, resident in Sydney, on behalf of themselves and other Chinese resident in Australasia and New Zealand,

RESPECTFULLY SHOWETH,—

1. That by Article 5 of the Treaty of Peking, made on the 25th day of October, 1860, between Her Majesty the Queen of Great Britain and Ireland and His Imperial Majesty the Emperor of China, it was amongst other things provided that the Chinese, in choosing to take service in the British colonies or other parts beyond the seas, were to be at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families in British vessels at the open ports of China.

2. Your memorialists would respectfully refer to the rights given to British subjects to reside in and own property in China, and to travel therein.

3. Upon the faith of the above treaty, and upon legislation passed in the various Australasian Colonies, Chinese have come to the Australasian Colonies; some have married European women there; many are still residents there; while others have left temporarily, and have in such cases obtained certificates authorising them to return within a certain time.

4. The Chinese merchants and traders resident in the Australasian Colonies from time to time require, in the ordinary course of their business, to visit the other Australasian Colonies; and your memorialists would respectfully point to the great hardship that would be inflicted on them if provision be not made for them visiting such colonies.

5. Your memorialists would also respectfully point out that in the proposal to impose a poll-tax so high as the sum of £100 per head upon any Chinese coming to any one of the Australasian Colonies,