



3 EDWARD VII.

CHAP. 8.

An Act respecting and restricting Chinese immigration.

[Assented to 10th July, 1903.]

HIS 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*, Short title. 1903.

2. This Act shall come into force on the first day of January, one thousand nine hundred and four. Commencement.

3. The following Acts are repealed: chapter 32 of the statutes of 1900, and chapter 5 of the statutes of 1902. Repeal.

4. In this Act, unless the context otherwise requires,— Interpretation.
(a.) The expression “Chief Controller” means the chief officer who is charged, under the direction of the Minister to whom is assigned the administration of this Act, with the duty of carrying the provisions of this Act into effect and who shall have authority over officers of Customs and others appointed for the purpose or charged with the duty of assisting in carrying out the provisions of this Act; “Chief Controller.”

(b.) The expression “Controller” means any Customs or other officer at any seaport or frontier Customs port duly appointed as such and charged with the duty of assisting in carrying the provisions of this Act into effect; “Controller.”

(c.) The expression “master” or “conductor” means any person in command of or in charge of any vessel or vehicle; “Master.”
“Conductor.”

(d.) The expression “Chinese immigrant” means any person of Chinese origin (including any person whose father was of Chinese origin) entering Canada and not entitled to the privilege of exemption provided for by section 6 of this Act; “Chinese immigrant.”

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

"Tonnage." (f.) The expression "tonnage" means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom;

"Vehicle." (g.) The expression "vehicle" means any ferryboat, boat, railway car, cart, wagon, carriage, sleigh or other conveyance whatsoever, however propelled or drawn.

Powers of Governor. Appointments. 5. The Governor in Council may—
(a.) appoint one or more persons to carry the provisions of this Act into effect;

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

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

Remuneration. (d.) fix the salary or remuneration to be allowed to such officer or person;

Chinese interpreters. (e.) engage and pay interpreters skilled in the English and Chinese languages, at salaries aggregating not more than three thousand dollars a year;

Regulations. (f.) make regulations for the carrying out of this Act.

Tax payable by Chinese immigrants. 6. Every person of Chinese origin, irrespective of allegiance, shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or place of entry, a tax of five hundred dollars, except the following persons who shall be exempt from such payment, that is to say:—

Exemptions. (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 origin 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.) Merchants, their wives and children, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Government or by a recognized official or representative of the Government whose subjects they are;

(d.) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting Canada, the tax payable under the first subsection of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master, on his return to China, if within twelve months of the date of his arrival in Canada, and upon returning to the controller of such port the certificate granted under section 13.

Certificate proving exemption. 2. Every such certificate or other document shall be in the English or French language, and shall be examined and endorsed

endorsed (visé) by a British consul or Chargé d'Affaires or other accredited representative of His Majesty, at the place where it is granted, or at the port or place of departure.

3. Persons of Chinese origin claiming on their arrival to be students, but who are unable to produce the requisite certificate as hereinbefore provided for, shall be entitled to a refund of the tax exacted from them on the production within eighteen months from the date of their arrival in Canada of certificates from teachers in any school or college in Canada showing that they are and have been for at least one year bona fide students in attendance at such school or college.

4. Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall for the purpose of this Act be deemed to be of the same nationality as her husband; and the children of the said wife and husband shall be deemed to be of the same nationality as the father.

5. Nothing in this Act shall be construed as embracing within the meaning of the word "merchant," any merchant's clerk, or other employee, mechanic, huckster, pedlar, or person engaged in taking, drying or otherwise preserving fish for home consumption or exportation.

7. 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 two hundred dollars for each Chinese immigrant so carried in excess of such numbers.

2. No Chinese immigrants shall be allowed to land in or enter Canada, coastwise or overland arriving in transit from any port or place in America from any vessel entering at such port or place, in excess of the number which would have been allowed to land from such vessel had it come direct to Canada.

8. No master of any vessel carrying Chinese immigrants shall land any person of Chinese origin, or permit any 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 five hundred dollars.

2. The landing of a person of Chinese origin from a vessel wherever referred to in this Act shall not be held to apply to the landing of such person on the wharf and the placing of him in a proper building where he may remain until the provisions of this Act have been complied with and the controller 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 unlading of the vessel to which he belongs or for the purpose of his transfer to another vessel, and such person or sailor, while in such building or while so employed or waiting such transfer, shall for the purposes of this

this Act be held to be on board the vessel by which he arrived; this provision, however, shall not allow the placing of such person in such building until all quarantine requirements have been complied with.

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, contagious, loathsome or dangerous disease exists 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, contagious, loathsome or dangerous disease.

10. Every conductor or other person in charge of any railway train or car bringing Chinese immigrants into Canada shall be personally liable to His Majesty for the payment of the duty tax imposed by section 6 of this Act in respect of any immigrant brought by or on such railway train or car, and shall deliver, immediately on his arrival, to the controller or other proper officer at the port or place of arrival, a report in the same terms as is required to be made by section 15 of this Act by the master of a vessel, of all persons of Chinese origin arriving by or being on board of the railway train or car of which he is in charge, and shall, unless such persons are in transit through Canada, pay or cause to be paid to the controller the total amount of the tax payable by Chinese immigrants so arriving by such railway train or car, and he shall not allow any such immigrants to disembark from such train or car until after such report has been made and such tax has been paid.

11. Every Chinese immigrant who enters Canada otherwise than by disembarking from any vessel or vehicle, shall forthwith make a statement and declaration of his entry to the controller or other proper officer at the nearest or most convenient port or place, and shall forthwith pay to such controller or officer the tax of five hundred dollars imposed by this Act; and if the statement and declaration is made to an officer other than a controller authorized to keep a register, such officer shall report the fact and transmit the tax to the chief controller or to the nearest controller so authorized, and the controller shall make a record thereof in his register and issue the proper certificate of such registration in conformity with the provisions of section 13 of this Act.

12. No controller or other officer charged with the duty of assisting in carrying the provisions of this Act into effect shall grant a permit allowing to land from any vessel, nor shall any conductor or other person in charge of any vehicle bring into Canada, either as an immigrant or as an exempt, or as in transit, any person of Chinese origin who is—

(a.)

Bill of health to be obtained.
No permit in certain cases.

Liability and duty of conductor of railway train as to payment of tax.

Chinese entering Canada otherwise than by vessel or vehicle.

Certain immigrants prohibited.

(a.) a pauper or likely to become a public charge;
(b.) an idiot or insane;
(c.) suffering from any loathsome, infectious or contagious disease;
(d.) a prostitute or living on the prostitution of others.
2. All such persons are prohibited from entering Canada; and if they enter they shall be liable to imprisonment for a term not exceeding six months, and shall in addition be liable to deportation, and the master, conductor or other person who knowingly lands or brings or assists or permits to land in Canada, any such persons of Chinese origin, shall also be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

13. The controller shall deliver to each Chinese immigrant who has been permitted to land or enter, and in respect of whom the tax 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 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 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.

14. 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.

15. Every master of any vessel bringing Chinese immigrants to any port or place in Canada shall be personally liable to His Majesty for the payment of the tax imposed by this Act in respect of any such immigrant carried by such vessel, and shall deliver, together with the total amount of such tax, 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 such passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each of such immigrant passengers.

16. Every master or conductor of any vessel or vehicle who lands or allows to be landed off or from any vessel or vehicle any Chinese immigrant before the tax payable under this Act has been duly paid, or who wilfully makes any false statement respecting the number of persons on board his vessel or vehicle, shall, in addition to the amount of the tax payable under the foregoing

Certificate to be delivered to immigrant permitted to land.

Its effect; but may be contested.

How decided.

Registers of certificates.

Liability of masters as to payment of tax.

Penalty for landing Chinese before tax is paid.

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 or vehicle shall be forfeited to His Majesty, and shall be seized by an officer charged with the duty of carrying this Act into effect, and dealt with accordingly.

Forfeiture of vessel or vehicle.

Conditions as to passage through Canada.

Penalty for non-compliance by transportation company.

Registration of Chinese leaving Canada and wishing to return.

Refund of tax on return within twelve months.

Penalty on Chinese for evading this Act.

And for aiding in evasion.

17. Persons of Chinese origin may pass through Canada in transit from one port or place out of Canada to another port or place out of Canada without payment of the tax provided for by section 6 of this Act, provided that such passage is made in accordance with and under such regulations as are made for the purpose by the Governor in Council; and any railway or other transportation company which undertakes to transport such persons through Canada, and fails to comply with such regulations, shall be subject to a penalty not exceeding five hundred dollars.

18. Every person of Chinese origin who wishes to leave Canada, with the declared intention of returning thereto, shall give written notice of such intention to the controller at the port or place whence he purposes to sail or depart, 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 one dollar; and the controller shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary under such regulations as are made for the purpose.

19. The person so registered shall be entitled on his return, if within twelve months of such registration, and on proof of his identity to the satisfaction of the controller (as to which the decision of the controller shall be final) to free entry as an exempt or to receive from the controller the amount of the tax, if any, paid by him on his return; but if he does not return to Canada within twelve months from the date of such registration, he shall, if returning after that date, be subject to the tax payable under the provisions of section 6 of this Act in the same manner as in the case of a first arrival.

20. Every person of Chinese origin who wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax, 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 person of Chinese origin in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.

20. 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 indictable 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, provided such submission is not contrary to the laws in force in the province in which such submission is made.

Penalty for organizing, etc., unlawful courts as to offences by Chinese.

Proviso: as to arbitrations.

21. Every person who molests, persecutes or hinders any officer or person appointed to carry the provisions of this Act into effect is guilty of an indictable offence 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 molesting officers.

22. Every person who violates any provision of this Act for which no special punishment is herein provided, is guilty of an indictable offence, and liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months.

Penalty for other contraventions.

23. All suits or actions for the recovery of taxes or penalties under this Act, 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.

Before whom suits may be brought.

24. All taxes, pecuniary penalties, and revenues from other sources under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada; but, subject to such conditions and regulations as are prescribed by order of the Governor in Council, one-half part of the net proceeds of all such taxes paid by Chinese immigrants on entering Canada shall, at the end of every fiscal year, be paid out of such fund to the province wherein they were collected.

Application of taxes, etc.

25. The Governor in Council may make such regulations as are necessary to prohibit the entry into Canada of any greater number of persons from any foreign country than the laws of such country permit to emigrate to Canada.

Limitation of immigration from any country.