

AN ACT

To make provision for certain Immigrants.

BE it enacted by His Excellency the Governor of Victoria by and with the advice and consent of the Legislative Council thereof as follows—

Preamble.

I. In the interpretation and for the purposes of the provisions of this Act the following words shall unless inconsistent with or repugnant to the context have the respective meanings hereby assigned them that is to say—

Interpretation
Clause.

The word “Master” shall be held to apply to any person in command of any vessel.

The word “Ship” shall mean any sea going vessel of any kind or description.

The word “Tonnage” shall signify tonnage according to the registry of the ship if British or according to the measurement fixed by the Merchant Shipping Act 1854 if the ship be not British.

And the word “Immigrant” shall mean any male adult native of China or its dependencies or of any islands in the Chinese Seas or any person born of Chinese parents.

II. The master of every ship upon arrival at any port in Victoria having passengers on board shall distinctly specify and state in the list required by an Act of the Lieutenant Governor and Legislative Council of Victoria passed in this present session intituled “*An Act to regulate the conveyance of Passengers to Victoria*” to be delivered to the Collector or other Chief Officer of Customs at the port of arrival whether any and which of such passengers are Immigrants within the meaning of this Act.

Passenger List to
state whether
Immigrants as
defined by this Act
are aboard or not.

III. If any ship shall arrive in any port in Victoria having on board a greater number of passengers including the master and crew and cabin passengers than in the proportion of one person to every ten tons of the tonnage of such ship and any of such passengers shall be Immigrants the owner charterer or master of such ship shall be liable on conviction to a penalty not exceeding ten pounds for each passenger so carried in excess or improperly.

Number of
immigrants ships
may carry.

IV. On arrival in any port of Victoria of any ship having any Immigrants on board before making entry the master shall pay to the

Rate to be paid for
Immigrants.

Collector

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Collector or other proper Officer of Customs a rate of ten pounds for every such Immigrant arrived in such ship and no entry shall be deemed to have been legally made or to have any legal effect whatever until such payment shall have been made and if any master neglect so to specify and state in any such list as aforesaid or to pay such rate within the time aforesaid or shall land or permit any such Immigrant to land at any place in Victoria with the intent of evading the payment of any such rate he shall on conviction be liable to a penalty not exceeding twenty pounds for each Immigrant in addition to the amount of such rate.

V. All monies levied and received by the Collector or other officer of Customs under the authority of this Act shall be paid to such persons and shall be invested in such manner as may be directed by the Governor with the advice of the Executive Council and the interest and dividends thereof or so much of the same as shall not be required for the purposes hereinafter mentioned shall be invested in like manner so as to accumulate and such monies interest dividends and accumulations shall form a fund and the said fund shall from time to time be applied as occasion may require by such officers and under such rules as the Governor with the advice aforesaid may from time to time appoint for and towards the expense of the relief support and maintenance of any such Immigrants and an account of the receipts and expenditure of such monies in each year shall be laid before the Legislative Council within fifteen days after the commencement of the next ensuing Session thereof.

Fund to be formed.

VI. It shall be lawful for the Governor with the advice aforesaid to make such rules and regulations as may be deemed necessary for the registration of such Immigrants on their arrival at the district or place to which they may proceed the period for which such registry is to last and the mode place and time of its renewal for the adjustment of disputes between such Immigrants and generally for the management and good government of such Immigrants and any such rules and regulations to alter vary or annul and substitute others as occasion may require.

Governor may make Rules and Regulations.

VII. It shall be lawful for the Governor to nominate and appoint such officers as may be necessary to carry out the provisions of this Act and such officers to remove and appoint others in their place as to such Governor may seem desirable.

Governor may appoint officers.

VIII. It shall be lawful for the Governor with the advice aforesaid to cause to be levied and collected in such manner by such instalments and within such time as may be deemed expedient such a sum from each Immigrant as may be necessary for the payment of the officers or persons employed in carrying the provisions of this Act into execution provided that no such sum shall exceed in the aggregate twenty shillings to be paid by any one Immigrant during a period of twelve months.

Annual sum may be levied from Immigrants.

IX. If any such Immigrant shall fail to pay at the time and place which may be fixed in that behalf the sum from time to time to be paid by such Immigrant as aforesaid or shall be guilty of any breach or infringement of any such rule or regulation as aforesaid every such Immigrant shall on conviction forfeit and pay a penalty not exceeding five pounds or at the discretion of the convicting justices be subjected to imprisonment for any period not exceeding two months.

Penalty for non-payment.

X. All rules and regulations made under the authority of this Act shall be laid before the Legislative Council within fourteen days after the same shall come into operation if the Legislative Council be then sitting and if not sitting then within fourteen days after the commencement of its next Session.

Rules and regulations to be laid before Legislative Council.

XI. All proceedings under this Act shall be had and taken in a

summary

Summary proceedings.

summary way and in proceeding for any penalty rate duty or forfeiture under this Act it shall not be necessary to lay or file any formal information and no complaint conviction or other proceeding under this Act shall be quashed or set aside or deemed void or insufficient for want of form only or be removed or removable by *certiorari* or any other writ or process whatsoever into the Supreme Court.

No *certiorari*.

XII. All sums of money fines and penalties not hereinbefore specially appropriated shall be paid to Her Majesty Her Heirs and Successors for the public uses of Victoria and in support of the Government thereof.

Appropriation.

XIII. In any proceeding under this Act evidence that any person arrived in Victoria from China or its dependencies or any of the Islands in the Chinese Seas or resided or dwelt with any such person shall be sufficient proof unless the contrary be shewn that any such person is an Immigrant within the meaning of this Act.

What sufficient proof of being an Immigrant.

XIV. All the clauses of this Act except the third and fourth clauses thereof shall come into operation immediately on the passing thereof and the said third and fourth clauses shall come into operation from and after the first day of November which will be in the year of Our Lord One thousand eight hundred and fifty-five.

Commencement of Act.

[In pursuance of Authority given to me In the name and on behalf
by The Legislative Council, I hereby of Her Majesty I assent to
certify that the above print on Vellum this Act.
is the Bill to which The Legislative
Council of Victoria has agreed and that Government Offices,
the same passed The Legislative Council Melbourne –
on the eleventh day of June one thousand 12th June 1855
eight hundred and fifty five.

Chas. Hotham
Governor.]

Chas. Ridgway
Clerk Assistant Legislative Council]

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