



## CHAPTER 28.

### An Act to regulate Immigration into British Columbia.

[8th April, 1905.]

**W**HEREAS by the "British North America Act, 1867," section 95, Preamble. it is enacted as follows :—

"In each Province the Legislature may make laws in relation to Agriculture in the Province and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada":

And whereas it is expedient to regulate immigration into British Columbia:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

**1.** This Act may be cited as the "British Columbia Immigration Short title. Act, 1905."

**2.** In this Act unless the contrary intention appears—

Interpretation.

"The Minister" means the Minister charged by the Lieutenant-Governor in Council with the administration of this Act.

"Officer" means any officer appointed under this Act or authorised by this Act, to enforce its provisions.

“ Regulations ” mean regulations made by the Lieutenant-Governor in Council under the provisions of this Act.

Prohibited immigration.

3. The immigration into British Columbia of any person (hereinafter called a prohibited immigrant) who, when asked to do so by an officer, fails to write out at dictation, in the characters of some language of Europe, and sign in the presence of the officer, a passage of fifty words in length, in an European language directed by the officer, is hereby prohibited.

Application of Act.

4. This Act shall not apply to—

- (a.) Any person possessed of a certificate in the form set out in Schedule “ A,” to this Act annexed, and signed by the Minister or the Agent-General of British Columbia, or any officer appointed by the British Columbia Government for the purposes of this Act, whether in or out of British Columbia :
- (b.) Any person expressly exempted from the operation of this Act by writing under the hand of the Minister :
- (c.) His Majesty’s land and sea forces :
- (d.) The officers and crew of any ship-of-war of any Government :
- (e.) The officers and crew of any other vessel landing, during the stay of such vessel in any port of British Columbia : Provided that the master shall, upon being so required by any officer, muster the crew in the presence of the officer, and if it is found that any person who, according to the vessel’s articles, was one of the crew when she arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the exception contained in this paragraph, is not present, then such person shall not be excepted by this paragraph, and until the contrary is proved shall be deemed to be a prohibited immigrant and to have entered the Province contrary to this Act :
- (f.) Any representative duly accredited to British Columbia by or under the authority of the Imperial or Dominion or any other Government :
- (g.) Any person the terms of whose entry into Canada have been fixed, or whose exclusion from Canada has been ordered by any Act of the Parliament of Canada :
- (h.) A wife accompanying her husband if he is not a prohibited immigrant, and all children apparently under the age of eighteen years accompanying their father or mother if the father or mother is not a prohibited immigrant ; but so that the exceptions in this paragraph shall not apply if suspended by proclamation of the Lieutenant-Governor in Council ; and such suspension may be of general application or limited to any cases or class of cases :

- (i.) Any person who satisfies an officer that he has, prior to the coming into force of this Act, been resident or domiciled in the Province.

5. (1.) A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand. Certificates of exemption.

(2.) Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Province, be treated as a prohibited immigrant offending against this Act: Provided that in the case of a person entering the Province from any vessel, under this section no penalty shall attach to its master, owner or charterer.

6. (1.) Any immigrant who evades an officer or who enters the Province at any place where no officer is stationed may, if at any time thereafter he is found within the Province, be asked to comply with the requirements of section 3, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act. Examination of immigrant after entry into Province.

(2.) Any immigrant may at any time within one year after he has entered the Province be asked to comply with the requirements of section 3, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.

7. Any prohibited immigrant within the meaning of section 3 may, if thought fit by an officer, be allowed to enter the Province or to remain within the Province upon the following conditions:— Conditional entry.

- (a.) He shall on entering the Province, or on failing to comply with the requirements of section 3, deposit with an officer the sum of five hundred dollars:
- (b.) He shall, within thirty days after depositing such sum, obtain from the Minister a certificate of exemption in the form of the Schedule, or depart from the Province, and thereupon the deposit shall be returned, but otherwise the deposit, or any part thereof, may be forfeited, and he may be treated as a prohibited immigrant offending against this Act:

Provided that in the case of a person entering the Province from any vessel, under this section no penalty shall attach to the master, owner or charterer of the vessel.

8. Every prohibited immigrant entering or found within the Province in contravention or evasion of this Act shall be guilty of an offence against this Act, and shall be liable upon summary conviction to imprisonment for not more than six months, and in addition to or substitution for such imprisonment shall be liable, pursuant to any order of the Minister, to be deported from the Province: Provided that the imprisonment shall cease for the purpose of deportation, or if Penalty for illegal entry.

the offender finds two approved sureties, each in the sum of two hundred and fifty dollars, for his leaving the Province within two weeks.

Penalty upon master et al. from whose ship illegal entry made.

**9.** The master, owner and charterer of any vessel from which any prohibited immigrant enters the Province contrary to this Act, shall be jointly and severally liable to a penalty not exceeding five hundred dollars for each prohibited immigrant so entering the Province.

Penalty upon corporation assisting immigrant to contravene Act.

**10.** Any person who, or corporation which, shall in any way assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act, and be liable to a penalty not exceeding five hundred dollars for each prohibited immigrant who is so assisted.

Officer's questions to be answered.

**11.** Every person shall answer all questions which are put to him by an officer, and which are, in the opinion of the officer necessary for determining whether he or any other person is a prohibited immigrant.

Penalty for refusing to answer questions.

**12.** Any person who refuses to answer any question lawfully put to him by an officer, or who knowingly makes a false statement, either in answer to any such question, or in applying to an officer for any certificate under the Act or the regulations, or in connection with any such certificate, shall be guilty of an offence against this Act.

Penalty for fraudulent transfers of certificates.

**13.** Any person who, with intent to contravene or evade this Act or the regulations, or, without just cause or excuse, transfers or delivers up to any person any certificate or credentials referred to in this Act or in the regulations, shall be guilty of an offence against this Act.

Penalty for having in possession certificates with intent to contravene Act.

**14.** Any person who, with intent to contravene or evade this Act or the regulations, or without just cause or excuse has in his possession—

(a.) A certificate of exemption or of domicile which does not belong to him ; or

(b.) Any certificate or credentials referred to in this Act or in the regulations, and not belonging to him ; or

(c.) Any such certificate or credentials which is forged or false ;

shall be guilty of an offence against this Act.

Master to furnish officer list of passengers.

**15.** The master of every vessel, other than a public vessel of any Government, arriving at any port in the Province, from parts beyond the Province, with any passengers on board for that port, shall deliver to an officer a list of all such passengers, specifying, to the best of his knowledge, the name, nationality, the place of shipment and the calling and occupation of each such passenger.

Master to furnish list of crew if required.

**16.** The master of every vessel, other than a public vessel of any Government, arriving at a port in the Province from parts beyond the

Province shall, if required by an officer, deliver to an officer a list showing the number and names of the crew and their nationality, and produce the vessel's articles.

**17.** The master of every vessel, other than a public vessel of any Government, arriving at any port within the Province, from parts beyond the Province, and having among her crew any persons not of European race or descent, shall forthwith upon arrival produce for the inspection of an officer a list showing the number and names of such persons and their nationality.

Master to furnish list of members of crew not of European race.

**18.** The master of every vessel shall afford to an officer every facility for performing his duties, and shall answer all questions which are put to him by the officer, and which are, in the opinion of the officer, necessary for determining whether any person is a prohibited immigrant. No person shall obstruct or hinder an officer in the carrying out of this Act or of the regulations.

Master to facilitate officer in discharge of duty.

**19.** Any officer may with any necessary assistance prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Province.

Prevention of entry.

**20.** All the members of the Provincial Police Force shall be officers for carrying out this Act, and the Lieutenant-Governor in Council may appoint such other officers as may be deemed necessary for carrying out this Act, and may prescribe their duties.

Officers.

**21.** (1.) The Lieutenant-Governor in Council may make regulations for carrying out this Act, and for empowering officers to determine whether any person is a prohibited immigrant, and may prescribe a tariff of fees to be paid by persons to cover any expenses the Province may incur in determining whether such persons are or are not prohibited immigrants.

Regulations.

(2.) All such regulations shall be published in the British Columbia Gazette, and shall thereupon have the force of law.

(3.) All such regulations shall be laid before the Legislature within thirty days after the making thereof, if the Legislature be then sitting, and if not, then within thirty days after the next meeting of the Legislature.

**22.** The Minister shall cause to be made annually a return which shall be laid before the Legislature, showing the number of persons refused admission into the Province on the ground of being prohibited immigrants, the nations to which they belong, whence they came, and the grounds on which admission was refused; and the number of persons who passed the test prescribed by section 3, the nations to which they belong, and whence they came.

Returns.

Penalty where no other penalty provided, and for violation of regulations.

**23.** Where no other penalty is expressly imposed, a person guilty of any offence against this Act, or against any regulation made under this Act, shall be liable on summary conviction to a penalty not exceeding two hundred dollars, and in default of payment to imprisonment for any period not exceeding three months.

---

### SCHEDULE A.

---

#### PROVINCE OF BRITISH COLUMBIA.

This is to certify that \_\_\_\_\_, of \_\_\_\_\_, aged \_\_\_\_\_, by trade or calling a \_\_\_\_\_, is exempted for a period of \_\_\_\_\_ from the date hereof from the provisions of the "British Columbia Immigration Act, 1905."

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

---



---

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, I.S.O., V.D., Printer to the King's Most Excellent Majesty.  
1905.