

His Honour The Lieutenant-Governor directs the publication of the following:—

ENACTING CLAUSES OF THE CAPE OF GOOD HOPE
"IMMIGRATION ACT 1902."

Preamble.

Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:

1. So much of any law as is repugnant to or inconsistent with the provisions of this Act, is hereby repealed.

Repeal—Interpretations.

2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say:—

"Ship" shall include any ship, vessel or boat or description thereof, used in navigation.

"Master" shall include any person other than a pilot in charge or command of any ship.

"Prohibited immigrant" shall mean and include the following persons:—

(a) Any persons who, when asked to do so by any duly authorized officer, shall be unable through deficient education to himself write out and sign in the characters of any European language, an application to the satisfaction of the Minister.

(b) Any person who is not in possession of visible means of support or is likely to become a public charge.

(c) Any person who has been convicted of any of the following offences, that is to say, murder, rape, theft, fraud, perjury or forgery, and who by reason of the circumstances connected with such offence is deemed by the Minister to be an undesirable.

(d) Any person who is a lunatic within the meaning of the second section of the Lunacy Act, 1897.

(e) Any person, male or female, who lives on or knowingly receives any part of the proceeds of prostitution.

(f) Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister, or through diplomatic channels, from any Minister of any foreign country is deemed by the Minister to be an undesirable.

Exemption of certain persons from the operation of this Act.

3. This Act shall not apply to:—

(a) Members of His Majesty's Naval and Military Forces.

(b) The officers and crew of any public ship of any foreign State.

(c) Any person, together with his wife, family, and servants, who is duly accredited to the Colony by or under the authority of His Majesty, or of the Government of any foreign State.

(d) Persons who have served in any of His Majesty's Volunteer forces in South Africa, and have received good discharges.

(e) The wife and minor child of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(f) Persons domiciled in South Africa.

(g) Illiterate European persons (unable to read and write and without visible means of support), who are agricultural or domestic servants, skilled artisans, mechanics, workmen or miners, and are able to produce a certificate signed by the Agent-General of the Colony in England or officer appointed by the Governor in England or elsewhere to grant certificates for the purposes of this Act, certifying that the person named therein has been engaged to serve, immediately on arrival in the Colony, an employer therein of repute at an adequate remuneration, and for a reasonable period of time.

PART II—PROHIBITED IMMIGRATION,

Prohibition of immigration of certain persons.

4. Subject to the provisions of this Act it shall be unlawful for any "prohibited immigrant" to immigrate either by land or by sea, into this Colony.

Aiding prohibited immigration.

5. It shall be unlawful to aid or assist any person to immigrate into this Colony in contravention of the provisions of this Act.

Master of ship landing prohibited immigrants.

6. It shall be unlawful for the master of any ship knowingly to permit to land or be landed directly or indirectly from his ship any person immigrating into this Colony in contravention of the provisions of this Act.

Regulations by Governor to prevent immigration.

7. It shall be lawful for the Governor from time to time by Proclamation to make regulations in order to prevent any immigration into this Colony, contrary to and in violation of the provisions of this Act, and to appoint officers within and beyond the limits of the Colony to carry out such regulations, and to provide for the removal, from within the territorial limits of the Colony, any persons who are, under and by virtue of the provisions of this Act, prohibited from immigrating thereto, and settling therein, and to provide for the temporary custody, control, and accommodation of such persons pending their removal as aforesaid; and to provide for the importation, reception, accommodation, maintenance, registration, distribution, and contractual engagements of persons immigrating under any approved scheme or belonging to any excepted class, and generally in furtherance of the objects and intents of this Act.

Penalty for illegally immigrating into Colony.

8. Any person immigrating into this Colony by land or sea in violation of the provisions of this Act, shall be liable to be removed at any time from within the limits of the Colony and to be kept in such custody as may by regulation be prescribed pending such removal.

Assisting in illegal immigration, penalty.

9. Any person who aids or assists any person in the contravention of any provisions of this Act shall be liable for each offence to a penalty of £50, or in the alternative to three months imprisonment with or without hard labour.

Liability of Master of ship for landing prohibited immigrants.

10. Any master of any ship who lands, or allows to land, directly or indirectly any immigrant from his ship whereby such immigrant contravenes any provisions of the Act, and the owners of any such ship from which any such immigrant so lands, shall be jointly and severally liable to a penalty of a £100, and to a further penalty of £20 for each such immigrant landed in excess of the number five, such ship may be refused a clearance till such penalty has been paid and may in default of payment by or on behalf of the master or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of such penalty; provided that in lieu of granting such order, it shall be lawful for the Court to accept such security for the payment of such penalty as may appear to be adequate.

Penalty for false statements made to obtain certificates.

11. Any person wilfully making any false statement in order to obtain any certificate or recommendation for the purposes of this Act shall on conviction be liable to a fine of not exceeding £50 or to imprisonment without the option of a fine and with or without hard labour for a period not exceeding six months in addition to removal from the Colony.

Penalty for entering into fictitious contracts to evade Act.

12. Any person entering into any contract in the capacity of employer, with any persons at the time being beyond the limits of the Colony, for service or employment within the Colony, for the purposes of any evasion of the provisions of the Act, or being at the time unable to fulfil his part of the contract, or who became unable to fulfil his contract which at the time it was entered into he had no reasonable expectation of being able to fulfil, shall be liable on conviction for each offence to be sentenced to imprisonment for a period not exceeding six months, or a fine of not exceeding £100, and in default of payment thereof to imprisonment not exceeding six months, or to both such fine and imprisonment.

Penalties for contravention of Regulations.

13. It shall be lawful for the Governor to prescribe penalties for the contravention of any Regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or in default of payment thereof imprisonment with or without hard labour for a period exceeding 12 months or to imprisonment with or without hard labour and without the option of a fine for a period exceeding 12 months.

Short Title.

14. This Act may be cited as "The Immigration Act 1902."

NOTICE OF SALE.

To the Executors, Administrators or Assigns of Honorable William E. Perley, late of the County of Sunbury, and to all others whom it may concern:

NOTICE IS HEREBY GIVEN, That by virtue of a Power of Sale contained in an Indenture of Mortgage dated the twelfth day of June, A. D. 1883, and made between the said Honorable William E. Perley, of the one part, and Charles N. Skinner of the City of Saint John, Barrister-at-Law, of the other part, which mortgage is recorded in the office of the Registrar of Deeds in and for the County of Sunbury, in Book C, No. 2 of Records, pages 219, 220, 221, 222 and 223, the twenty-seventh day of June, A. D. 1883; there will, for the purpose of satisfying the moneys secured by the said mortgage, default having been made in the payment thereof, and in pursuance of the said power of sale, be sold at Public Auction at Chubb's Corner, so called, in the City of Saint John, in the City and County of Saint John, on SATURDAY the 25th day of APRIL, A. D. 1903, at twelve of the clock, noon, the Lands and Premises mentioned and described in said mortgage as follows:—"All that certain tract, lot, piece or parcel of land situate, lying and being in the Parish of Blissville aforesaid, in the said County of Sunbury, and bounded as follows, to-wit: Beginning at a stake placed on the southern angle of the Grant to Thomas Phillips, Senior, and Jesse Phillips jointly, on the Yoho Stream, thence running by the magnet of the year one thousand eight hundred and thirty-eight north fifty-five degrees west fifty-seven chains to a cedar tree, thence south thirty chains and seventy-five links to a post standing on the northern bank or shore of North West Branch of Oromocto, and thence following the various courses of the said northern bank or shore down stream to the place of beginning, containing one hundred acres more or less, the same having been granted to one John McCluskey by Grant under the Great Seal of this Province." Also "A tract of land situate in the Parish of Blissville, in the County of Sunbury, in our Province of New Brunswick, and bounded as follows, to-wit: Beginning at a spruce tree standing at the most northerly angle of lot number one hundred and thirty-five, granted to William Hanson, east of the road from Geary to South Branch Oromocto River, thence south forty-one degrees east fifty chains crossing Brizley Creek in that distance, thence north forty-nine degrees east twenty chains, thence north forty-one degrees west fifty chains to a stake, and thence south forty-nine degrees west twenty chains to the place of beginning, containing one hundred acres more or less, and distinguished as lot number one hundred and thirty-three east of the road from Geary to South Branch Oromocto River," which last described tract of land was granted by the Crown to the said William E. Perley by grant dated the twenty-third day of November, A. D. 1871, and numbered 14485. Together with all and singular the fences and improvements thereon and the rights and appurtenances to the said land and premises belonging or appertaining.

Dated the 2nd day of March, A. D. 1903.

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C. N. SKINNER.

NOTICE IS HEREBY GIVEN, That application will be made, at the next Session of the House of Assembly, of an amendment to the "Bath Village Incorporation Act," for fire and water purposes, under 2 Edward VII., Cap. LXXXIV., passed April 1902.

Dated Bath, 28th February, 1903.

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P. CORBETT.