

To be construed with 189-10 of 1934

CHAPTER 209.

DESTITUTE AND CRIMINAL IMMIGRANTS.

[No. IV of 1896.]

[24th March, 1896.]

1. This Ordinance may be cited as the Destitute and Criminal Immigrants Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires,— Interpretation.

“visiting officer” means a visiting officer acting under the Quarantine Ordinance or any other Ordinance for the time being in force relating to quarantine, and includes any harbour master, or deputy harbour master, officer of customs, any officer of police, and any officer expressly appointed by the Governor to execute the provisions of this Ordinance;

“destitute immigrant” means any person, not being a native of the colony, as to whom notice that he is a destitute immigrant is given in accordance with the provisions of this Ordinance;

“pauper charges” means any money expended out of the public funds of the colony for the relief, maintenance, care, or treatment of any pauper, and the expenses, computed according to a scale prescribed by the Governor, of that relief, maintenance, care, and treatment in any hospital, almshouse, or other institution for the relief of sick or destitute persons, if that hospital, almshouse, or other institution is maintained out of the public funds of the colony;

“vessel” means any vessel of whatever kind used in navigating the sea;

“colonial court” means any court outside the colony exercising criminal jurisdiction within his Majesty’s colonial dominions;

“ vicious or criminal immigrant ” means any person or class of persons, defined by or specified in any proclamation made under section eight of this Ordinance to be vicious or criminal within the meaning of the proclamation;

“ officer of police ” means any officer of the police force not below the rank of sergeant.

DESTITUTE IMMIGRANTS.

Notice to destitute person arriving in vessel :

3.—(1) If, on the arrival in the colony of any vessel, there is on board any person who, in the opinion of any visiting officer visiting the vessel, is unable, by reason of physical or mental infirmity, to maintain himself by his own labour, or is destitute, and in either case is likely, if permitted to land, to become chargeable to the colony, the visiting officer shall give notice that that person is a destitute immigrant :

Proviso.

Provided that this sub-section shall not apply to any person who has been rescued from any ship and brought to the colony without having been taken to any other British possession, where he could have been landed and relieved.

(2) The notice may be given either verbally or in writing to the master or any of the crew of the vessel, or by writing nailed or affixed to any mast or other part of the vessel, but, where practicable, shall be given to the master.

Restriction on landing of destitute immigrants :

4. A destitute immigrant shall not, except by permission of the Governor, land in any part of the colony until some person resident in the colony and approved by the Colonial Treasurer as sufficient in that behalf undertakes by letter to repay to the Colonial Treasurer any pauper charges, not exceeding the sum of one hundred dollars, which, within two years from the date of the letter, may be incurred in respect of that immigrant :

Proviso.

Provided that any seaman or stowaway on a foreign ship may be discharged or allowed to land if the Consular Officer of the country to which that ship belongs undertakes in writing to maintain the seaman or stowaway until he can be re-shipped or sent away from the colony.

Persons concerned in landing of destitute immigrant.

5. Everyone who,—

(a) being the master of a vessel, suffers any destitute immigrant who arrives in the vessel to land in the colony contrary to this Ordinance; or,

(b) being a destitute immigrant, lands or suffers himself to be landed in the colony contrary to this Ordinance; or

(c) knowingly lands or procures to be landed in the colony contrary to this Ordinance any destitute immigrant,

shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars. Penalty.

6.—(1) Any scale for the computation of expenses prescribed by the Governor under this Ordinance shall be published in the Gazette, and may at any time be altered or revoked by the Governor. Publication of scale of expenses.

(2) A copy of the Gazette, purporting to contain any scale, alteration, or revocation aforesaid, shall be *prima facie* evidence of the tenor and due making thereof.

COLONIAL CRIMINALS.

7.—(1) A visiting officer may call upon any person arriving in this colony in any vessel whom the visiting officer has cause to suspect to be a colonial criminal to state— Colonial criminals arriving in colony.

(a) his name and occupation and the colony, parish, city, or town to which he belongs; and

(b) the port, city, town, parish, or place, whence he came.

(2) A visiting officer may, by writing under his hand addressed to any police constable, cause a person coming to the colony by any vessel, whom he has reasonable cause to believe to be a colonial criminal, to be taken before a magistrate, and thereupon all the provisions of the Alien Criminals Ordinance shall apply to any person so brought as aforesaid before the magistrate, and the magistrate shall have jurisdiction to deal with that person in the same manner as he is authorised to deal with persons brought before him suspected to be alien criminals, under the provisions and within the meaning of that Ordinance. Chapter 212.

(3) For the purposes of this section, "colonial criminal" means any criminal who, having been sentenced by any colonial court to penal servitude or imprisonment for a term of not less than six months, afterwards comes to this colony either before or after the expiration of his term of imprisonment. Interpretation of "colonial criminal."

VICIOUS OR CRIMINAL IMMIGRANTS.

Prohibition
of landing
of vicious or
criminal
immigrants.

Chapter 212.

8.—(1) The Governor may, by proclamation, whenever he deems it necessary, prohibit the landing in the colony of any vicious or criminal immigrants designated in the proclamation, except upon such conditions as the Governor in Council may prescribe as to their finding security for their good behaviour, or as to their supervision by the police in the manner provided in the Alien Criminals Ordinance, or otherwise, or for ensuring their re-transportation to the port or place whence they came, with the least possible delay.

(2) Those conditions may, if the Governor in Council deems it necessary, include the immediate return, or the return with the least possible delay, of the vessel and the immigrants to that port or place, the prohibited immigrants remaining on board until the return of the vessel.

Landing
vicious or
criminal
immigrant.

9. Subject to the provisions of section fifteen of this Ordinance, any master of a vessel who knowingly suffers any vicious or criminal immigrant who arrives in the vessel to land in the colony contrary to any proclamation aforesaid of the Governor shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars.

Penalty.

Landing
contrary to
proclamation
relating to
vicious or
criminal
immigrants.

10. Any vicious or criminal immigrant who knowingly and wilfully lands or suffers himself to be landed in the colony contrary to any proclamation aforesaid of the Governor, and every person who knowingly lands or procures to be landed in the colony, contrary to that proclamation, any vicious or criminal immigrant, shall be liable to a penalty not exceeding two hundred and fifty dollars, and the vicious or criminal immigrant may thereafter be dealt with under the provisions of section eight of this Ordinance.

Penalty.

MISCELLANEOUS PROVISIONS.

Questions by
visiting
officer.

11. The master of any vessel arriving in the colony shall answer all questions which a visiting officer puts to him for the purposes of this Ordinance; and any master who either refuses to answer any of those questions, or gives an untrue answer thereto, shall be liable to a penalty not exceeding fifty dollars.

Penalty for
default in
answer.

List of
passengers.

Schedule.

12. The master of any vessel arriving in the colony shall furnish the harbour master with a list of passengers in the form in the schedule hereto, and if any master refuses or

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neglects to furnish the list form at the request of the harbour master, or if he furnishes it incorrectly or incompletely filled in, he shall be liable in either case to a penalty not exceeding fifty dollars recoverable on summary conviction.

Penalty for not furnishing.

13.—(1) If any destitute immigrant, or vicious or criminal immigrant, lands in the colony contrary to this Ordinance, the vessel by which he arrived shall be subject to a maritime lien in favour of his Majesty the King, his heirs and successors, for a sum of two hundred and fifty dollars in respect of each of those immigrants who lands as aforesaid, and the amount so charged may be sued for and recovered in the Supreme Court in its Admiralty jurisdiction accordingly.

Penalty on vessel landing destitute immigrant or vicious or criminal immigrant :

(2) Any visiting officer or officer of customs may detain, and by force, if necessary, any vessel charged with the payment of any sum under this section until six o'clock in the evening of the day following the landing of the immigrant in respect of whom the sum is charged :

Provided that the detainer shall cease upon either of the following events, that is to say,—

Proviso.

(a) upon payment to the officer detaining the vessel, or the person placed by him in actual charge of the vessel, of all sums charged upon the vessel under this section; or

(b) upon the vessel being arrested under process of the Supreme Court in its Admiralty jurisdiction issued in any proceedings for recovering the sums last aforesaid.

14.—(1) If any destitute immigrant arriving on board any ship lands in the colony contrary to this Ordinance the master of the ship may apply to any magistrate (who is hereby authorised to grant the application) for a warrant authorising the persons therein named to arrest and convey on board the destitute immigrant, and any person arresting and conveying on board the destitute immigrant under the authority of the warrant shall incur no liability by so doing. The fee payable for the warrant shall be the same as that for other warrants of arrest.

Arrest and conveyance on board of destitute immigrant who lands.

(2) The maritime lien arising under section thirteen of this Ordinance on the landing of the destitute immigrant shall cease to exist on his being conveyed on board as aforesaid, but shall revive if he again lands in the colony contrary to this Ordinance.

Restriction of liability of vessel and master in respect of landing of vicious or criminal immigrant.

15. In any proceeding against a vessel or the master of a vessel in respect of the landing in the colony, contrary to any proclamation aforesaid of the Governor, of any vicious or criminal immigrant, the vessel shall not be subject to the maritime lien created by the last preceding section, and the master shall not be liable to the penalty prescribed by section nine of this Ordinance unless it is proved, to the satisfaction of the Supreme Court or of the magistrate, as the case may be,—

- (a) that notice was given either verbally or in writing, in the manner prescribed by section three of this Ordinance in relation to destitute immigrants, that the person being on board of that vessel, and in respect of whom the proceeding is taken, was a vicious or criminal immigrant, within the meaning of any proclamation aforesaid of the Governor; or
- (b) that the master of the vessel, independently of any notice, had knowledge that the person by him permitted to be landed in the colony, and in respect of whom the proceeding is taken, was a vicious or criminal immigrant within the meaning of any proclamation aforesaid of the Governor.

SCHEDULE.

(Section 12.)

List of passengers arriving by.....,Master, from....., as required by section twelve of the Destitute and Criminal Immigrant Ordinance.

Christian and surname of passenger.	Age.	Place of birth.	Occupation.	Class.

Date _____, Master.

Section 12 of the Ordinance.

The master of any vessel arriving in the colony shall furnish the harbour master with a list of passengers in the form in the schedule hereto. If any master refuses or neglects to furnish the list at the request of the harbour master, or if he furnishes it incorrectly or incompletely filled in, he shall be liable in either case to a penalty not exceeding fifty dollars, recoverable on summary conviction.