

六「カナダ」ニ於テ本邦移民渡航制限及排斥ノ件 一〇六

ニ本邦人ヲ区別的待遇ノ標的ニ供シ彼等カ多年善意ニ従事シ来レル職業ヲ奪フハ甚苛酷ノ処置ニシテ識者ノ首肯シ難キ所ナル趣ヲ十分先方ニ徹底セシメ之ガ是正ノ為メ何分ノ配慮切ニ希望スル旨懇々御申入相成先方ノ意向ヲ取糺シ貴見ヲ具シ何分御回報相成候様致度此段申進候也

(本信送付先 在英大使 堀晚香坡領事)

一〇六 十一月二十四日

牧野外務大臣ヨリ
在オタワ矢田総領事宛

英領「コロンビア」州ニ於ケル土地所有權禁

止問題ニ関シ訓令ノ件

機密送第一六号

英領哥倫比亞州次期議會ニ於テ本邦人ニ対シ土地所有權ヲ禁止セントスル議案ノ提出ヲ見ルヘキ氣勢アル趣ヲ以テ在晚香坡領事ヨリ屢次報告之次第ハ貴官ニ於テ御既承ノ通りニ有之候処一般外国人ニ対シ均等ニ行ハレサル限リハ右ノ

一三四

如キ立法カ明ニ条約違反ナルハ申迄モ無之候ヘトモ事ノ成否ハ兎モ角モ苟モ如此議案カ議場ニ表ハレ排日的論議ノ上下ヲ見ル如キコト有之候ニ於テハ彼我國民ノ關係ニ有害ナル影響ヲ齎スノ恐有之兩國々交ノ大局上之ヲ未然ニ防クコト極テ必要ト相認候ニ就テハ貴官ハ非公式ニ中央政府当局者ノ注意ヲ喚起シ帝國政府ニ於テハ如此議案カ条約ノ關係上到底成立スルモノニアラザルコトヲ知悉スルモ其及ボスヘキ惡影響ニ鑑ミ日加兩國親交ノ為メ仮ニモ如此法案ノ議會ニ提出セラルル事無之ヲ切望スルニ依リ加奈陀政府ニ於テ之ガ提出ヲ阻止スル為メ充分斡旋セラレン事ヲ希望スル旨篤ト懇談的ニ申入ラレ先方ノ意嚮ヲ取糺シ御意見ト共ニ何分御報告相成候様致度此段申進候也

(本信送付先 在英大使、晚香坡領事)

事項七 「オーストラリア」ニ於テ本邦移民渡航制限ノ件

一〇七 三月二十六日

在シドニー矢田部總領事代理ヨリ
牧野外務大臣宛

「オーストラリア」ニ於テ永住權保有ノ本邦

人ヲモ排斥スルノ惡傾向アル件

公第二八号

(五月十四日接受)

大正二年三月廿六日

在「シドニー」

總領事代理 矢田部保吉(印)

外務大臣男爵 牧野伸顯殿

濠洲政府ハ曩ニ移民法ヲ制定シテ本邦人就中労働者ノ渡来ヲ事実上絶対ニ禁止セル結果現今ニ於テハ本邦商人並ニ頗ル少数ノ旅客及学生ヲ除クノ外新ニ渡来スルモノ殆ント絶無ノ状態ナルコトハ既ニ御詳悉ノ通りニ有之候処右移民法制定前ヨリ引続キ当国ニ在住セルカ為メ同法ノ除外トシテ当国ニ永住權ヲ認メラレ爾来引続キ服業セル本邦人各種労働者ニ対スル排斥ノ声近時漸ク各地方ニ起リ来リ殊ニ「クインズランド」州「ケーンズ」地方ノ如キハ同地旅商団ニ

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一〇七

於テ本邦料理人又ハ給仕ヲ雇用スル旅館ニハ互ニ同盟シテ止宿スルコトナカルヘシト決議シ強迫的ニ本邦雇人ノ放逐方ヲ各旅館ニ通告セル趣ニテ其結果旅館ニ於テハ營業上已ヲ得シテ本邦雇人ヲ解雇スルモノ続出セル次第ニ有之例令永住權ヲ有スルモ如此同盟排斥ノ為メ本邦人中失業ノ厄ニ遭遇スルモノ同地方ノミニテモ約式百名ノ多数ニ上ルヘク其影響スル所痛切ナルモノ有之候趣同地日本人会ヨリ通報ノ次第有之候將又西濠洲「ボールダー」地方ニ於テモ本邦洗濯店及飲食店等ヲ排斥ノ目的ヲ以テ同地方労働組合ハ其組合員ノ前記諸店ニ出入スルヲ禁シ或ハ組合ノ勢力ヲ特ミテ地方自治体ノ監督權ニ迄干涉シ種々ノ辞柄ヲ設ケテ營業免狀ノ下付又ハ其更新ヲ阻止スルカ如キコト往々有之候為メ本邦人ノ迷惑及損失莫大ナルモノ有之候趣是又同地當業者ヨリ當館ニ報道致越候之ヲ要スルニ当国各地ヲ通シテ右ノ如キ惡傾向アルハ現今濠洲労働者跋扈跳梁ヲ極ムルノ直接ナル結果ナリト雖トモ亦彼ノ一部人士ノ人種的偏見ニ基クト思考セラル、白濠洲

一三五

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一〇八

主義實現ノ一端ニ有之当国ニ於ケル本邦人将来ノ發展ノ為
メ頗ル遺憾ノ儀ニ有之候
右ノ事実御参考迄及報告候 敬具

一〇八 五月二十八日 牧野外務大臣ヨリ
在シドニー矢田部総領事代理宛

「オーストラリア」ニ於ケル日本人排斥問題

ニ関シ訓令ノ件

機密送第六号

本件ニ関シ三月廿六日付公第二八号御稟報ノ趣了承右ノ如
キ排斥運動カ貴地方ニ於テ湧起致候ハ誠ニ遺憾ノ義ニ有之
其成行ノ如何ニヨリテハ相当ノ手段ヲ採ルノ必要可有之ト
被存候ヘ共万一如此事態ヲ誘致シタル原因カ幾分在留本邦
人側ニ於ケル行為ニ基クコト有之候テハ甚面白カラサル義
ニ付此辺精細御調査ノ上御報告相成度尚貴官ハ貴地方面ニ
於ケル本邦人ニ対シ今後共充分其言動ヲ慎ミ苟モ白人ノ擯
斥ヲ招ク如キ行動ナキ様注意可致旨嚴重御戒諭相成度又他
地方ニ於ケル本邦人ニ対シテモ適當ノ方法ニヨリ同様注意
方可然御措并相成度將又本件ニ関シテハ向後十分御注視ノ
上隨時貴官ノ採ラレタル措置ト共ニ状況御報告相成度此段

外務大臣男爵 牧野伸顯殿

本件ニ関シ本年三月廿六日付公第二八号ヲ以テ不取敢及報
告置候処果然西濠州 Boulder 市会ニ於テ本年度初ニ至リ同
市在住本邦洗濯業者一同（合計五軒）ノ營業免状更新ノ申
請ヲ拒絶シタリ依テ同地弁護士ヲ介シテ同州首府（Perth）
ニ於ケル衛生長官ニ対シ交渉ヲ開始セル旨右本邦人同業者
ヨリ通知致来候右ハ或ハ表面洗濯店ノ如キ正業ヲ粧ヒ窃ニ
醜業ヲ営ミ居ルノ嫌疑ヲ受ケタル結果ニ因ルヤモ難計ト被
存候ヘハ一応取調候処絶エテ左ル事実モ無之將又市会ニ於
テ拒絶ノ理由ヲ明示セサル趣ニ付遂ニ当館ヨリ同市会ニ向
ケ右拒絶ノ事情通報方及電照（往復電信写一号）候処單ニ
市会ハ日本人ガ市ノ中心ニ於テ有害ナル職業ヲ営ムコトヲ
好マザルニヨルト漠然タル返電（同上二号）アリタルヲ以
テ右ハ市会ニ於テ（一）今回新タニ一般洗濯店ノ營業区域ヲ変
更シタルノ結果ナリヤ將又（二）本邦人同業者ニ於テ市衛生規
則ヲ犯セルノ結果ナリヤ（同上三号）再応照会致候処二項
共ニ之ヲ否定シ只ダ本邦人ヲ市外ニ驅逐セントスル市会ノ
意志ニ出ツ（同上五号）ト甚不条理ナル返電ニ接シタルヲ
以テ右ハ果シテ市会ニ於テ公然之ヲ決議シタルモノトセハ

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一〇

一〇九 一一〇 一三六

申進候也

一〇九 五月二十八日 牧野外務大臣ヨリ
在英国小池臨時代理大使宛

「オーストラリア」ニ於ケル日本人排斥二関

スル件

機密送第六八号

本件ニ関シ在シドニー矢田部総領事代理ヨリ別紙写甲号ノ
通り報告致越候ニ付別紙写乙号ノ通及訓令尚ホ在濠洲我名
譽領事ヘモ夫々必要ノ訓令相發置候間為御参考右写茲ニ差
進候也

註 別紙甲乙各号同文前掲ニ付省略ス

一一〇 七月十六日 在シドニー矢田部総領事代理ヨリ
牧野外務大臣宛

「オーストラリア」ニ於テ永住權保有ノ日本

人排斥ニ関スル件

公第五九号 （八月二十六日接受）

大正二年七月十六日

在シドニー

総領事代理 矢田部 保吉（印）

其決議ノ要点ヲ回電アリタキ旨更ニ電問（同上六号）シタ
ルトコロ遂ニ窮シテ十八日付電信（同五号）ノ通り（同上
七号）ト繰返セルニ過キサルカ故最早同市会ニ対スル此上
ノ交渉ヲ無益ト信シ本件ニ関スル往復電信写相添聯邦政府
ニ対シ本件ノ調査並ニ相当斡旋方別紙甲号写ノ通及交渉候
処本件ハ聯邦政府ヨリ西濠洲政府ニ交渉前既ニ同地弁護士
ヨリ市会ノ決議取消方申請ノ次第有之彼是交渉ノ結果同州
衛生長官ニ於テ市会ノ決議ヲ取消シ適法ニ再ヒ右本邦人洗
濯店營業ノ登記ヲ命シタル旨西濠州首相ヨリ申出タル趣別
紙乙号写ノ通り聯邦政府ヨリ回答有之將又右洗濯同業者ヨ
リモ今回愈々營業免状下付アリタル趣申来候ニ付本件ハ一
先ツ茲ニ無事解決ヲ告ケタル次第ニ有之候猶ホ「クインス
ランド」州 Cairns 地方旅商団ノ本邦人排斥ニ関シテハ前
記西濠州ノ事件ト其性質ヲ異ニセルヲ以テ直ニ之ヲ官憲ニ
照会シテ其斡旋ヲ求ムルコトハ暫ク之ヲ見合セ同地日本人
ニ対シテハ特ニ当国ノ国情ニ鑑ミテ深く各自ノ言行ヲ慎ミ
可成其地方ノ風俗慣習ニ融合センコトヲ努ムルト共ニ邦人
ノ地位向上ヲ怠ルコトナク決シテ白人ノ擯斥ヲ受クルカ如
キ言動ナキ様戒訓ヲ与ヘ尚ホ充分其成行ヲ注視スルコトニ

一三七

勉メ居リ候

右及報告候 敬具

註 附属書省略

一一一 七月三十一日 在シドニー矢田部総領事代理ヨリ
牧野外務大臣宛

濠洲移住制限法改正ニ関スル件

附属書一 一九〇一年乃至一九一〇年移住制限法改正ノ

一九一二年移住法写

二 右移住法施行規則写

公第六三号

(九月一日接受)

大正二年七月三十一日

在シドニー

総領事代理 矢田部保吉(印)

外務大臣男爵 牧野伸顯殿

昨年度ノ濠洲聯邦議會ヲ通過シタル移民制限法改正法律案
聯邦總督ノ承認ヲ経テ先般發布セラレ候其要点左ノ如シ
一、今次ノ改正ハ健全ナル移民ノ輸入ヲ計ルカ為メ旧法
ノ不備ヲ補ハントスルヲ以テ第一ノ目的トシ政府ノ説明
ニ係レハ英国ヨリ渡来スル移民ヲ以テ此改正ノ主眼トス

三、爾後本法ハ之ヲ Immigration Act 1901-1912 ト改称
スルコト

以上ハ即チ改正ノ要点ニ有之而シテ移民ノ健康ニ関スル規
定ハ英国ヨリノ移民ヲ主眼トスルコト前記ノ如クニ候得共
其規定ハ一般的ニシテ自然英国以外ヨリ渡来スル一切ノ上
陸者ニ対シテ健康証書ノ所持ヲ要求スルコトヲ得ヘク本邦
人ノ渡来者モ亦規定ノ適用ヲ受クルコト可有之候尤モ健康
診断並ニ健康証書発給ニ関スル機關未タ整備セサルカ為メ
ニ健康証書ノ所持ハ未タ何人ニ対シテモ之ヲ実行シ居ラス
当地税関ノ言ニ依レハ其実行ノ時期尚ホ未定ナル趣ニ有之
候

右御参考迄改正法律写並ニ附属施行規則写各一部相添ヘ此
段及報告候 敬具

(附属書一)

一九〇一年乃至一九一〇年移住制限法改正ノ

一九一二年移住法写

IMMIGRATION ACT 1912.

No. 38 of 1912.

An Act to amend the Immigration Restric-

七 「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一一

而シテ其目的ヲ達スルカ為メニ

イ、英国ニ Commonwealth Medical Bureau ヲ開設シ

一切ノ移民ヲシテ其英国出発前健康診断ヲ受ケシム

ロ、新ニ「健康証書ヲ所持セザル者」ヲ禁止移民中ニ数

ヘ且ツ従前ニ比シ入国禁止ノ理由タルヘキ疾病ノ範圍
ヲ拡張セリ

二、次ニ改正法ハ船舶ニ対シテ一層嚴格ナル規定ヲ設ケタ
リ即チ

イ、従来船舶乗組員ハ該船舶ノ濠洲諸港碇泊中自由ニ上
陸スルコトヲ認メラレ居リ改正法ハ其上陸ヲ制限セサ
ルモ当該官憲ハ船長ヲシテ乗組員ノ姓名、指紋、写真
等ヲ具備セル Identification Card ヲ提出セシムルヲ
得ルコト且ツ

ロ、従前ノ規定ニ依レハ船舶カ禁止移民タル密航者ヲ搭
載シテ濠洲諸港ニ入港セルトキハ船長ハ該密航者一名
ニ付百磅ノ罰金ニ処セラルヘキモノナリシカ改正法ハ
船長カ右ノ処分ヲ受ケタル後十二ヶ月以内ニ再ヒ密航
者ヲ載セ来ルトキハ船長ハ該密航者一名ニ付貳百磅ノ
罰金ニ処スヘキモノトセリ

tion Act.
1901-1910.

(Assented to 24th December, 1912.)

Be it enacted by the King's Most Excel-
lent Majesty, the Senate, and the House of
Representatives of the Commonwealth of
Australia, as follows:—

1 (1.) This Act may be cited as the Short title
Immigration Act 1912.
and
citation.

(2.) The Immigration Restriction Act
1901-1910 is in this Act referred to as the
Principal Act. ^(3B)

(3.) The Principal Act, as amended by
this Act, may be cited as the Immigration
Act 1901-1912.

2 Section two of the Principal Act is Amendment
amended by inserting in the definition of
of s. 2.
“officer” —

(a) after the word “Customs” the
words “or of the Department of
External Affairs,” and

(b) after the word “State” the words
“or Territory being part of the

Amendment 3 Section three of the Principal Act is amended—

Commonwealth.”

- (i.) by omitting paragraphs (b), (c), (d), (e), and (f) and inserting the following paragraphs in their stead :—
- “(b) any person not possessed of the prescribed certificate of health ;
- “(c) any idiot, imbecile, feeble-minded person or epileptic ;
- “(d) any person suffering from a serious transmissible disease or defect ;
- “(e) any person suffering from pulmonary tuberculosis, trachoma, or with any loathsome or dangerous communicable disease, either general or local ;
- “(f) any person suffering from any other disease or mental or physical defect, which from its nature is, in the opinion of an officer, liable to render the person concerned a

charge upon the public or upon any public or charitable institution ;

“(g) any person suffering from any other disease, disability, or disqualification which is prescribed ;

“(ga) any person who has been convicted of a crime and sentenced to imprisonment for one year or more, unless five years have elapsed since the termination of the imprisonment ;

“(gb) any person who has been convicted of any crime involving moral turpitude, but whose sentence has been suspended or shortened conditionally on his emigration, unless five years have elapsed since the expiration of the term for which he was sentenced ;

“(gc) any prostitute, procurer, or person living on the prostitution of others ;”

(ii.) by inserting in paragraph (h) after the words “certificate of exemption”

the words “as prescribed” ;

(iii.) by omitting from paragraph (h) the words “in the form in the Schedule, signed by the Minister or by any officer appointed under this Act, whether within or without the Commonwealth” ;

(iv.) by inserting at the end of paragraph (k) the following proviso :—“Provided also that identification cards bearing the full name, thumbprint, photograph, and prescribed description of each member of the crew, and endorsed by the master, have been produced to any officer on demand” ;

4 After section 3 of the principal Act the following sections are inserted :—

“3A. —(1.) The Governor-General may establish Commonwealth Medical Bureaux at such places outside the Commonwealth as he thinks fit.

“(2.) The Minister may appoint a Chief Medical Officer to be in charge of a Com-

monwealth Medical Bureau and such other officers in connexion with the Bureau as he thinks necessary.

“(3.) The salaries of such officers shall be paid out of moneys to be provided by the Parliament.

“(4.) Officers so appointed shall not be subject to the Commonwealth Public Service Act 1902-1911 or any Act amending or substituted for the same.

“3B. —(1.) The Minister may appoint duly qualified medical practitioners to be medical referees for the purposes of this Act at such places outside or within the Commonwealth as he thinks fit.

“(2.) Medical referees shall be paid such fees as are prescribed.

“3C. The Minister may authorize a list of questions to be put to and answered by an intending immigrant on his examination by a medical referee.

“3D. —(1.) An intending immigrant shall be examined as to his physical and

Minister

may prescribe list of questions.

Medical examination-

tion of intending immigrants.

mental fitness by a medical referee, and shall answer to authorized list of questions put to him by the medical referee, who shall, if he is satisfied that the intending immigrant is of sound health, issue to him, on payment of the prescribed fee, a certificate of health in the prescribed form.

“(2.) Where an intending immigrant embarks at a port where there is no medical referee, he shall prior to his departure be examined as to his physical and mental fitness by the ship's medical officer, and shall answer the authorized list of questions put to him by the ship's medical officer, who shall, if he is satisfied that the intending immigrant is of sound health, issue to him, on payment of the prescribed fee, a certificate of health in the prescribed form.

“(3.) If the medical referee of the ship's medical officer is not satisfied that the intending immigrant is of sound health, he shall send a report on the health of the intending immigrant, together with the answers of the

intending immigrant to the authorized list of questions to the Chief Medical Officer, who may, if he thinks fit, on payment of the prescribed fee, issue a certificate of health in the prescribed form to the intending immigrant:

“Provided that the Chief Medical Officer shall not issue a certificate of health to any person believed by him to be suffering from or affected with any disease or disability either specifically mentioned or of a class mentioned in this Act or the regulations.

“(4.) The Chief Medical Officer may require an intending immigrant to be examined as to his physical and mental fitness by him or by a duly qualified medical practitioner appointed by him.

“(5.) A Collector or Sub-collector of Customs may, if he thinks fit, permit an intending immigrant who on arrival in the Commonwealth does not possess a certificate of health in the prescribed form to be examined as to his physical and mental fitness

Immigrant not possessing certificate may be permitted to be examined.

by a medical referee upon payment of the prescribed fee.

“(2.) The medical referee shall, if he is satisfied that the intending immigrant is of sound health, issue to him a certificate of health in the prescribed form.

Master to report when certificates issued by ship's medical officer.

“(3F. The master of a ship carrying passengers to Australia shall on the ship's arrival at her first port of entry in the Commonwealth report to an officer all cases in which a certificate of health has been issued to an intending immigrant by the ship's medical officer.

“Penalty: Fifty pounds.

“(3G. — (1.) The master of a ship carrying passengers to Australia shall furnish immigrants to the officer in charge at a port of entry a certificate by the ship's medical officer that he has individually examined each intending immigrant at least once during the voyage to Australia.

“(2.) The medical officer of a vessel carrying passengers to Australia shall report

to the officer in charge at a port of entry all cases of intending immigrants who on the voyage to Australia have shown indications of suffering from or being affected with any disease or disability, either specifically mentioned or of a class mentioned in this Act or the regulations.

“Penalty: Fifty pounds.

“(3H. All certificates of health issued to intending immigrants shall be attached to the passenger list and handed to an officer at the port of entry.

“(3I. An officer may, if he thinks fit, detain an intending immigrant on his arrival at a port of entry in Australia for a further examination as to his physical and mental fitness by a medical referee:

Provided that the detention of the immigrant shall not affect the liability of the master, owners, agents, or charterers of the vessel, in which the immigrant came to the Commonwealth, under section thirteen A of this Act.

Officer may detain immigrant for further examination.

Minister may prevent immigrant from entering the Commonwealth. a certificate of health has been issued to the intending immigrant."

Amendment of s. 5. 5 Section five of the Principal Act is amended—

- (a) by adding at the end of sub-section (3.) the words "by the personal evidence of the defendant either with or without other evidence"; and
- (b) by adding thereto the following sub-sections:—

"(4.) In any prosecution for an offence against sub-section (2.) of this section, a defendant who gives evidence shall not be excused from answering any question put to him on the ground that the answer may tend to criminate him or make him liable to a penalty; but his answer shall not be admissible in evidence against him in any criminal proceeding other than a prosecution for perjury.

at the port concerned."

8 Section nine A of the Principal Act is amended by inserting at the end of sub-section (1.) thereof the following proviso:—

Amendment of s. 9A. "Provided that, where the master of the vessel has within the twelve months preceding the conviction been convicted of an offence against this section, he shall be liable to a penalty of Two hundred pounds for each prohibited immigrant so entering the Commonwealth."

9 Section thirteen of the Principal Act is amended by omitting therefrom the words "paragraphs (b), (c), (d), or (f)" and inserting in their stead the words "paragraphs (b), (c), (d), (e), (f), (g), or (gc)."

10 Section sixteen of the Principal Act is repealed and the following section inserted in its stead:—

Regulations. "16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed

"(5.) If an immigrant is within three years of his entering the Commonwealth found to be suffering from or affected with any disease or disability either specifically mentioned or of a class mentioned in this Act or the regulations, he shall be deemed to be a prohibited immigrant, unless it is proved to the satisfaction of the Minister that he was free from the disease or disability at the time he entered the Commonwealth."

6 Section six of the Principal Act is amended by omitting from paragraph (b) the words "in the form of the Schedule" and inserting in their stead the words "as prescribed."

7 Section seven of the Principal Act is amended:—

- (a) by omitting from the proviso the word "approved" and
- (b) by inserting in the proviso after the words "Fifty pounds" the words "and each approved by the Collector of Customs or Sub-collector of Customs

or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) for empowering officers to determine whether any person is a prohibited immigrant or an immigrant;
- (b) imposing and regulating charges for certificates granted under this Act or the regulations;
- (c) prescribing the forms of certificates to be granted under this Act or the regulations; and
- (d) for preventing members of the crew of a ship from beyond the Commonwealth from landing unless they satisfy an officer that they are free from a communicable disease."

11 The Schedule to the Principal Act is hereby repealed.

註 第四十三卷第二冊七八〇文書ノ附記ニ参照

Repeal of the Schedule.

右移住法施行規則等

STATUTORY RULES.

1913. No. 141.

PROVISIONAL REGULATIONS UNDER THE
IMMIGRATION ACT 1901-1912.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby certify that, on account of urgency, the following Regulations under the Immigration Act 1901-1912 should come into immediate operation, and make the Regulations to come into operation as Provisional Regulations forthwith.

Dated this 15th day of May, One thousand nine hundred and thirteen.

DENMAN,
Governor-General.

By His Excellency's Command,
JOSIAH THOMAS.

REGULATIONS UNDER THE IMMIGRATION

PRODUCTION OF CERTIFICATES
OR CREDENTIALS.

5. Any immigrant, or person coming to Australia, who claims to be—

- (a) possessed of a certificate of exemption;
- (b) possessed of a certificate exempting from the dictation test;
- (c) possessed of a certificate of naturalization, as defined in section 12B of the Act;
- (d) possessed of a certificate of birth, as defined in section 12B of the Act; or
- (e) duly accredited to the Government of the Commonwealth by the Imperial or any other Government, or sent by any Government on any special mission,

shall, when required by an officer, produce the certificate or his credentials, as the case may be.

PERSONS, OTHER THAN BRITISH
SUBJECTS, CONVICTED OF

CRIMES OF VIOLENCE.

6. Where any person, not being a British subject either natural born or naturalized under a law of the United Kingdom, or of the Commonwealth or a State,

ACT 1901-1912.

SHORT TITLE.

1. These Regulations may be cited as the “Immigration Regulations 1913.”

DEFINITION.

2. In these Regulations “the Act” means the Immigration Act 1901-1912.

DETENTION FOR MEDICAL
EXAMINATION.

3. The detention referred to in section 31 of the Act may be in such place and in such custody as the officer thinks fit, and for such time as may, in his opinion, be necessary for the complete examination of the immigrant.

SEARCHING VESSELS FOR
PROHIBITED IMMIGRANTS

4. Any officer may, at any time, enter into or upon any vessel, other than a public vessel of any Government, and may search, or cause a search to be made, in every part of the vessel, for the purpose of determining whether any prohibited immigrant is on board.

has been convicted of any crime of violence against the person, and has, upon the expiration of any term of imprisonment imposed on him therefor, been required to pass the dictation test, and has failed to do so, an officer may detain him in such custody for such time as is, under all the circumstances, reasonably necessary to enable a deportation order to be made by the Minister.

Where the Minister has made an order for the deportation of any such person, an officer may detain him in such custody, and for such time as is reasonably necessary to enable him to be deported pursuant to the order, and may for that purpose convey him to any place of shipment and on board any ship.

DEPORTATION OF PROHIBITED
IMMIGRANTS UNDER SECTION

4 OF THE ACT.

7. Where the Minister has made an order for the deportation of any person, found within the Commonwealth, who is deemed to be a prohibited immigrant on the ground that his certificate of exemption has expired or been cancelled, an officer may detain him in such custody and for such time as is reasonably

necessary to enable him to be deported pursuant to the order, and may for that purpose convey him to any place of shipment and place him on board any ship.

CERTIFICATES EXEMPTING FROM DICTATION TEST.

Applications, Fee, Etc.

8. (1) Any person desiring a certificate under section 4B of the Act may make application therefor in the form in Schedule A to the Collector of Customs for the State in which he resides, or to an officer authorized in that behalf by the Minister.

(2) The applicant shall furnish to the Collector, with his application, certificate of character by at least two reputable citizens of the Commonwealth, and four unmounted and untouched photographs of himself—two of his full face and two of his profile.

(3) The certificate shall contain all matters necessary in the opinion of the Collector for the identification of the holder, and may be in accordance with the form in Schedule B.

(4) The certificate shall be in duplicate, and one part shall be delivered to the applicant and the other part shall be retained.

under the Act of these Regulations, or in connexion with any certificate or identification card mentioned in the Act or these Regulations, shall be guilty of an offence against these Regulations.

INTERPRETERS.

11. Any interpreter, who misleads or attempts to mislead an officer examining any person with a view to determining whether he is a prohibited immigrant shall be guilty of an offence against these Regulations.

UNLAWFUL TRANSFER OR POSSESSION OF CERTIFICATES, IDENTIFICATION CARDS, ETC.

12. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any certificate, credentials, or identification card, referred to in the Act or in these Regulations, shall be guilty of an offence against these Regulations.

13. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, has in his possession—

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

(5) The fee for issue of the certificate shall be £1.

POWERS OF OFFICERS TO DETERMINE WHETHER A PERSON IS A PROHIBITED IMMIGRANT, ETC.

9. Officers are empowered to determine whether any person is a prohibited immigrant or an immigrant, and for that purpose any officer may put such questions as are, in his opinion, necessary, and may remove such persons from place to place or take such other action as is, in the officer's opinion, necessary or desirable to assist him in arriving at his determination; and every person shall answer all questions which are put to him by an officer and which are, in the officer's opinion, necessary for determining whether he or any other person is a prohibited immigrant or an immigrant.

PERSONS REFUSING TO ANSWER QUESTION OR MAKING FALSE STATEMENTS.

10. 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

(b) any certificate, credentials, or identification card, referred to in the Act or in these Regulations, and not belonging to him; or

(c) any such certificate, credential or identification card which is forged or false,

shall be guilty of an offence against these Regulations.

PERSONS OBSTRUCTING OFFICERS.

14. Any person who obstructs or hinders an officer in the carrying out of the Act or of these Regulations shall be guilty of an offence against these Regulations.

DUTIES OF MASTERS AND MEDICAL OFFICERS OF VESSELS.

15. (1) The master of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, with any passengers on board for that port, shall, before making entry at the Customs, deliver to an officer a list of all the passengers for the port, specifying, to the best of his knowledge, the name, nationality, race, place of shipment, and calling or occupation of each of those passengers.

(2) The master and the medical officer (if any) of the vessel shall make and sign a statement in writing

on the list stating, to the best of their knowledge and belief, as to each of the passengers, whether he or she is insane or mentally defective, or is suffering from epilepsy, pulmonary tuberculosis, trachoma, or any loathsome or dangerous communicable disease, either general or local, or is suffering from any other disease or mental or physical defect likely to cause him or her to become a charge upon any public or charitable institution.

(3) The master or medical officer of a vessel who refuses or neglects to make and sign the statement required by this section, or who makes or signs any statement under this section which is incorrect in any material particular, shall be guilty of an offence against these Regulations.

16. The master of every vessel, other than a public vessel of any Government, arriving at a port in the Commonwealth from parts beyond the Commonwealth, shall, if required by an officer, deliver to an officer a list showing the number and names of the crew, and their nationality and race, and produce vessel's articles.

17. The master of every vessel shall afford to an officer every facility for performing his duties.

PREScribed DISEASES, DISAbILITIES, ETC.

20. With regard to paragraph (g) of section 3 of the Act, the following diseases, disabilities, and disqualifications are hereby prescribed, viz.:—

- serious deformities or physical defects;
- insanity, an attack of insanity within five years of proposed emigration or a history of two or more attacks of insanity or mental derangement at any time, or dementia;
- chronic alcoholism;
- senile decay;
- tuberculosis of digestive tract or of genito-urinary system or of the bones or joints;
- heart disease with signs of heart failure;
- chronic bronchitis with complications;
- paralysis or other serious nervous affections;
- cancer or other malignant growths;
- chronic rheumatism, rheumatoid arthritis or rheumatic gout;
- severe hernia (rupture).

CERTIFICATE OF EXEMPTION.

21. The certificate of exemption referred to in

18. The master of a vessel who—

- (a) refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties; or
- (b) refuses or neglects to deliver to an officer any list or certificate required by these Regulations; or

(c) delivers to an officer any list or statement which is incorrect in any material particular, shall be guilty of an offence against these Regulations.

MEMBERS OF CREWS SUFFERING FROM COMMUNICABLE DISEASES.

19. Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, from landing during the vessel's stay at such port unless he is satisfied that such member of the crew is free from a communicable disease; and to enable the officer to become so satisfied, he may make any physical examination, either personally or with the assistance of a medical practitioner, and may ask such questions as are in his opinion necessary in connexion with the matter.

paragraph (h) of section 3 and in section 4 of the Act may be in accordance with the form in Schedule C.

IDENTIFICATION CARD.

22. The identification card mentioned in the proviso of section 3, paragraph (k), of the Act, may be in accordance with the form in Schedule D.

CERTIFICATE OF HEALTH.

23. The certificate of health referred to in the Act may be in accordance with the form in Schedule E.

PERSONS AIDING, ETC., COMMISSION OF OFFENCES AGAINST REGULATIONS.

24. Any person who aids, abets, counsels or procures, or is in any way, directly or indirectly, knowingly concerned in or privy to the commission of any offence against these Regulations, shall be deemed to have committed that offence, and shall be punishable accordingly.

PENALTIES.

25. Any person who is guilty of an offence against these Regulations is, under section 18 of the Act, liable, upon summary conviction, to a penalty not exceeding £. 50, and, in default of payment, to imprisonment with or without hard labour for any period not

fed period only, and may at any time be cancelled by the Minister by writing under his hand.

“Upon the expiration or cancellation of any such certificate, the person named therein shall, if found within the Commonwealth, be deemed to be a prohibited immigrant offending against this Act, and may be deported from the Commonwealth pursuant to any order of the Minister.....

Regulation No. 12 states:—“12. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any certificate, credentials, or identification card referred to in the Act or in these Regulations shall be guilty of an offence against these Regulations.”

Regulation No. 25 states:—“25. Any person who is guilty of an offence against these Regulations is, under section 18 of the Act, liable, upon summary conviction, to a penalty not exceeding £50, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding three months.”

(2) If the myself of the provisions of the Commonwealth Immigration Act relating to the exclusion of persons from Australia on account of disease or

of disease or

he

defect, I further certify that she is not suffering from any of the

they are

diseases or defects named or indicated in the Schedule on the back hereof,

he

and that I am of opinion that she is not ineligible as an immigrant

they are

or immigrants on account of disease or defect.

Signature

Residence

Date 191 .

Note.) This certificate must be delivered to the master or purser of the vessel, and must subsequently be attached to the passenger list which is required to be handed to an officer at the port of entry in the Commonwealth

SCHEDULE D.

Identification Card.		Photographs.	
Ship	Full face.	Side face.	
Name of person			
No. on Articles			
Employed as			
Nationality		Thumb Prints.	
Age	Height	Left thumb.	Right thumb.
Particular marks			
Master's signature.			

SCHEDULE E.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1912.

CERTIFICATE OF HEALTH.

I hereby certify that I have carefully examined (1) an intending immigrant or emigrants to Australia by the S (2) his and have considered her personal statement, and having informed their

(To be printed on back of form.)

SCHEDULE OF DISEASES REFERRED TO IN THIS CERTIFICATE OF HEALTH.

(Vide section 3, paragraphs (c) to (g), inclusive, of the Act)

1. Idiocy, imbecility, feeble-mindedness, or epilepsy
2. Any serious transmissible disease or defect.
3. Pulmonary tuberculosis, trachoma, or any loathsome or dangerous communicable disease, either general or local.

4. Any other disease or mental or physical defect, which from its nature is, in the opinion of the officer, liable to render the person concerned a charge upon the public or upon any public or charitable institution.

5. Any other disease, disability or disqualification which is prescribed. The following have been prescribed by Regulation No. 20 viz, :—

serious deformities or physical defects; insanity, an attack of insanity within five years of proposed emigration or a history of two or more attacks of insanity or mental derangement at any time, or dementia;

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一二

chronic alcoholism;
senile decay;
tuberculosis of digestive tract or of genito-urinary system or of the bones or joints;
heart disease with signs of heart failure;
chronic bronchitis with complications;
paralysis or other serious nervous affections;
cancer or other malignant growths;
chronic rheumatism, rheumatoid arthritis or rheumatic gout;
severe hernia (rupture).

一一二 八月二十五日 在シドニー矢田部總領事代理ヨリ
牧野外務大臣宛

千九百十二年中ニ於ケル濠洲移住制限法ノ成

續ニ関スル件

公第七〇号

(九月三十日接受)

大正二年八月廿五日

在「シドニー」

總領事代理 矢田部保吉(印)

外務大臣男爵 牧野伸顯殿

一五六

千九百十二年中ニ於ケル濠洲移民制限法ノ成績ニ関シ今般
聯邦政府ヨリ議會ニ提出シタル報告書ノ要領別記ノ通り及
報告候条御参考迄御参考迄御査閲相成候様致度此段申進候

敬具

(別紙)

千九百十二年濠洲移民制限法ノ成績

第一、千九百十二年中書取試験ヲ經スシテ入国シタル人員

数

歐羅巴人	一、四六、〇三一人	希臘人	七、三六一人	ブルガリア人	七、三六一人
英吉利人	一、四六、〇三一人	和蘭人	四、〇〇一人	ルーマニア人	四、〇〇一人
独逸人	三、五二一人	丁抹人	三、五二一人	波蘭人	三、五二一人
伊太利人	一、三三一人	瑞西人	一、三三一人	土耳其人	一、三三一人
ビヤンチナ人	一、三三一人	マルタ人	一、三三一人	其他	一、三三一人
仏蘭西人	一、三三一人	西班牙人	一、三三一人	計	一、三三一人
露西亜人	一、三三一人	白耳義人	一、三三一人		
埃地利人	一、三三一人				
亞米利加人	一、三三一人				
北亞米利加人	一、三三一人	印甸人	九、西印度人		
南亞米利加人	一、三三一人	アメリカ人	一、三三一人		
亞細亞人	一、三三一人				

脱則入国者

第三、同年中入国ヲ拒絶セラレタル人員数

一人

英吉利人	四十一人	(十一人ハ公共団体ノ負担ニ歸ス 神耗弱者二十人ハ伝染病者)
独逸人	二人	(伝染病者)
伊太利人	二人	(同前)
露西亜人	三人	(同前)
マルタ人	二人	(同前)
シリヤ人	三人	(書取試験不合格)
錫蘭人	二人	(密航)
印度人	一人	(書取試験不合格)
馬來人	二人	(一人ハ書取試験不合格 一人ハ心神耗弱者)
日本人	一人	(密航)
支那人	一、二八人	(六十六人ハ書取試験不合格 六十二人ハ密航者)
合計	百八十七人	

第四、同年中有色人種ノ聯邦退去人員数

支那人	三、八八五人	錫蘭人	八、二二人
日本人	三、八八五人	アメリカ人	三、八八五人
馬來人	三、八八五人	其他	三、八八五人
印度人	三、八八五人	計	三、八八五人
諸島人	三、八八五人		

支那人	二、五〇人	シリヤ人	五、比律賓人	二、五〇人
日本人	六、六六人	アラビヤ人	六、六六人	六、六六人
馬來人	三、三六人	アフリガン人	三、三六人	三、三六人
印度人	一、一七人	錫蘭人	一、一七人	一、一七人
其他有色人種				

パプア人	一、六六人	チモア人	三、三六人	其他	三、三六人
太平洋諸島人	九、三三〇人	オリア人	三、三六人	計	三、三六人

總計十六万三千九百九十人

右ノ外聯邦契約移民法ニ拠リ契約移民トシテ同年中入国ヲ
許可セラレタル者英國人二百一人、独逸人十四、仏蘭西人
二人合計二百十七人アリ

尚同年中書取試験ヲ經タル上入国ヲ許可セラレタル者ナシ
第二、前表中日本人入国者者六百九十八名ヲ類別スレハ左
ノ如シ

永住権者	九十四人
免除証書ヲ以テ一時入国ヲ許可セラレタル者	九人
旅行免状携帯者	三十七人
特別許可ニヨル者	四人
真珠貝採集者	五百五十二人
脱船者	一人

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一二

一五七

一一三 八月二十九日 在シドニー矢田部總領事代理ヨリ
牧野外務大臣宛

「クインズランド」州ニ於テ糖業ニ従事スル
有色人種排斥ニ関スル件

附屬書 一九一三年砂糖栽培法写

公第七三号 (九月三十日接受)

大正二年八月廿九日

在「シドニー」

總領事代理 矢田部保吉(印)

外務大臣男爵 牧野伸顯殿

濠洲聯邦政府ハ濠洲ニ於ケル甘蔗栽培及製糖業ヲ白人労働ノ基礎ニオカンカ為メ千九百〇三年砂糖補助金制度ヲ創始シ爾來十年間太平洋諸島人並ニ亜細亞人等ノ有色人種排斥ニ力メ来リタルコトハ疾クニ御承知ノ通ニ有之候処其結果右補助金制度実施前ニハ濠洲ノ糖業ハ大部分有色人種ノ占有スル所ナリシニ反シ今日ニ於テハ全然其地位ヲ顛倒シテ有色人種ニ依テ生産セラル、数量ハ僅ニ全産額ノ百分ノ六ヲ占ムルニ過キサルニ至リ殆ント完全ニ近キマテ排斥ノ目的ヲ貫徹スルコトヲ得タレハ聯邦ハ此上該制度ヲ維持スル

ノ不必要ナルヲ認メ昨年度ノ議會ニ於テ砂糖補助金法廃止法案ヲ通過致候然ルニ聯邦ノ補助法廃止ノ為メ再ヒ有色人種ノ侵入ヲ見ルカ如キハ素ヨリ其意ニ非サルヲ以テ昨年十二月中聯邦議會ニ於テ該法廃止案討論中聯邦首相ト「クインズランド」州首相トノ間ニ交渉ヲ遂ケ聯邦補助法ノ廃止ハ「クインズランド」州ニ於テ有色人種ノ侵入ヲ防遏スルニ足ルヘキ何等有効ナル法律ノ制定セラル、ヲ俟テ実施セラルヘキ旨ノ「アンダースタンディング」アリタルモノニ有之候(濠洲砂糖産額ノ九割以上ハ「クインズランド」州ノ産出ニ係リ糖業ニ於ケル有色人種問題ハ殆ント同州ノミノ相關スル所ナリ)依テ同州政府ハ聯邦政府トノ曩ノ約束ニ基キ本年七月開會ノ州議會ニ Sugar Cultivation Billヲ提出シテ之ヲ通過シ州知事ハ七月廿五日其承認ヲ与ヘ次テ聯邦總督ハ其翌廿六日布告ヲ以テ昨年聯邦議會ヲ通過シタル聯邦砂糖補助金法廃止法ヲ実施ヲ命シ茲ニ前記「クインズランド」州ノ Sugar Cultivation Act(同日ヨリ施行セラル、コト、相成候

Sugar Cultivation Act ノ内容詳細ハ別添同法写ニ就キ御詳悉相成度候処其要点ハ(一)何人ト雖トモ書取試験ニ合格シ

タル者ニアラサレハ糖業ニ従事スルコトヲ得サルコト(二)現ニ土地ヲ占有シテ糖業ニ従事セルモノニシテ書取試験ニ合格スルコト能ハサリシモノニ對シテハ相當ノ補償ヲ与フルコト及ヒ(三)州知事ハ書取試験ヲ課スルノ必要ナシト認メタルモノヲ本法ノ適用ヨリ除外スルノ規定ヲ設クルヲ得ルコトニ有之候而シテ本法ハ現ニ糖業ニ従事セルモノニ對シ其何レノ人種ニ屬スルヲ問ハス一樣ニ適用セラルヘキモノニシテ從テ本法ノ規定其モノニ對シテハ表面抗議ノ余地ナシト雖トモ本法ノ精神カ有色人種排斥ニアルコトハ本法制定ニ至ル經過並ニ本法討議ニ関スル議會議事録ニ見ルモ明瞭ニシテ本法施行ノ結果ハ有色人種ヲシテ失職ノ厄ニ陥ラシムルヲ免レス而シテ本邦人ノ現在「クインズランド」ニ於テ甘蔗栽培ニ従事セルモノハ約三百人内外ニ有之其内少数者ハ書取試験不合格ノ場合ニハ規定ノ条件ノ下ニ相當ノ補償ヲ受クルコトヲ得ヘシト雖トモ其多年従事シ来リタル職業ヲ奪ハル、ノ苦痛ヲ充分ニ緩和スルコト能ハサルヘキハ勿論其他ノ多数労働者ハ直ニ其糊口ノ途ヲモ失フニ至ルヘキヲ以テ右等本邦人ニ對シテハ本法ノ適用ヲ免レシムルノ必要ヲ認メ「クインズランド」首相ニ對シテ同州ニ於テ現

ニ糖業ニ従事スル本邦人数ハ極メテ少数ノモノニ過キサルノミナラス聯邦移民制限法ノ結果尚ホ漸次減少スルニ至ルヘキコト本法施行前ヨリ本業ニ従事シ来リタルモノヲ本法ノ適用ヨリ除外スルハ聯邦移民制限法カ同法制定前ヨリノ居住者ニ對シテ何等ノ制限ヲ加ヘサリシト均シク立法ノ精神ニ適合スルコト及多年平穩ニ生業ニ従事シ来リタルモノニシテ突如失職ノ災厄ニ陥ラシムルハ甚タ其當ヲ得サルコト等ヲ指摘シ本法第七条ニ抛リ州知事ノ制定スヘキ規則ニ於テ本邦人ヲ本法ノ適用ヨリ除外センコトヲ交渉中ニ有之候同首相ヨリハ小官ノ交渉ニ對シ充分ナル注意ヲ払フヘシトノ挨拶アリタル外未タ何等ノ具体的回答ニ接スルヲ得ス追テ何分ノ回答ニ接シ次第其結果等可及申報候得共不取敢右成行及報告候 敬具

(附屬書)

一九一三年砂糖栽培法写

QUEENSLAND.

No. 4.

An Act to Prohibit the Employment of certain
Forms of Labour in the Production of Sugar,

and for other incidental purposes.

(Assented to 25th July, 1913)

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as “The Sugar Cultivation Act of 1913”, and shall commence and take effect on and after the date of the commencement of the Act of the Parliament of the Commonwealth intituled the Sugar Bounty Abolition Act 1912.

2. In this Act—

The expression “Certificate” of having passed the dictation test” means a certificate under the hand of a State officer, authorised for that purpose by the Secretary for Agriculture, that, when the said officer has dictated to the person concerned not less than fifty words in such language as the Secretary for Agriculture may direct, such person has correctly written them out in that language in the presence of the said officer;

4. After the passing of this Act.

(i) Any employer who, either directly or indirectly or under any pretence or device, attempts to employ, or employs or authorizes or permits to be employed, in or in connection with the industry of the cultivation of sugar-cane and the manufacture therefrom of sugar, any person who has not first obtained a certificate of having passed the dictation test;

(ii) any person who has not first obtained a certificate of having passed the dictation test who is employed in or in connection with such industry;

shall be guilty of an offence, and shall be liable to the penalties following:—

(a) In the case of an individual employer, to a penalty not exceeding five pounds for each day on which such employee is employed in contravention of this provision;

(b) In the case of an employer which is a partnership, firm, or corporation, to a penalty not exceeding ten pounds for each

The expression “Occupier” includes owner in fee simple or for any less estate, and lessee for life or for any term of years or at will, and whether on the share system or otherwise, and occupier under any form of tenancy or agreement whatever, whether express or implied, with the owner of the land;

The expressions “Employer” and “Employee” have the same meanings as are respectively assigned to them by “The Industrial Peace Act of 1912.”

3. After the passing of this Act, it shall be unlawful for any person who has not first obtained in the prescribed manner a certificate of having passed the dictation test to engage in or carry on the cultivation of sugar-cane upon any land within Queensland of which such person, whether individually or in partnership or association with others, is the occupier.

Any person who acts in contravention of this section shall be liable to a penalty not exceeding one hundred pounds, and the crop of sugar-cane so being cultivated shall be liable to be forfeited to His Majesty by order of the court before which the offence is proved.

day on which such employee is employed in contravention of this provision;

(c) In the case of an employee, to a penalty not exceeding forty shillings for each day on which he is employed in contravention of this provision.

5. Any person who, at the passing of this Act, is the occupier of land which is planted with sugar-cane or has been prepared for such planting, or has at any time within three years prior to the passing of this Act been so planted, and who within six months after the passing of this Act has attempted but failed to obtain a certificate of having passed the dictation test, may apply to the Land Court for compensation to be fixed by reason of the diminution in value of the land to him caused by the passing of this Act, and the Land Court shall assess and fix such diminution in value accordingly. In any such proceeding the claim shall be made against the Secretary for Agriculture as representing His Majesty.

Upon any such claim being made by a claimant, the Secretary for Agriculture may request the Land Court to assess and fix the value of the said land or

interest therein, and the Land Court shall assess and fix the said value accordingly.

In such case the Secretary for Agriculture shall have the option either of paying to the claimant the amount of compensation so assessed and fixed or of acquiring on behalf of the Crown the estate held by the claimant in the land free from encumbrance at the value so assessed and fixed, and the land when so acquired shall become Crown land.

In other cases the Secretary for Agriculture shall pay to the claimant the amount of compensation so assessed and fixed by the Land Court.

6. For the purposes of this Act, the provisions of Part II. of "The Land Act for 1910", so far as the same are applicable, shall apply and be observed.

7. The Governor in Council may from time to time, for the purposes of this Act, make regulations for the examination and granting to persons certificates of having passed the dictation test, for the exemption from the operation of this Act of any person or classes of persons whom for any reason it is not considered necessary to examine, for the relief from the operation of this Act, wholly or in part, of persons who are

owners or crops of sugar-cane actually planted but not harvested at the passing of this act, and for prescribing rate of wages and conditions of employment for aboriginal natives of Australia who may be employed in the industry, and the proportionate number of such natives who may be employed in the sugar industry, by any one employer, and for facilitating and authenticating the observance of the provisions of this Act.

All such regulations shall, upon publication in the Gazette, have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever.

All such regulations shall be laid before both Houses of Parliament within forty days after such publication if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

8. All proceedings for offences against this Act may be had, taken, and determined in a summary way:

Provided that no proceedings for any offence against this Act shall be instituted except by the direction of the Attorney-General, Solicitor-General, or Minister of Justice.

9. The expenses of carrying this Act into effect shall be defrayed out of moneys to be from time to time appropriated by Parliament for the purpose.

一一四 九月二十七日 在シドニー矢田部総領事代理ヨリ
牧野外務大臣宛

「オーストラリア」ニ於ケル眞珠貝採取日本

労働者ノ雇用禁止猶予ニ関スル件

公第七六号 (十月二十九日接受)

大正二年九月廿七日

在「シドニー」

総領事代理 矢田部 保吉(印)

外務大臣男爵 牧野伸顯殿

濠洲聯邦政府ハ去明治四十四年一月眞珠貝採取營業者(雇主)ニ対シ大正元年(千九百十二年)十二月三十一日以後有色人採貝労働者ノ雇用ヲ禁止シ白人ヲ以テ之ニ代フヘキコトヲ勧告シタルコト及ヒ之ニ対スル雇主側ノ猶予請願、白人ノ試用、採貝業ニ関スル聯邦調査委員ノ任命其他本件ノ成行ニ関シテハ從來屢次及報告置候処義ニ英国ヨリ雇入レ西濠洲「ブルーム」近海ニ於テ試験的ニ採貝業ニ従事シ

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一四

タル拾名中参名ハ潜水麻痺病(Divers paralysis)ニテ死亡シ他ハ就業ニ堪ヘスシテ他ニ転業シタル等ノ事情ニ因リテ右輸入白人ノ試験的採貝労働ハ全然失敗ニ帰シ申候將又前記調査委員ハ既ニ数回実地調査ヲ遂ケタルニ拘ラス未タ之ニ関スル報告書ヲ發表スルニ至ラスト雖トモ委員側ノ政府ニ対スル口吻ニヨレハ白人ハ採貝労働ニハ不適当ニシテ到底有色人ニ対抗スル能ハサルコトヲ言明セル趣ニ有之政府ニ於テ右有色人雇用禁止ヲ勵行スルトキハ採貝業ノ根拠ヲ濠洲以外ノ地即チ蘭領諸島ニ転移スルコト必定ナルヘク遂ニ濠洲近海ノ採貝業ハ挙テ外国ニ奪ヒ去ラル、ノ憂目ヲ見ルコトナキヲ保シ難ク其結果採貝營業主等ノ一大損失ハ勿論延テ濠洲西北部ノ衰頽ヲ招クニ至ルヘク(同地方ハ多ク不毛ノ瘠地ニシテ本業アルカ為メニ僅ニ其繁榮ヲ持續ス)政府ハ今更痛シ痒シノ立場ニ至リ曩ニ千九百十四年十二月迄有色人ノ雇用禁止ヲ猶予セシガ更ニ今回千九百十六年十二月三十一日迄即チ今後尚ホ三ヶ年ノ後マテ之ヲ猶予スルコトヲ関係當業者ニ通達シ同時ニ本業ニ従事スル日本人數千百六拾余名(西濠洲「ブルーム」ノミニ於ケル現在數)ハ他ノ有色人八百參拾余名ニ比シ多キニ過クルヲ以テ一時

七「オーストラリア」ニ於テ本邦移民渡航制限ノ件 一一五

馬來人等ヲ代用シテ現在ノ日本人労働者數ヲ出来得ル丈ケ
減少セシムル様併セテ訓達スル所有之候

右御参考迄及報告候 敬具

一一五 十月十八日

在シドニー矢田部總領事代理ヨリ
牧野外務大臣宛(電報)

「クインスランド」州砂糖栽培法ノ有色人種

排斥ニ関シ英國政府ニ交渉方稟申ノ件

第一三号 至急

公信第七三号拙信ニ関シ本官交渉ニ対スル回答ヲ促シタル
ニ漸ク本月十六日ニ至リ來週知事ノ裁可ヲ得写送附スヘキ
様申越タル外施行細則ノ内容ヲ示ササルニ付更ニ電照シタ
ルモ未タ返電ヲ与ヘサルカ如キ毫モ誠意ノ認ムヘキモノナ
ク此儘知事ノ裁可ヲ待タハ当方ノ主張ヲ貫クコト能ハサル
ヤノ虞アリ此上ハ英國政府ヲシテ知事ノ慎重ノ考量ヲ求ム
ルノ措置ヲ執ラシムルヲ以テ最有益ト信ス必要ト認メラル
レハ在英大使ニ対シ至急何分ノ取計ヲ請フ

一一六 十月二十日

牧野外務大臣ヨリ
在シドニー矢田部總領事代理宛(電報)

「ク」州砂糖栽培法ノ影響ヲ蒙ル有色人種ニ

一二六 一一七

付問合ノ件

第七号

貴電第一三号ニ関シ

新法律ノ影響ヲ蒙ルヘキ有色人種ハ日本人以外ニ凡ソ何名
ニシテ何レノ国籍ヲ有スルモノナリヤ返電アレ

一一七 十月二十四日

在シドニー矢田部總領事代理ヨリ
牧野外務大臣宛(電報)

「ク」州砂糖栽培法ノ影響ヲ蒙ル有色人種ニ

付回答並本邦人ニ関シ交渉ノ件

第一四号

貴電第七号ニ関シ正確ナル數ヲ知り難キモ凡ソ支那人印度
人各百五十馬來六百十南洋諸島土人四十「カナカ」土人二
十其他五十等ナリ其後來著シタル施行細則ニ依レハ欧米人
ニハ全然本法ヲ適用セス其他ニ関シテハ(一)英國ト最惠国条
款アル条約ヲ有スル国民(二)永ラク濠洲ニ在留スル者(三)「ク
インスランド」ニ家族ヲ有スル者(四)其他農務大臣ノ適當ト
認メタル者ニ対シテハ試験ヲ行ハサル趣意ノ除外例ヲ規定
シタルモ繁雜ナル手續ヲ設ケテ成ルヘク其數ヲ制限セント
シ本邦人既得ノ地位ヲ確實ニ保障スルニ足ラス本法力差別

第八号

貴電第一四号ニ関シ

施行細則ニヨレハ日本人ヲ除外スヘキ理由充分ナルノミナ
ラス本件ハ在來ノ本邦人カ多年既得ノ地位ヲ維持スルノ問
題ニ過キサル義ニ付貴官ハ極力先方ノ誠意ニ訴ヘ本邦人除
外ノ件地方的ニ解決方十分御尽力アリタシ

一一八 十月二十五日

牧野外務大臣ヨリ
在シドニー矢田部總領事代理宛(電
報)

「ク」州砂糖栽培法ノ適用ヨリ日本人ノ除外

方ニ関シ訓令ノ件