

California's Anti-Coolie Act of 1862

AN ACT TO PROTECT FREE WHITE LABOR AGAINST COMPETITION WITH CHINESE COOLIE LABOR, AND TO DISCOURAGE THE IMMIGRATION OF THE CHINESE INTO THE STATE OF CALIFORNIA April 26, 1862

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby levied on each person, male and female, of the Mongolian race, of the age of eighteen years and upwards, residing in this State, except such as shall, under laws now existing, or which may hereafter be enacted, take out licenses to work in the mines, or to prosecute some kind of business, a monthly capitation tax of two dollars and fifty cents, which tax shall be known as the Chinese Police Tax; provided, That all Mongolians exclusively engaged in the production and manufacture of the following articles shall be exempt from the provisions of this Act, viz: sugar, rice, coffee, tea. . . .

SECTION 4. The Collector shall collect the Chinese police tax, provided for in this Act, from all person refusing to pay such tax, and sell the same at public auction, by giving notice by proclamation one hour previous to such sale; and shall deliver the property, together with a bill of sale thereof, to the person agreeing to pay, and paying, the highest thereof, which delivery and bill of sale shall transfer to such person a good and sufficient title to the property. And after deducting the tax and necessary expenses incurred by reason of such refusal, seizure, and sale of property, the Collector shall return the surplus of the proceeds of the sale, if any, to the person whose property was sold; provided, That should any person, liable to pay the tax imposed in this Act, in any county in this State, escape into any other County, with the intention to evade the payment of such tax, then, and in that event, it shall be lawful for the Collector, when he shall collect Chinese police taxes, as provided for in this section, shall deliver to each of the persons paying such taxes a police tax receipt, with the blanks properly filled; provided, further, That any Mongolian, or Mongolians, may pay the above named tax to the County Treasurer, who is hereby authorized to receipt for the same in the same manner as the Collector. And any Mongolian, so paying said tax to the Treasurer of the County, if paid monthly, shall be entitled to a reduction of twenty percent of said tax. And if paid in advance for the year next ensuing, such Mongolian, or Mongolians, shall be entitled to a reduction of thirty-three and one third percent on said tax. But in all cases where the County Treasurer receipts for said tax yearly in advance, he shall do it by issuing for each month separately; and any Mongolian who shall exhibit a County Treasurer's receipt, as above provided, to the Collector for the month for which said receipt was given.

SECTION 5. Any person charged with the collection of Chinese police taxes, who shall give any receipt other than the one prescribed in this Act, or receive money for such taxes without giving the necessary receipt therefor, or who shall insert more than one name in any receipt, shall be guilty of a felony, and, upon conviction thereof, shall be fined in a

sum not exceeding one thousand dollars, and be imprisoned in the State Prison for a period not exceeding one year.

SECTION 6. Any Tax Collector who shall sell, or cause to be sold, any police tax receipt, with the date of the sale left blank, or which shall not be dated and signed, and blanks filled with ink, by the Controller, Auditor, and Tax Collector, and any person who shall make any alteration, or cause the same to be made, in any police tax receipt, shall be deemed guilty of a felony, and, on conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the State prison for a period not exceeding 2 years; and the police tax receipt so sold, with blank date, or which shall not be signed and dated, and blanks filled with ink, as aforesaid, or which shall have been altered, shall be received in evidence in any Court of competent jurisdiction.

SECTION 7. Any person or company who shall hire persons liable to pay the Chinese police tax shall be held responsible for the payment of the tax due from each person so hired; and no employer shall be released from this liability on the ground that the employee is indebted to him (the employer), and the Collector may proceed against any such employer in the same manner as he might against the original party owing the taxes. The Collector shall have power to require any person or company believed to be indebted to, or to have any money, gold dust, or property of any kind, belonging to any person liable for police taxes, or in which such person is interested, in his or their possession, or under his or their control, to answer, under oath, as to such indebtedness, or the possession of such money, gold dust, or other property. In case a party is indebted, or has possession or control of any moneys, gold dust, or other property, as aforesaid, of such person liable for police taxes, he may collect from such party the amount of such taxes, and may require the delivery of such money, gold dust, or other property, as aforesaid; and in all cases the receipt of the Collector to said party shall be a complete bar to any demand made against said party, or his legal representatives, for the amounts of money, gold dust, or property, embraced therein.

SECTION 8. The Collector shall receive for his service, in collecting police taxes, twenty percent of all moneys which he shall collect from persons owing such taxes. All of the residue, after deducting the percentage of the Collector, forty percent shall be paid into the County Treasury, for the use of the State, forty percent into the general County Fund, for the use of the County, and the remaining twenty percent into the School Fund, for the benefit of schools within the County; provided, That in counties where the Tax Collector receives a specific salary, he shall not be required to pay the percentage allowed for collecting the police tax into the County Treasury, but shall be allowed to retain the same for his own use and benefit; provided, That where he shall collect the police tax by Deputy, the percentage shall go to the Deputy. . .

SECTION 10. It is hereby made the duty of the various officers charged with the execution of the provisions of this Act, to carry out said provisions by themselves or Deputies; and for the faithful performance of their said duties in the premises, they shall be liable on their official bonds, respectively. The Treasurer of the respective counties shall make their statements and settlements under this Act with the Controller of State, at

the same time and in the same manner they make their settlements under the general Revenue Act.

SECTION 11. This Act shall be take effect and be in force from and after the first day of May, next ensuing.