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## CORRESPONDENCE

Respecting the Acts passed by the Legislature of the Province of British Columbia,  
during the Session of 1884.

*Provincial Secretary's Office,*  
May, 1885.

By Command,  
JNO. ROBSON,  
*Provincial Secretary.*

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*The Secretary of State for Canada to His Honour the Lieutenant-Governor.*

OTTAWA, 8th April, 1885.

SIR,—I have the honour to acquaint you, for the information of your Government, that the Governor-General has had under consideration in Council the Acts passed by the Legislative Assembly of the Province of British Columbia in the Session commencing on the 3rd day of December, 1883, and ending on the 18th of February, 1884, numbered 1 to 35, inclusively, and that His Excellency has been advised that the power of disallowance be not exercised with respect to any of the said Acts.

I have at the same time to request that you may be pleased to invite the attention of your Government to the following:—

Chapter 3, intituled “An Act to Prevent the Immigration of Chinese,” was disallowed by Order in Council on the 8th day of April last.

The Right Honourable the Secretary of State for the Colonies, referring to the disallowance of this Act in a despatch to His Excellency dated the 31st of May last, states that Her Majesty has not been advised to disallow Acts passed in the Australian Colonies restricting by very severe provisions the immigration or introduction of Chinese, and that Her Majesty's Government have not held that the relations of the United Kingdom with China require them to interfere with the Australian legislation on international grounds, and it has been treated as a matter of internal administration with which a responsible Government is competent to deal.

Chapter 2, intituled “An Act to Prevent Chinese from Acquiring Crown Lands,” makes it unlawful for the Commissioners of Crown Lands, or any other person, to issue a pre-emption record of any Crown Lands, or sell any portion thereof, to any Chinese, or to grant authority under the “Land Act, 1884” (B. C.), to any Chinese to retard or divert any water from the natural channel of any stream, lake or river in the Province.

Chapter 4, “An Act to regulate the Chinese Population of British Columbia,” imposes a tax of ten dollars on every Chinese over the age of fourteen years, and makes other stringent and special provisions for the regulation of the Chinese population of the Province.

His Excellency is advised that no question arises under chapter 2 with respect to the relative authority of the Parliament of Canada and the Legislature of British Columbia. A question may arise as to whether or not the Acts, applying only to a portion and not to the whole of the population of the Province, are constitutional; but that is a question which, if it arises, can be most conveniently dealt with by the Courts. A further question will probably be raised, as to whether or not the Legislature, in the exercise of its powers to impose a direct tax, can so impose it as to limit or restrict that intercourse among people of different nations which constitutes one of the elements of commerce; but that question is also one which, His Excellency is advised, can best be considered and dealt with by a judicial tribunal, as happened in the case of an Act of the Legislature of British Columbia passed in 1878, for the better collection of taxes from Chinese, which was held unconstitutional and the collection of taxes thereunder restrained by the Courts; and for these reasons His Excellency is advised to leave the Acts to their operation.

Chapter 10, “An Act to consolidate and amend the laws relating to gold and other minerals excepting coal.” This Act does not contain the provisions respecting the appointment and jurisdiction of the Gold Commissioners which were contained in 45 Vic., cap. 8, and on account of which that Act was disallowed, and there is therefore, His Excellency is advised, no objection to leaving the Act to its operation.

I have, &c.,  
(Signed)

J. A. CHAPLEAU,  
*Secretary of State.*