RETURN

To an Address of the Legislative Assembly for copies of the following papers referring to the "Chinese Regulation Act, 1884;"a copy of the Attorney-General's report to His Honour the Lieutenant-Governor; copies of all Orders in Council and Rules and Regulations; copies of all letters or telegrams received or sent by any member of the Government; the names and date of appointment of Chinese Collectors.

By Command.

Provincial Secretary's Office,
3rd February, 1886.

JNO. ROBSON,
Provincial Secretary.

Copy of the Attorney-General's Report, dated 18th February, 1884, to His Honour the Lieutenant-Governor on the "Chinese Regulation Act, 1884."

Bill No. 14.—An Act to regulate the Chinese Population of British Columbia:—

This Bill requires every Chinese to take out an annual licence and pay therefor ten dollars to the use of Her Majesty—provision is made for the collection thereof.

Sanitary regulations are laid down to be observed by Chinese, and provision is made for duly enforcing such regulations.

The use of opium is restricted, and the desecration of grave-yards is prohibited.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 27th April, 1885.

On a Memorandum from the Honourable the Provincial Secretary, dated the 25th April, 1885, recommending that, under the provisions of section 4 of the "Chinese Regulation Act, 1884," the following gentlemen be appointed Chinese Collectors for the Electoral Districts set opposite their respective names, viz:—

CORNELIUS BOOTH	Victoria City, Victoria and Esquimalt.
WILLIAM KING BULL	Victoria City.
HENRY FRY	Cowichan.
JOHN MAXWELL, JR	Cowichan.
MARSHAL BRAY	Nanaimo.
ERIC DUNCAN	Comox.
CHARLES WARWICK	New Westminster City and District.
FREDERICK HUSSEY	Yale.
GEORGE C. TUNSTALL	Yale.
WALTER DEWDNEY	Yale.
HENRY NICHOLSON	Yale.
S. REDGRAVE	Kootenay.
H. ANDERSON	Kootenay.
CASPER PHAIR	Lillooet.
JOSEPH H. ST. LAURENT	Cariboo.
S. A. ROGERS	Cariboo.
WILLIAM STEPHENSON	Cariboo.
JAMES L. CRIMP	Cassiar.
ALLAN GRAHAM	Cassiar.
W. H. DEMPSTER	Cassiar.

And, also, that the remuneration of such of the above named as are not in the receipt of salaries, be at the same rate of commission as that allowed them for other tax collections.

The Committee advise approval.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor 22nd June, 1885.

On a Memorandum from the Honourable the Provincial Secretary, dated the 16th June, 1885, recommending that John Fall Allison, Esquire, J. P., be appointed a "Chinese Collector" for the Electoral District of Yale, under the provisions of the "Chinese Regulation Act, 1884," and that his remuneration therefor be by commission at the rate of 15 per cent. on the sums collected by him under the said Act and paid into the Treasury.

The Committee advise approval.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

Notice of appointment addressed to "Chinese Collectors."

PROVINCIAL SECRETARY'S OFFICE,
30th April, 1885.

SIR,—I have to inform you that you have been appointed a "Chinese Collector," under section 4 of the "Chinese Regulation Act, 1884," for the Electoral District of

I enclose a copy of the Act, and trust that you will use every diligence in collecting the revenue payable thereunder.

I also forward herewith a book of blank receipts.

I have, &c.,

(Signed) JNO. ROBSON,
Provincial Secretary.

CIRCULAR.

PROVINCIAL SECRETARY'S OFFICE,
11th May, 1885.

SIR,—Referring to my circular of the 30th ultimo, appointing you a Collector under the "Chinese Regulation Act, 1884," I have to draw your attention to the fact that the yearly tax of ten dollars to be paid by every Chinese thereunder, is in addition to the Provincial Revenue Tax and all other taxes.

I have also to point out to you sections 14 and 15 of the above Act, which relate to the tax payable by Chinese mining for gold and precious metals.

I have, &c.,

(Signed) JNO. ROBSON,
Provincial Secretary.

Circular sent to Collectors.

VICTORIA, July 3rd, 1885.

SIR,—I beg to inform you that pending the final decision of the Courts, the Government has decided not to enforce the ten dollar tax imposed by the Chinese Regulation Act.

Mining Licences, however, must not be issued to Chinese, except on payment of fifteen dollars.

I have, &c.,

(Signed) ALEX. E. B. DAVIE.
Attorney-General.

[TELEGRAM].

BARKERVILLE, July 24th, 1885.

To A. E. B. Davie, Attorney-General:—

Demanded Free Miners' Certificate from Chinamen working Bradley-Nicholson claim; refusing, brought them before Justice Peace; fined ten dollars; week later again demanded certificates, they refused; seized pipe and moniter for sale; have been served with replevin; hearing set fourth August; damages one hundred dollars; please telegraph instructions.

S. A. ROGERS.
Collector.

A. E. B. Davie, Esq.,
Attorney-General, Victoria:—

BARKERVILLE, B. C., July 31st, 1885.

SIR,—A week ago last Saturday, my agent, while making the "Provincial Revenue Tax" collections from some Chinamen, one of whom would not produce or procure a certificate, after some talk he confessed he had none, and would not pay it then, saying some other time, on which my agent said that would not do (he not knowing the Chinaman), but that he must pay it then, or give him an order for the amount upon one of the Chinese stores, at which the Chinaman became obstreperous and resistive. My agent put the hand-cuffs on him, and the Chinaman at once paid the tax and became quiet. A friend of the Chinaman (a white person) took the case up before Jonathan Nutt, J. P., and had my agent fined.

It is impossible for one to know one Chinaman from another, especially in a crowd, and without exception they all try and put you off, saying they will pay it some other time, or have no money; while at the same time they invariably have money on their persons. Often they even refuse to show the license when they do have it; and unless some decisive action is taken towards them it is impossible to collect from them, especially on the outside Creeks, where we often meet them without anything that we could seize which would realize the amount of the tax.

I wish you would please inform me what length I can go and power I have in compelling them to pay this tax. It is impossible to get it by issuing warrants against them, for when you go back with your warrant your Chinaman is gone.

The Bradley-Nicholson case comes off Tuesday before Judge Harrison. I understand the Chinamen intend to appeal to the Supreme Court. I remain, &c.,

(Signed) S. A. ROGERS,
per J. D. M.

VICTORIA, 10th August, 1885.

SIR,—In answer to your letter of 31st ultimo, I have the honour to say that you can go no greater lengths to compel Chinese to pay their taxes than are laid down by the Statute.

In collecting from Chinese in service of large mining companies, I would recommend that you apply to the head of the company, as under Section 6 of the "Provincial Revenue Tax Act, 1884."

I have, &c.,
(Signed) P. Æ. IRVING,
Deputy Attorney-General.

S. A. Rogers, Esq.,
Barkerville.

Hon. A. E. B. Davie,
Attorney-General, Victoria:—

BARKERVILLE, B. C., August 14th, 1885.

Re Kwong Wing.

SIR,—The above case was brought before the Justice of the Peace, the defendant being fined $5 and costs for mining without a licence. It was appealed to the County Court (enclosed please find notice of appeal), where the Justice of the Peace's verdict was sustained. Mr. Robinson, their agent, informs me that they intend taking it before the Supreme Court.

Yours, &c.,
(Signed) S. A. ROGERS,
per J. D. M.

P. S.—I have just received the enclosed notice of appeal.

(Signed) S. A. ROGERS,
per J. D. M.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To James Stone, one of Her Majesty's Justices of the Peace of the District of Cariboo:—

Take notice that the undersigned Kwong Wing of Williams Creek, does intend to enter and prosecute an appeal at the next County Court to be holden at Richfield on Tuesday the 11th August, 1885, in and for the District of Cariboo, Province of British Columbia, against a certain conviction bearing date the 5th August, 1885, and made by you, James Stone, Esquire, one of Her Majesty's Justices of the Peace for the said District of Cariboo, whereby the said Kwong Wing was convicted of having to pay a fine of $5 and costs amounting to $8.28.

For that Kwong Wing on the 5th August, 1885, at Richfield, did refuse to produce or procure a Free Miner's Certificate on being demanded to do so under the Statute of 1884, chap. 4, sec. 14.

Said Statute being unconstitutional, therefore null and void, the said Kwong Wing working real estate.

(Signed) KWONG WING,
R. W. ROBINSON, *Agent.*

Dated this sixth day of August, one thousand eight hundred and eighty-five.

IN THE COUNTY COURT OF BRITISH COLUMBIA HOLDEN AT RICHFIELD.

Between KWONG WING, *Appellant,*

vs.

SAMUEL AUGUSTUS ROGERS, Collector of Free Miners' Certificates.

and

JAMES MARSDEN, Deputy Collector of Free Miners' Certificates.

Take notice, that the above named appellant being dissatisfied with the determination of the Honourable Eli Harrison, Jr., the Judge of the said County County upon the trial of the cause in the appeal from the Magistrate's Court, wherein the above named appellant was fined five dollars, and upon the rejection of certain evidence to prove partnership in the Bradley-Nicholson Mining Claim (real estate), does intend to appeal against the same to the Supreme Court of British Columbia holden at Richfield, Cariboo District.

And further, take notice that the following are the grounds of the appeal:—

1. That the Bradley-Nicholson Mining Claim is real estate, and Kwong Wing, the above named appellant, is a partner in said Bradley-Nicholson Claim, said claim being real estate; therefore the said appellant is not required to take out a Free Miners' Certificate to work on his claim.

2. That the Act passed by the Provincial Legislature wherein a certain Act known as the "Chinese Regulation Act," requiring every Chinaman mining for gold shall procure a Free Miners' Certificate, according to chap. 4, sec. 14, requiring a sum of fifteen dollars in payment for a Free Miners' Certificate, such Act being unconstitutional.

3. The above named appellant was fined five dollars in the Magistrate's Court, and confirmed by the within named County Court Judge in the said County Court holden at Richfield on Tuesday the eleventh day of August, A. D., 1885, and the above named appellant asks this Honourable Court to set such decision or conviction aside, in accordance with law and facts set forth in this Notice of Appeal.

(Signed) KWONG WING,
G. W. ROBINSON, *Agent.*

Dated this 14th day of August, 1885.

RICHFIELD, 14th Sept., 1884.

On case being mentioned, Mr. Justice Walkem said he had no jurisdiction to hear the appeal from County Court Judge, so appeal dropped.

[TELEGRAM.]

NANAIMO, 24th Sept., 1885.

To A. E. B. Davie, Victoria:—

Number of Chinamen gold mining on Nanaimo River; shall I compel them to pay miners' licence of fifteen dollars under Regulation Act, or only collect five dollars for miners' licence. Answer.

(Signed) M. BRAY.

[TELEGRAM.]

VICTORIA, 25th Sept., 1885.

To M. Bray, Nanaimo:

You must collect fifteen dollars.

(Signed) P. Æ. IRVING.

QUESNELLE FORKS, B. C.,
6th December, 1885.

SIR,—There is a Chinaman here by the name of Ching, belonging to firm of E. Tie & Co. He is a naturalized subject; he holds considerable mining property in his name; can he get a mining licence as a subject, or will he be considered by the Act as a Chinaman and have to pay fifteen dollars for it? An early answer would greatly oblige.

I have, &c.,
(Signed) W. STEPHENSON.

Hon. A. E. B. Davie,
Attorney-General, Victoria.

VICTORIA, 4th January, 1885.

W. Stephenson, Esq.,
Quesnelle Forks, B. C.:

SIR,—In answer to your inquiry, does a Chinaman becoming a naturalized subject cease to be considered a "Chinese" within the meaning of the "Chinese Regulation Act, 1884," I have the honour to say that the term "Chinese" is defined in sec. 2 of the Act, and that the naturalization of a Chinaman does not make him any the less "a native of China."

I have, &c.
(Signed) P. Æ. IRVING,
Deputy Attorney-General.