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## RETURN

To an Order of the House showing the grounds of appeal by the Bank of British Columbia against the amount assessed against them by the Provincial Assessor; any report or judgment on such appeal by Mr. Mills, who acted as a Court of Revision, and the reasons on which the Finance Minister acted in withdrawing the claim of the Province.

J. H. TURNER,  
*Minister of Finance.*

*Treasury Department,  
10th March, 1896.*

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### PERSONAL PROPERTY IMPROPERLY ASSESSED AND INCOME IN EXCESS OF ACTUAL AMOUNT.

RE ASSESSMENT OF INCOME AND PERSONAL PROPERTY OF THE BANK OF BRITISH COLUMBIA  
(PROVINCIAL).

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The appellant, the Bank of British Columbia, appeals from the assessment made by the Provincial Assessor, Mr. Cornelius Booth, viz.: Income, \$150,000, personal property, \$767,517.85.

Mr. W. C. Ward appeared on behalf of the Bank. The evidence adduced showed that the gross income of the said Bank derived from all sources not exempt from taxation by law was \$70,383.62, but it does not appear from the declaration made by Mr. Ward between what dates this income was derived or received. It will therefore be necessary to produce further evidence before this matter can be properly adjusted. With regard to assessment of personal property, the declaration of Mr. Ward states "that the true value of all the personal property assessable against the said Bank is \$4,487,523.27, and that the said Bank is indebted on account of such personal property in the sum of \$5,833,612.31, and that the true amount for which the said Bank of British Columbia is liable to be rated and assessed in respect of personal property is *nil*." In the absence of any evidence to the contrary the appeal of the Bank must be allowed.

The Bank, at the request of the Assessor, produced a statement to the Court wherein it appears that "deposits on current account and at interest" amount to \$4,906,120.31. It appears to me that this amount comes within the statutory definition of "personal estate" and "personal property," and as such is taxable, subject to any lawful exemption.

Mr. Ward refuses to give the Court any information whereby it can direct the Assessor to assess the depositors, and he claims, moreover, that the Bank has some kind of a privilege, and cannot be compelled to disclose the names of the depositors for the purposes of taxation. Mr. Ward also contends that this Court should confine itself to the two points raised by the Bank.

In my opinion the Bank cannot claim any such privilege as against the Provincial Assessor. With regard to the second objection, the Act gives the Court power to "increase the assessment or change it by assessing the right person," etc.

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To say that the owners of personal property cannot be discovered for the purposes of taxation appears to me contrary to the spirit and express wording of the Assessment Act, which declares (section 3): "All land, and personal property, and income in the Province of British Columbia shall be liable to taxation, subject to the following exemptions, that is to say," etc., etc. I cannot find in the exemptions that money of a citizen deposited in a bank is free from taxation. Personal property cannot be assessed without inquisitorial process of some kind, and it is the duty of the Assessor to see that the Crown is not defrauded by persons concealing the knowledge of taxable property which a taxpayer may think cannot be discovered. If the Bank claims the privilege of concealing the names of its depositors and amount of deposits, respectively, such amount of deposits, I think, can be assessed and taxed in the name of the Bank as agent or trustee for the depositors; and if the Bank persists in refusing to disclose the names of such depositors, I shall have no other alternative than to assess the Bank as agent or trustee under the Act.

Until the necessary information is obtained the assessment cannot be adjusted by this Court. It is not for me to point out the precise steps that should be taken by the Assessor, but it would appear that he can obtain further information from the Bank, or its representative, by taking the necessary proceedings.

In the meantime this appeal will stand adjourned until the 18th day of January, at 11 o'clock in the forenoon.

Dated 11th day January, 1896.

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VICTORIA, B. C.:

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