

## III. CONVICTION

CITY OF VICTORIA,  
 PROVINCE OF BRITISH COLUMBIA, }  
 TO WIT:

BE IT remembered that on the 4th day of June, in the year of Our Lord one thousand eight hundred and eighty-five, at Victoria, in the said Province of British Columbia, Wing Chong, *alias* Chu Lay, is convicted before the undersigned, Edwin Johnson, Police Magistrate of the said city, and one of Her Majesty's Justices of the Peace in and for the said Province, for that he the said Wing Chong, *alias* Chu Lay, on the 21st day of May, in the year of Our Lord one thousand eight hundred and eighty-five, at Victoria, in the Province aforesaid, being a Chinese within the meaning of the "Chinese Regulation Act, 1884," was found not having in his possession a licence issued under the provisions of the said Act lawfully issued to him, contrary to the Statute in such case made and provided; and I adjudge the said Wing Chong, *alias* Chu Lay, for his said offence to forfeit and pay the sum of twenty dollars to be paid and applied, and in default of immediate payment recovered, according to law.

{ L. S. }

GIVEN under my hand and seal the day and year first above mentioned, at Victoria, in the Province of British Columbia aforesaid.

(Signed) EDWIN JOHNSON, P.M.

## IV. REASONS FOR CONVICTION.

Tai Chong Yuen and Wing Chong, each charged that being a Chinese he was found in the Province not having in his possession a license under the "Chinese Regulation Act, 1884."

In this case I have had the great advantage of hearing the Attorney-General in support of the charge and Mr. Richards, Q.C., for the defence. The charge is proved, and indeed the facts alleged in it are not denied; but Mr. Richards claims that the Act is unconstitutional and void. So far as I know a defence of this character was never before raised in a Police Court.

The Act was passed more than a year ago, and received the assent of the Lieutenant-Governor, acting under the advice of his responsible Ministers, in Her Majesty's name. It has not been disallowed, and the time for disallowing it has expired. It would obviously be absurd for a Police Magistrate, on his own responsibility, to declare this or any other Act duly passed to be unconstitutional and refuse to act upon it; and I feel sure Mr. Richards recognizes this, although he was kind enough, in the course of his argument, to give me credit for perhaps more legal knowledge than I can fairly claim; but he says I am bound by the judgment of Mr. Justice Gray in 1878 declaring a somewhat similar Act void. (*Sing v. Maguire*, (S.C.B.C., September,