

In *Citizens Insurance Co. v. Parsons*, we have to look at the legislation for the same purpose.

If the legislation here be to drive people from the country, have the local legislature the power? Legislation as to aliens is reserved to the Dominion. And as to trade and commerce, if the Chinese be driven out an annual loss to the revenue, it appears by the tables in the Chinese Commission Report, of \$110,000 will take place; and more than \$1,500,000 of property and business be lost to us, besides an injury to trade to an incalculable extent. The amount of business transacted by Chinamen in British Columbia, as revealed by the tables in that Chinese Report, is something which a casual observer could have no idea of.

The treaties between Great Britain and China, which bind us, have been quoted. The treaty of 25th August, 1842, *Hertslet*, Vol. 6, ratified 26th June, 1843, p. 221, and Lord *Elgin's* treaty of October, 1860, authenticated copies of which were produced in Court, secure to Chinese coming into British dominions the same "full security for persons and property as subjects of Her Majesty."

Vattel, cap. 8, referring to our obligations to foreigners, observes:—"As soon as the lord of the territory admits strangers into it he engages to protect them as his own subjects, and to afford them perfect security as far as depends on him."

Reg. v. Severn and *Reg. v. Russell* are important authorities in guiding our enquiry as to the nature and effect of local legislation in determining whether and how far the Act under review exceeds the limits within which the local legislature is supreme. And as to the equality of taxation, besides *Cooley*, who has been quoted freely on both sides, in *Kent's Commentaries* (8th Ed.), 2nd Vol., 388, it is insisted—"That every person is entitled to be protected in the enjoyment of his property, not only from invasions of it by individuals, but from all unequal and undue assessments on the part of the Government. It is not sufficient that no tax or imposition can be imposed upon the citizens, but by their representatives in the legislature the citizens are entitled to require that the legislature itself shall cause all public taxation to be fair and equal in proportion to the value of 'property'" (and that is what *Cooley* means by apportionment of taxation), "so that no class of individuals, and no species of property shall be unduly assessed." The treaties I have quoted between Great Britain and China, binding on the Dominion and on us in British Columbia, secure to the Chinese, just as the treaties between Great Britain and other foreign countries secure to other foreigners, the same rights in regard to the equality of taxation which I have described as being enjoyed by citizens of this country.

These treaties have the force of international law, and are construed most strongly against the party for whose benefit they are introduced.