

\$20, paid by the said Wing Chong under the said conviction, together with the costs of and incidental to this application to be taxed.

HENRY P. PELLEW CREASE, J.

Entered and issued this 13th day of January, A. D., 1886.

JAMES C. PREVOST,

Registrar.

[L. S.]

# JUDGMENT OF MR. JUSTICE CREASE.

21st August, 1885—CREASE, J.—

In order to deal satisfactorily with the questions raised by this appeal, it is necessary to see what is the scope and purport of the Act. It is called "An Act to regulate the Chinese population of British Columbia." It starts with a recital, in itself a *petitio principii*—not apparently the result of any public enquiry—which charges them with being not law-abiding, dissimilar in habits and occupation to the whites—useless in emergencies, habitual desecrators of grave-yards, unsuited to our laws, and of habits subversive of the community. From that premises concluding that special laws are required for their government, it proceeds to enact:—

1. The title.

2. Defines Chinese to mean "any native of the Chinese empire or its dependencies not born of British parents, and shall include any person of the Chinese race."

Section 3—with which we are immediately concerned—says:—"From and after the passage of this Act there shall be payable and paid by every Chinese in British Columbia, above the age of fourteen years, unto and for the use of Her Majesty, her heirs and successors, the sum of ten dollars, and thereafter on the 1st day of June in each and every year there shall be likewise payable and paid by such Chinese person a further sum of ten dollars."

Sec. 4 provides for the appointment and payment of special collectors, "to be called Chinese collectors, to collect and receive such payments from Chinese; and such collector or collectors, immediately upon such payment, shall issue and deliver to the person paying the same a license in the form contained in the schedule hereto."

By Sec. 5 "Any Chinese who shall be found within the Province not having in his possession a license issued under the provisions of this Act, lawfully issued to him, shall, on conviction thereof, forfeit and pay a sum not exceeding forty dollars."

By Sec. 6 "Any collector or Government servant wilfully disobeying any of the provisions of this Act shall forfeit and pay a sum not exceeding one hundred dollars."

By Sec. 7 "Every collector shall collect the tax from each Chinese, and shall as soon afterwards as may be pay over the amount to the

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Referred in  
13.C P. 11 p 150