

## APPENDIX B.

VICTORIA, B. C., October, 1884.

NICHOLAS FLOOD DAVIN, Esq.,

*Secretary, Chinese Commission.*

DEAR SIR,—Although I did not seek to be examined before the Chinese Commission while in Victoria, and have not officially received the paper of queries issued on the subject, yet I may be permitted to hope that you will lay before the Commissioners the answers as given, which are appended, together with the following remarks upon the subject of enquiry :—

The existence of an uncontrolled immigration under any circumstances is full of dangers. The first duty of a Government is the well-being of the governed ; and the application of some restraint upon immigration, and a complete control over it, is a primary duty as curative of present as well as preventive of future evils. No one can complain of cruelty or injustice being inherent in the course of action taken in the United States in the matter of white immigrants, who may import diseases, spread poverty, or become burdensome, turbulent and dangerous to society. And the like course of action may be found imperatively necessary in respect of the Mongolian immigration into this province.

Now, if any one is acquainted with the effects of a system of poor laws, and of the extent to which the working out of this may press upon the springs of industry, and in particular when the cost is superadded to taxation for the administration of justice and the preservation of the peace, the question of immigration assumes an alarming magnitude. In British Columbia, which has at present no poor laws, and is only slightly taxed for internal administration, the question may seem remote or unreal. But if cheap workers, say Mongolians, come in numbers and thereby exclude the white laborers, it may be asked : will this be cheaper in the end and all round, when everything is paid for, and when a Mongolian labor-league may have to be faced? Or again, if these may not prove exclusive absolutely of white labor, then both classes must compete at rates ruinous to the white laborer ; and white man and Mongolian alike, after the inevitable depressions and difficulties incidental to every community (nay, even though supposed exempt from them) must go down, sinking into poverty and becoming permanent burdens on capital.

But while, in theory, "demand and supply" are correlative, an application of this principle to Mongolian labor in British Columbia is considerably modified by the force of the two following facts :—First, the enormous over-population of China, aggregated on its eastern frontier and on the seaboard open towards our side, with the efforts towards its relief, together with the profits accruing to shipowners from its exportation ; Secondly, the restrictions at present imposed in the United States upon this immigration. Now, surely, if an unlimited number of Mongolians may in future be poured out upon our shores, the consequences may be that—if these should continue to be smuggled into the states from hence—very unhappy and strained relations between us and the states shall ensue. But supposing that these immigrants should stay here, then a congestion of the labor market must arise. And this must either consummate the pauperizing of the white laborer, or else involve his final departure, after he has become a burden on the rates and given abroad a bad name to this colony, as having invited him to come so far and then subjected him to an unlimited and ruinous competition with Mongolian hordes to hand.

And looking over the lists of farmers and residentiary owners here, working their own lands, it is a remarkable fact that these are the very men who began as laborers of one sort or another, but have nobly carved out for themselves an independence by their own indomitable industry and hard-handed toil. These then (the very most desirable of

colonists), will either pass out or not approach, discouraged by reason of wages being reduced to a minimum. For, the question at the very root of all this contention is not that wages must stand at a maximum, but lest they tumble to a minimum and stay there. But further, if interest binds the colony to the European immigrant, and to the negro too, honest, civil and industrious as he is, also possibly, ere long, to the Japanese immigrant, honor and humanity alike bid our colony to consider well in the case of the Aborigines. Now, it would be a most inconsistent action on the part of the Dominion or Provincial Government, after proving so humane and thoughtful of the interests of the Indian population in many ways, if in the way of cheapening labor to the lowest point, these should become sufferers, just at the time when their old resources by flood and field had ceased to be as productive as before. Then, indeed, would they settle down in disgust and despair of progress or pecuniary resource.

But should considerations of this kind be overlooked, what will the final result be? What else but a population of Mongolians, numerically predominant, who will remit their earnings out of the province, who will practice exclusive dealing, and never permanently attach themselves to British Columbia, or become identified with her laws. And then what stronger justification can be given of the current censure of inconsistency, contained in the taunt that what was once "British" was made "Chinese Columbia."

And further, an uncontrolled immigration of Mongolians, to any extent, must leave the colony subject to the additional and serious evils, arising from an enormously increased expenditure in administration of justice and police, together with considerable risks to life and property, and a corresponding want of confidence in the colony as a safe place for investment of capital. But it is further submitted, that the rapidly approaching facility for the adequate supply of white labor from Europe through the Canadian Pacific Railway, leaves the question of the adequate supply and the danger of its falling short (apart from Mongolian immigration) altogether answered, and in fact put out of court. Very soon there will be no urgent need at all for them in any numbers at least. Their main occasion of coming being the hurry to finish off the line by many hands crowded on. After this is over there will be no valid excuse for their unlimited invasion of the land. Also, it must be accurately weighed in the scales of a just judgment, whether, while the non imposition of restriction upon Mongolian immigration may not result in injury and loss, the judicious restriction of it may be found not hurting any interest, but on the contrary tending towards the adjustment of the labor market on a firm and safe basis to the greatest gain of all, and with the least possible danger to any.

Further, it may seem a hard judgment to anticipate at some future time projects of uprising with a view to Mongolian ascendancy, fed by ambition and an unquenchable greed. But experience in many lands and for ages past (say even in Madagascar in modern times) points to something more than the possibility of this result looming in the future, and as not so unlikely to occur again or prove so easy to be dealt with. Anyway, prevention is better than cure and this even in the interests of the Mongolians themselves.

What is offered in these remarks comes not of prejudice, nor is clothed in terms of offence, nor yet again is aught pressed forward unsustainable in theory or injurious in practice on principles of enlightened humanity and political economy.

I advocate neither the clean sweep of expulsion nor the barrier of an absolute exclusion, but only the establishment of a just and wise control over Mongolian immigration, to be clearly defined and exercised as occasion may serve, and in the best interests of British Columbia. Of course the law must be both clear and ample in and its execution *bona fide*.

I have the honor to be, dear sir,  
Your obedient servant,

PHILIP DWYER, A.M.,  
(Some time) Canon of Killaloe Cathedral, Ireland.

## APPENDIX C.

NUMBERS AND OCCUPATIONS of Chinese in British Columbia are as follows:

## VICTORIA, 1,767 —

Merchants.....	45	Store employees.....	179
Married ladies.....	41	Boys under twelve years.....	10
Girls.....	31	School teachers.....	1
Doctors.....	12	Sewing-machine workers.....	30
Barbers.....	20	Cigar-makers.....	28
Boot-makers.....	130	Washermen.....	90
Saw-mill hands.....	17	Vegetable gardeners.....	111
Cooks and servants.....	180	Bricklayers.....	25
Brick-makers.....	60	Match-makers.....	7
Farm laborers in the vicinity of Victoria.....	40	Charcoal-burners.....	10
Carpenters.....	25	Printers.....	3
Vegetable-sellers.....	20	Butchers.....	8
Fish-sellers.....	16	Peddlers.....	10
Tinsmiths.....	2	Fuel-cutters.....	65
Sailors.....	3	Bark-strippers.....	30
New arrivals.....	380	Prostitutes.....	31
		Boys between 12 and 17.....	92

## NEW WESTMINSTER, 1,680 —

Merchants.....	12	Store employees.....	18
Sewing-machine workers.....	6	Barbers.....	15
Washermen.....	20	Saw-mill hands.....	190
Ditch-diggers.....	156	Fuel-cutters.....	82
Married ladies.....	4	Boys under twelve years.....	5
Girls.....	2	School teachers.....	2
Doctors.....	6	Farm laborers.....	100
Cooks and servants.....	50	Vegetable-sellers.....	9
Charcoal burners.....	18	Carpenters.....	3
Fish-hands in canneries.....	390	Prostitutes.....	7
Boys between 13 and 17.....	85	New arrivals.....	200

## NANAIMO, 168 —

Merchants.....	6	Store employees.....	6
Married ladies.....	4	Children.....	2
School teacher.....	1	Doctors.....	3
Cooks and servants.....	18	Farm laborers.....	13
Cooks and miners.....	64	Washermen.....	8
Barbers.....	4	Boys between 13 and 17.....	15
New arrivals.....	22	Prostitutes.....	2

## WELLINGTON, 685 —

Merchants.....	9	Store employees.....	8
Washermen.....	4	Cooks and servants.....	10
Coal miners.....	620	School teacher.....	1
Doctors.....	4	Barbers.....	5
Boys between 13 and 17.....	15		

## NEW MINE, Wellington District, 69 —

Merchant.....	1	Coal miners.....	65
Barbers.....	2	Doctor.....	1

## DEPARTURE BAY COAL MINE, 47 —

Merchants.....	2	Cook.....	2
Carman and laborers.....	42	Barber.....	1

**RAILWAY CONSTRUCTION, 3,510—**

Merchant.....	1	Store employees.....	25
Railroad workmen.....	2,900	Vegetable-sellers.....	12
Boys under 12 years.....	300	Butchers.....	3
Doctors.....	6	Wood-cutters.....	230
Barbers.....	22	Restaurant-keepers.....	11

**FORKS QUEBENELLE, 141—**

Merchants.....	2	Store employees.....	4
Farm laborers and miners.....	128	Doctor.....	1
Butchers.....	2	Barbers.....	2
Prostitutes.....	2		

**CHIST CREEK, Cariboo District, 151—**

Merchants.....	2	Store employees.....	2
Miners and farmers.....	142	Doctor.....	1
Prostitutes.....	4		

**CARIBOO, 321—**

Merchants.....	3	Store employees.....	6
Miners.....	300	Doctor.....	1
Married ladies.....	3	Prostitutes.....	8

**STANLEY, Cariboo District, 66—**

Merchants.....	2	Store employees.....	4
Miners.....	(6)		62

**MOUTH QUEBENELLE, 506—**

Merchants.....	4	Store employees.....	8
Miners and farmers.....	490	Doctors.....	2
Prostitutes.....	2		

**NODA CREEK, 32—**

Farm laborers.....	27	Washermen.....	2
Prostitutes.....	2		

**DOG CREEK, 175—**

Merchants.....	2	Store employees.....	4
Miners.....	120	Farm laborers.....	48
Doctor.....	1		

**LILLOOET District, 163—**

Merchants.....	2	Store employees.....	4
Farmers and laborers.....	60	Miners.....	96
Doctor.....	1	Prostitute.....	1

**CLINTON, 36—**

Merchants.....	2	Store employees.....	1
Cooks.....	10	Farm laborers.....	3
Prostitutes.....	2		

**150 MILK HOUSE—**

Farm laborers and cooks.....			2
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**LYTTON, 58—**

Merchants.....	3	Store employees.....	1
Miners and farmers.....	50	Prostitutes.....	1

**YALK, 116—**

Merchants.....	6	Store employees.....	1
Laborers.....	100	Doctor.....	1
Prostitutes.....	2		

<b>BURRARD INLET, 114 —</b>			
Merchants.....	5	Store employees.....	10
Saw-mill hands.....	60	Washermen and cooks.....	30
Married women.....	3	Children.....	5
Prostitute.....	1		
<b>CACHE CREEK, 19 —</b>			
Merchants.....	2	Store employees.....	2
Farm laborers.....	15		17
<b>KAMLOOPS, 62 —</b>			
Merchants.....	3	Store employees.....	3
Miners and farmers.....	56		59
<b>SKENNA —</b>			
Fishery hands and doctor (1).....			311
<b>CASSIAR, 105 —</b>			
Merchant.....	1	Store employees.....	2
Miners.....	100	Doctor.....	1
Prostitute.....	1		
<b>SPENCE'S BRIDGE, 24 —</b>			
Merchant.....	1	Store employee.....	1
Farm laborers.....	20	Washermen.....	2
<b>SAVONA'S FERRY, 55 —</b>			
Merchant.....	1	Store employees.....	2
Farm laborers and washermen.....	52		
<b>HARRISON RIVER, 35 —</b>			
Merchants.....	2	Store employees.....	2
Farm laborers and wood-cutters.....	31		
<b>BOSTON BAR —</b>			
Workingmen.....			10
<b>OKANAGAN, 25 —</b>			
Merchant.....	1	Miners.....	24
<b>HOPK, 21 —</b>			
Merchant.....	1	Miners.....	20

The following is the commercial condition of the Chinese merchants throughout British Columbia:—

The amount of business done among the Chinese merchants in British Columbia annually.....	\$1,320,000
The amount of trade done with China, Japan and the United States.....	500,000
The amount of trade done with white merchants in British Columbia.....	400,000
The annual amount paid for duties is (and more).....	150,000
Internal duties on cigar manufacturing is (and more).....	2,300
The approximate amount paid for freightage and drayage.....	20,000
The approximate amount paid for road tolls in the interior.....	13,000
The salaries of bookkeepers and storekeepers, together with the expenditure for living of their families and families of merchants, of which there are four hundred and seventy persons, and more.....	141,000

The Victoria merchants:

The annual trade license paid.....	7,500
The annual assessment on property paid.....	500

The amount paid annually to revenue and city taxes by merchants and employees.....	1,100
The amount paid annually for rents to white people.....	27,000
The amount paid annually for rents on 750 acres of cultivated grounds and charcoal places by Chinese merchants to white people.....	6,180
The amount paid annually for city water by Chinese merchants and workmen.....	4,140
For gas.....	1,770
For insurance of buildings and merchandise.....	2,560
For interest paid to white people for borrowed cash.....	8,400
For postage and telegraph.....	3,000
[The above ten sums are paid out only by the Chinese merchants in Victoria, and not by those in other parts of the province.]	
The amount of real estate owned by Chinese in British Columbia is about.....	100,000
The value of brick and frame buildings owned by Chinese is.....	81,000
[Seventy thousand dollars of this amount was expended within the last fourteen months]	

The kind of merchandise imported from China, Japan and United States by Chinese merchants as follows:—

Rice, tea, oil, liquors, tobacco, dry goods, chinaware, drugs, silk goods, paperware, books and stationery, matting, clothes, shoes, opium, Joss-paper and sticks.

The goods purchased by Chinese merchants in British Columbia and sold to the Chinese in this province, as follows:—

Cloth goods, woollen and linen cloth, caps, boots, stockings, furs, kerosene oil, candles, matches, papers, soaps, tobacco, cigars, sugar, flour, rice, sweetmeats, salt, pigs, lard, beef, butter, fish, fowls, wines, ducks, nails, tools, plates, horses, carriages, wagons, watches, rope and twines, lamps, fuel, coal, hardware, ironware, glass and crockery ware, woodenware, etc.

There are in the province of British Columbia nine thousand six hundred and twenty-nine Chinese laborers:

A laborer's wages will average \$25 per month; per year.....	\$300 00
Deduct three months wages for winter.....	\$75 00
Provisions and clothing, per year.....	130 00
Room rent.....	24 00
Tools, farms, in British Columbia.....	10 00
Revenue and road taxes.....	5 00
Religious fees.....	5 00
Doctor, for drugs.....	3 00
Oil, light, water and tobacco.....	5 00
	————— \$257 00
Balance in favor of laborer.....	\$43 00

Respectfully submitted,

HUANG SIC CHEN.

## APPENDIX D.

At San Francisco it was arranged that on the 25th of July we should, in company with the Chinese Consul, visit Chinatown. Before making the visit to Chinatown His Excellency the Consul General for China, Huang Tsun Hsien, Colonel Bee, the Consul and Mr. Tsang Hoy, the interpreter to the consulate called on Mr. Chapleau at the Palace Hotel. In the course of conversation he enquired particularly respecting the veto power of the Dominion and Imperial Governments, and expressed the hope that the enquiry to be instituted by the Chinese Commission would be an impartial one.

Led by Colonel Bee and the official interpreter we went round Chinatown. The traveller who had visited China, or anybody who has once explored Chinatown, were blind, would know he was in the midst of a bit of far Cathay, which had been transported to the Pacific coast. In addition to the ethnic smell which, as all Eastern travellers assure us, would have been pronounced enough, there are the odors of opium, of cigars of dried fish and dried vegetables; an odor such as one gets in the engine-room of a

steamer; and other odors such as only an olfactory connoisseur could distinguish; the whole contributing to a result so emphatic as to leave behind a life long remembrance.

In some of the finest cities in China the streets are narrow. In some instances the gables look as though they would meet above the traveller's head. They have no side walks. But here the streets are wide and paved, and, needless to say, have sidewalks. Instead of the Tartar, tent-like roofs and characteristic outlines of Chinese houses, the houses here are built for the most part of brick and in western style. A transformation has, however, taken place, and any man who knows China will tell you you are as surely there as if you were in Canton or Peking. It is not merely that the streets are full of Chinamen dressed in Chinese fashion, shaven as to the fore part of the head and with braided queues dangling to their heels; it is not merely that the Chinawoman in black calico trousers and blouse to match limps by; nor is it because all the dialects of Kwang Tung are heard like the cawing of a rookery; strange signboards, Chinese lanterns, cages with singing birds, give to the American houses a foreign character. The Chinaman writes, not from right to left or left to right, but down, and so you see the horizontal signboards covered with gilding or in gaudily painted Chinese characters wholly unintelligible to one unversed in the monosyllabic group of languages. Unless indeed when they are translated, and even then it must be confessed little insight is gained as to the character of the goods for sale. When a general store hangs out for its sign "The Temple of Sweetly Soothing Bliss," and a butcher's shop rejoices in the style of "Ten Thousand Harmonies," we are more amused than enlightened. The magniloquence of the sign is generally in the inverse ratio of the importance of the store. A small retail shop will sometimes have a firm name importing the most sacred character and heavenly music. A five cent cigar shop will glory in the designation of "The Temple of Celestial Harmonies."

In Sacramento and Dupont streets there are large wholesale houses. We enter one -- a general store. Boxes of tea and bags of rice are piled up on one side of the shop. Behind the counter, on the other side, is the bookkeeper and one or two salesmen. The shelves on this side are filled with shoes and clothing and many other articles. Some of the men are smoking cigars. They show no anxiety to sell. The interpreter informs them of the object of our visit, and forthwith some one goes and fetches tea, in tiny cups. Then some cigars of the very finest brand are brought. We visit several stores more or less like this. All the wholesale houses are kept scrupulously clean. The proprietors and clerks are neat and clean in their appearance. They are most polite.

We enter a workshop and find sixteen sewing machines buzzing away. They are very near each other. White men would stifle in such a contracted space. But these Chinamen seem perfectly healthy and happy. They make shirts and overalls. In another shop we find men making undershirts and drawers.

We turn into Jackson street and visit a silversmith. Here some ten or twelve men are employed in making finger rings, hair pins and other Chinese ornaments. A few doors away is a shoe factory. Here the latest modern machinery is used. Some twenty-five Chinese journeymen are employed, and the "boss" Chinaman is quite a nice looking and intelligent man. All sorts of boots, shoes and slippers are made.

In Washington street Chinamen are found making all kinds of ladies' fine underwear. In Dupont street there is a large tin shop. Every shop in these and bisecting streets is a Chinese shop, small or large.

We pause in front of one of the best Chinese restaurants. It is a high building, with balconies on the second and third stories, painted green, trimmed with red. In the balconies a number of large Chinese lanterns are hung. We enter and find all the appointments good. The chairs and tables in this and other restaurants, in all the large stores, and in the private houses of the merchants, are made on the same general plan, of the same wood, and are all imported from China. A carved screen of artistic workmanship and richly gilded arches from wall to wall in the middle of the dining room.

We were invited to lunch and sat round a circular table. Dried fruit, nuts, apples, grapes, honied cakes, eggs a year old preserved in clay, were placed before us, and the

chop-sticks. Some shamshoo in small dainty cups was handed round. Tea was placed in cups, which were covered with inverted saucers a little smaller than the circle of the cups' rims. The saucer was pressed by the thumb a little into the tea in order to keep back the leaves, and so without milk or sugar the tea was drunk.

One of the party subsequently dined at another restaurant equally good and as an Irish friend who was present said, we had the dessert to begin with and we ended with the first course, namely, soup. The dinner was good. The several kinds of meat were cut up into very small pieces. The only ground for complaint was that the dishes were too oily. We had paper napkins; porcelain jars of most brilliant blue tints were filled with flowers, the rose, the lily, the camellia, the China-aster, the japonica. Tea was first handed round. On the table were dried spices, preserved fruits, sweetmeats, pineapples, bananas, oranges, plums, grapes, all the fruit for which California is famed. Meats in bowls instead of dishes were then placed on the table. Shamshoo hot and cold and Chinese wines in silver jugs with covers and spouts were also placed on the table. Near each guest was a small cup for drinking shamshoo or wine. We had meats disguised by the cook but palatable, shrimps prepared in a peculiar manner, and many other dishes the names of which have escaped the memory. There was some smoked duck which tasted like ham, and meats of various kinds. Finally came turtle soup, made from one of the turtles which we had seen on a previous day swimming in a big tub with many others, all imported from China.

Little difficulty was experienced in using the chopsticks which, once the plan of cutting up the meat before sending it to table is adopted, are just as civilized as knives and forks.

Dinner over our host rose and pledged us in a small cup of wine. We both bowed low and emptied our cups. We then reversed the cups, tapping them with the finger to show that the glass of friendship had been thoroughly drained. More polite or gentlemanly persons than those met at this restaurant it would be hard to find. How unlike the miserable wretches discovered elsewhere in Chinatown.

After the lunch mentioned above we visited a neighboring Joss-house. There are some fine large Chinese temples in San Francisco, besides a number of smaller ones. The "Eastern Glorious Temple" is the Joss-house we now enter. This temple is owned by Dr. Lai Po Tai, who has a large practice among the whites. In the central hall are three fierce looking idols in the midst of a lot of gilding and ornamentation, their stomachs protruding in accordance with the Chinese ideal of manly beauty. The central figure is "the Supreme Ruler of the Sombre Heavens," and on his right is "the Military Sage," and on the left "the Great King of the Southern Ocean."

In the courts of the temple the priests sold candles, and little spilla of timber for burning before the idols, and written prayers and charms, and there were various means of enquiry of the oracle after you had prayed, such as two pieces of timber, each with a flat and round surface, and if they fall in a certain way your desire will be granted. Besides the votive lights we were told the principal light was kept burning continually, as in the great temples in British India, and as of old in that of Jupiter Ammon.

We visited stores where the most beautiful porcelain jars were for sale; exquisitely carved work in ivory; picture books; all sorts of filagree; fancy work; fans; what not. We visited clubs, whose presidents are appointed by the Chinese Government. When one of these was examined 12,000 candidates presented themselves, of whom only ninety nine passed. Either, therefore, the examinations are very "stiff," or Chinese intellectual power is not very great.

It is unnecessary to go further into detail. Many more stores were visited and the general impression was that we had been inspecting a portion of a highly civilized and well organized people. So much for the silver side of the shield.

#### VISIT TO CHINATOWN BY NIGHT.

On the 25th visited Chinatown at night under the conduct of two officers, detectives wholly employed in the Chinese quarter—Messrs. Christopher C. Cox and John Avan. It



would be hard to give an adequate idea of what was seen. Had Dante been able to visit Chinatown, San Francisco, he would have added yet darker strokes of horror to his Inferno. We went from tenement house to tenement house; we dived into cellars dug beneath cellars—as it were, inverted stories; and everywhere we saw the same scenes of misery and degradation. We made our painful way behind our guide, who carried a candle, into dens where daylight never entered, where one pure breath of air never penetrated, where the stench was something between a charnel house and a wild beast's lair, but yet where human beings were, as it were, packed away. The Chinaman of the lower or lowest class needs only space a little bigger than a coffin. An ordinary room will be divided into bunks, and within one of these bunks he will stow himself, together with his luxuries, and in some cases with the meagre necessities of his existence. Sometimes, as in the case of certain cigar-makers, he carries on his trade where he lies down to smoke his opium pipe and sleep. In every little compartment there is a lamp on the mat—as it were in bed with the occupant—and he is seen putting the opium on the pipe with a wire. Then he kindles it by means of the lamp; then he inhales; and in a few seconds the smoke comes through his nose. After a certain number of whiffs he lies off to sleep. Frequently two men occupied the same bunk, the one lying down, the other with his legs crossed. Pieces of meat, the entrails of animals, dried fowl, hung up in the midst of filth, over cesspools, contiguous to slops of the most loathsome character. One of our party, a pretty strong man, began to feel seasick, and it was only by an effort of will that he repressed nature's protest against such scenes and such smells. Each man either cooks himself, or is one of a little band, one of whom cooks for the rest. An open stove of a crudo sort is placed either at the door or near the window—where there is one—a pane of which has been broken through to serve the purpose of a chimney. Walls, ceiling, sills, posts, window frames—all are covered with soot, hanging like thick layers of fungi. The marvel is that more fires have not originated in Chinatown. Dens where criminals lived were visited, and here men were seen whose pig-tails had been cut off in prison. These were now spliced. The criminal, like the rest of the lower class of Chinese, enjoys his opium pipe.

We visited the lodgings of cooks and found from sixteen to twenty, all in one room. These cooks are employed in private houses during the day and come here at night to play and sleep.

The opium dens proper are not forgotten. These places are like the tipping houses of the old style, where men went and soaked in alcohol. The opium-smoker comes to one of these places, and for a couple of bits or more gets all the opium smoking he wants. If he is poor or economical he is furnished with a pipe; if rich and extravagant, by paying a little more, he can have pipes and prepared opium furnished him as he wants it.

A few words may be devoted to a description of the manner in which this fatal drug is used. It is wholly unlike tobacco smoking. The stem of the pipe is about the length and thickness of an ordinary flute, the end that goes into the mouth being flattened to suit the lips. At the other end is a bowl of terra cotta about half the size of a breakfast cup. Through the middle of this runs a small hole, which communicates with the flute-like tube. The opium is a dark, gummy paste which, before being smoked, is prepared as follows: the smoker, or the waiter on the smoker, takes, on the point of a long needle, a piece of opium about twice the size of a pea, and roasts it, so to speak, in the flame of a small lamp. This, I was told, was to the end that certain poisonous properties should be got rid of. The next thing—the opium so prepared is placed on the hole of the terra cotta bowl, made like a cone, through which a hole is pierced. The opium so arranged is then brought in contact with the flame of the lamp. Three or four inhalations, and the little cone has disappeared. But no smoke is seen for the present. It remains either in the mouth of the smoker, or he has swallowed it. In a few seconds, however, the smoke is blown out of the nostrils. The smoker, if he has no attendant, then commences the same operation, which is repeated until he has had enough. Twelve pipes is a usual indulgence for smokers. They always smoke lying down. Sometimes on the right side; sometimes on the left side. This is the position most favorable to the full enjoyment of the drug.

The appearance of the men seen in the opium dens spoke eloquently as to the terrible effects of this drug on the human system. As with white people and alcohol, so there are among the Chinese some happy organizations who can smoke opium with moderation. But these are rare exceptions. Universal testimony shows that the descent of the opium-smoker is quick from the first stage of a new joy to idleness, from idleness to abandoned dissipation, and abandoned dissipation to unrelieved misery, a shattered physique, the intellectual qualities paralysed and the moral depraved. Nothing can deliver or distract the opium-smoker from the spell of his passion. At length, incapable of effort, wholly unfit for business, unmindful of the fluctuation of events and the lapse of time, dead to natural feeling, neither the misery of wife or child can touch him. In China, opium-smokers who have been brought from opulence to indigence by this vice have sold their daughters to the procuress in order to procure the poppy.

The appearance of the opium-smoker, like that of the dram-drinker, proclaims his habits. He becomes emaciated; his eye glazed; his shoulders seem to get raised above the base of the neck. Digestion soon ceases, and in the ultimate stage the drug is used only to mitigate the horrors of existence. On another occasion the writer was shown a man who had been for thirty-six hours without a smoke, and the evidence of agonized craving was pitiable. He begged for God's sake for a smoke.

It is worthy of remark that men fall into opium-smoking as they fall into tipping. Just as misery drives some weak natures to drink, misery, where opium dens exist, drives others to opium-smoking; or a man is sick and has a cold, and a friend recommends a smoke; or he meets an acquaintance and instead of "Come and have a drink," he says "Come and have a smoke;" as with tipplers association in folly seeming to increase the dubious pleasure. One man said he used to visit the opium-house with a friend and refuse to indulge, but noticing how it improved the spirits of his friends, he was induced to follow their example. From a luxury it became a necessity, and then from being a minister of pleasure a master which made him its miserable slave.

On the day following a ship sailed for China, and we visited one of the so-called Chinese courts, where a case was said to be going forward, and a young Chinaman told us some person could not get away next day unless a satisfactory arrangement was made. On this, as on the previous occasion, we visited the Joss-houses but saw nothing to excite surprise or call for comment.

We visited the quarters where were prostitutes who will only be visited by white men, and the quarters where were those who would see only Chinese. The former, it seems, are a superior grade. Prostitution is a degradation so absolute that it would hardly be worth while to consider degrees of degradation in its regard. But this remark must be made: that those unhappy women—all of whom, it is said, have been bought for sums varying from \$500 to \$2,500—looked far less degraded than the men in the tenement houses. The fact that these women are sold is dwelt on as a dreadful thing; it is a dreadful thing; but unfortunately it is a thing not unknown in Anglo-Saxon and other communities. In one of the houses of prostitution we conversed with a woman who had been kidnapped and who had given evidence against Wong Ah Nang. This man was sent for four years to the state's prison.

We were unable to visit the schools of the missionaries, which are open only in the evening, but we satisfied ourselves that they were doing a good work.

## APPENDIX E.

PORTLAND, Oregon, August 29th, 1884.

In Portland there is not, properly speaking, a Chinese quarter, for isolated Chinese shops are found in streets occupied by white people, and shops owned and "run" by whites are found in Second street, which is, roughly speaking, the Chinese quarter. The

Chinese have a bolder and a happier air than in San Francisco, and a glance convinced you of that which testimony subsequently confirmed that they are more tolerated here than in the leading city of California. Many houses are built of brick by the Chinese themselves. A more respectable air pervades their shops generally than in San Francisco, and some shops exceeded anything to be seen in the latter city.

The above impression was accentuated by visiting several stores. The first was that of Kwong Sang Wah who sells tea, rice, oil, dried fish, women's and men's shoes, socks, china shirtings, fans, wines, dried oysters, all from China. In connection with this store there is a butcher's shop and a coop looking out on the street, in which are a dozen or more of live chickens in the next stage to complete maturity. The next was that of Hong Fook Tunk, a drug store. The screen dividing the office from the shop proper is beautifully carved and gilt. I learned through the interpreter who accompanied me, that no drugs were dispensed without a prescription from a Chinese doctor. The next place looked in on was a room at the base of the Joss-house. In this room a Chinese phrenologist was examining the heads of his clients and thus doing a sum in bumps, making an equation of cerebral protuberances. The Joss-house is magnificent, finer, perhaps, than the finest in San Francisco. There were the eternal lights, and there, smothered in gilded ornamentation, the ugly old Joss. The interpreter explained that the Joss was not a god, but, he said, "like a monument to some distinguished persons among you."

"Yes; but do not some of the less enlightened worship the Joss as a god?"

"Yes, they do; after a time, they forget, think him God."

Turning up Morrison street, the Chinese shops were found to alternate with white shops. Here we entered King Lee's shop, which he calls the Oriental Bazaar. On either side, for some distance, the shops are all owned by white people. King Lee, the proprietor of the Oriental Bazaar, speaks very good English. All sorts of hosiery, delf, vases, every kind of haberdashery, Chinese pictures, what not. Ladies were shopping here, and we learned it was a fashionable resort. Here we found the first instance of a white person in the employ of a Chinaman. This young lady, who seemed intelligent and cultivated, was working at what seemed a kind of frill. Having asked King Lee whether he had any objection to her being examined, and receiving a reply in the negative, the evidence found elsewhere was obtained.

We next visited Duck Chung, Wing & Co., a general store. We asked how many such shops were in Portland. Duck Chung took down a Chinese directory, written in Chinese characters, and answered "about forty."

The next shop visited was that of Wo Kee, a clothing establishment. This shop only made for Chinese. We visited six other tailor shops in various parts of the city, where they made clothes for only white persons. In each of these establishments from nine to ten workmen—all Chinamen—employed.

In Second street there is a fine block of buildings, from No. 60 to 66, three stories high, and all of brick, built by the Chinese. They have obtained a long lease of the ground.

Pung Ti Lung, a bootmaker, who made only for white, was visited. He employs ten men, all Chinese.

## APPENDIX F.

### TEXT OF THE AMENDMENT TO THE RESTRICTION ACT OF 1882.

The following is the text of the amendment to the Chinese Restriction Act passed by the last session of Congress:—

An Act to amend an Act entitled "An Act to execute certain treaty stipulations relating to Chinese approved May 6th, 1882."

Be it enacted by the Senate and House of Representatives of the United States of

*America in Congress assembled*,—That Section 1 of the Act entitled "An Act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, is hereby amended so as to read as follows:—

WHEREAS, In the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; therefore—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,—That from and after the passage of this Act, and until the expiration of ten years next after the passage of this Act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

Section 2 of said Act is hereby amended so as to read as follows:—

Section 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year.

Section 3 of said Act is hereby amended so as to read as follows:—

Section 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the Act to which this Act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this Act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port.

Section 4 of said Act is hereby amended so as to read as follows:—

Section 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the Act to which this Act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November 17th, 1880, the Collector of Customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry books, to be kept for that purpose, in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the Custom House; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost, upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom

the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the Collector of Customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the Collector of Customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the Collector of Customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the Custom House and duly cancelled.

Section 6 of said Act is hereby amended so as to read as follows:—

Section 6. That in order to the faithful execution of the provisions of this Act, every Chinese person other than a laborer, who may be entitled by said treaty or this Act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this Act to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this Act nor in said treaty shall be construed as embracing within the meaning of the word "merchant," huckster, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. The certificate provided for in this Act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséd by the indorsement of the diplomatic representatives of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truths of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue, it shall be his duty to refuse to indorse the same. Such certificate viséd as aforesaid shall be *prima facie* evidence of the facts set forth therein, and shall be produced to the Collector of Customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities.

Section 8 of said Act is hereby amended so as to read as follows:—

Section 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to

law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the Collector of Customs of the district in which such vessels shall have arrived, a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, travelling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

Section 10 of said Act is hereby amended so as to read as follows:—

Section 10. That every vessel whose masters shall knowingly violate any of the provisions of this Act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Section 11 of said Act is hereby amended so as to read as follows:—

Section 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Section 12 of said Act is hereby amended so as to read as follows:—

Section 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this Act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several states and territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act, or the Act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers. And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this Act.

Section 13 of said Act is hereby amended so as to read as follows:—

Section 13. That this Act shall not apply to diplomatic and other officers of the Chinese or other Governments travelling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this Act mentioned, and shall exempt them and their body and household servants from the provisions of this Act as to other Chinese persons.

Section 15 of said Act is hereby amended, so as to read as follows:—

Section 15. That the provisions of this Act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this Act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Section 16. That any violation of any of the provisions of this Act, or of the Act of

which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

Section 17. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this Act had not been passed.

Approved, July 5th, 1884.

## APPENDIX G.

### SUPREME COURT OF BRITISH COLUMBIA.

TAI SING vs. JOHN MAGUIRE.

JUDGMENT of The Hon. Mr. JUSTICE GRAY, on the Chinese Tax Bill, passed by the Legislature on the 2nd September, 1878.

SEPTEMBER 23rd, 1878.

This is an *ex parte* application under the 79th and 82nd sections of the Common Law Procedure Act, for an injunction to restrain the defendant from selling or otherwise proceeding with the seizure of certain goods of the plaintiff, taken by the defendant as a collector, under an Act passed by the Local Legislature of British Columbia, at its last session in August, 1878, intituled: "An Act to provide for the better collection of Provincial Taxes from the Chinese."

The second section is as follows:—Every Chinese person over twelve years of age shall take out a license every three months, for which he shall pay the sum of ten dollars, in advance, unto and to the use of Her Majesty, Her heirs and successors; and such license may be in the form A in the Schedule hereto.

No.	Form A.	Chinese Tax Act.	
	District of	Date	18
Received of			ten dollars, being three months license
from the	day of		to the
day of		18	

. Collector.

Other sections provide that every merchant, farmer, trader, or employer of Chinese labor is to furnish the collector with a list of all Chinamen in his employ, or indirectly employed by him, liable to pay the tax, under a penalty in case of failing to deliver such list when required to, or knowingly making any false statement therein, of \$100 for every Chinese person so employed, "to be recovered by distress of the goods and chattels of the person failing to pay the same, or in lieu thereof shall be liable to imprisonment for a period not less than one month and not exceeding two calendar months," the collector (section 7) having power to levy the amount of the quarterly license from any Chinese person not being in lawful possession of such license, with costs, by "distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises," the non-production of the quarterly receipt being sufficient authority for the collector to levy, proof of the lawful possession of such receipt lying on the person whose goods are distrained.

By the 8th section: any Chinese person not having in his possession a license lawfully issued to him, and any person employing a Chinese person not having in his possession a license lawfully issued to him, shall, on conviction, forfeit and pay \$100, and

in default of immediate payment, be liable to distress and sale of his goods; and if sufficient funds are not found, to imprisonment with or without hard labor, for a period not exceeding two months or less than one month.

The 9th section makes the allegation of the offense in the prosecution sufficient proof of the offence, unless the defendant prove the contrary; and the 10th section gives power to any justice of the peace, in a summary manner, to hear and determine the information in any locality where the accused shall be found.

The 11th, 12th, 13th, and 14th sections provide for the employer demanding his quarterly license of the Chinese person employed, and enact that the Chinese person who neglects, refuses, or is unable to take out the quarterly license, shall be liable at the instance of the collector, to perform labor on the public roads and works, in lieu thereof, at the rate of fifty cents a day, the cost of food, five per cent. of the wages of the overseer, five per cent. on the amount of the quarterly license for cost of wear and tear of tools, to be added to the quarterly sum of ten dollars, and to be deemed payable by every Chinese person performing such labor, in addition to the amount of the quarterly license; and such labor to be continuous until an amount of work equivalent to the whole sum due by him has been performed, the labor to last from 7 a. m. to 6 p. m., with one hour allowed at mid-day for food; and in case of failure, refusal, or neglect to perform the labor aforesaid, to be liable for each day's default, to perform two days' labor instead of one, or in default thereof, to be imprisoned with hard labor for any term not exceeding six months on conviction in a summary way before a justice of the peace; and if any person shall obstruct others in the performance of their duties or do anything calculated to obstruct the due performance of the labor, he shall, on conviction, before a justice of the peace, be imprisoned with hard labor for a period not exceeding six months, the overseer being required to prosecute in such cases.

The 8th, 11th, 12th, 13th and 14th sections, just mentioned, do not come into force until one month after the passage of the Act, namely, on the 2nd October, 1878, but they are necessary to be considered in determining the intent, character and effect of the Act as a whole, in the light of the authorities and principles hereinafter referred to. This is one of twelve applications now before the court on behalf of different merchants and employers of Chinese labor, whose goods have been seized, and the decision of which, until reversed, will govern the remainder, as well as the present. The question is of more than ordinary importance, as it tests the constitutionality of the power assumed by the Local Legislature to pass such an Act.

On behalf of the plaintiff it is contended:

- 1st. That the Act is *ultra vires* as dealing with trade and commerce;
- 2nd. As an interference with aliens;
- 3rd. As interfering with the powers and duties of the Dominion Government in performing the obligations of Canada as a part of the British Empire, arising under treaties between Great Britain and China.

The province of British Columbia is a part of the Dominion of Canada, possessing powers strictly defined by the "British North America Act, 1867," the federal compact by which the provinces are united. No power of legislation whatever pertains to them, other than as embraced in that compact. If the legislation of the Local Legislature be not within and sustained by that compact, it is not and has not the force of law. The assent of the Governor General cannot make an Act constitutional which does not come within the powers conceded to the province by the British North America Act, 1867. It becomes, therefore, necessary to consider that Act with the greatest care, to see how far its provisions bear upon the question before us, keeping in mind that it is an Imperial Act, passed by the consent and at the request of the provinces themselves, in order that their relative rights should not be liable to fluctuation, abrogation, or curtailment at the instance of any predominant party or conflicting interest in the Dominion. It is the solemn guarantee of the highest power in the British Empire that the rights thereby conferred shall not be diverted. If the Local Parliament could interfere with the distribution of legislative powers, the Dominion Parliament could do the same, and thus in the



end the weaker must fall before the stronger, and British Columbia, with its sparse and limited population, be powerless.

The 91st section specifies in detail, by sub-divisions, the subjects on which the Dominion Parliament shall have exclusive legislation; the 92nd section those on which the Provincial Parliaments shall have exclusive legislation. When either party goes beyond the list so defined, the Act becomes *ultra vires*, and it is the duty of that court before which the question is raised so to declare it.

The 91st section, by sub-division 2, gives to the Dominion Parliament the regulation of trade and commerce, and, by sub-division 25, that of naturalization and aliens, extending to all matters coming within either of those classes of subjects. It is plain, therefore, the Local Legislature can legally pass no Act interfering with the regulation of either the one or the other.

Then, does this local Act interfere with the regulation of trade, or commerce, naturalization, or aliens? By its preamble, it professes to prevent the evasion by the Chinese of the payment of the taxes upon real and personal property, on income, on unoccupied land, and the separate tax for the maintenance of the school system, and declaring it advisable that all should contribute to the general revenue, enacts the provisions above set forth as a more simple method for the better collection of provincial taxes from Chinese.

A preamble is really no substantial part of the Act. It is simply the professed light by which it is alleged the Act should be read; but in determining the objects of the act, we must look not at the preamble, but really at its enacting clauses. They may directly conflict with the preamble, and it has been contended that the object of this Act is not so much to prevent the evasion of the payment of taxes by the Chinese, as to prevent their living or carrying on business in this country.

What is the effect of those enacting clauses?

In arriving at a conclusion, I have been materially assisted by a leading decision in the Supreme Court of the State of California, (*Lee Sing vs. Washburn*, 20 California Reports, 534), in which the facts and points raised are almost identical with those in the case now before this Court, except that in the California case the Act of the Legislature boldly and openly avowed its object, viz.: to protect free white labor against competition with Chinese coolie-labor, and discourage the immigration of the Chinese into the State of California. The suit there was an appeal from the decision of an inferior tribunal, which had sustained, under an Act of the California Legislature under the above title, the enforcement of a monthly capitation tax of \$2.50 on each person, male and female, of the Mongolian race, of the age of eighteen years and upwards, residing in the state, except such as had taken, or should take out licenses to work in the mines, or to prosecute some kind of business, which tax should be known as the Chinese police tax; and exempting also all Mongolians exclusively engaged in the production and manufacture of sugar, rice, coffee and tea. The plaintiff Lee Sing, after refusal, paid the \$2.50, on the seizure of his property by the collector, immediately re-demanded the sum, and brought suit for its recovery. The case was most elaborately and ably argued on appeal, the Attorney General of the state appearing for the collector to sustain the tax. The point was distinctly taken, that it was an interference with trade and commerce, which could be regulated alone by the general government, and as distinctly met, that it was not an interference, but more a matter of police regulation, and that even if it did interfere with trade and commerce, the state had concurrent jurisdiction, and in matters of taxation relative to its own internal affairs, of which this was one, an absolute and inherent right to legislate. The position of the Attorney General on behalf of his state, was strengthened by the well known doctrine of state rights, that at the time of the Union, being sovereign and independent states they had only parted with what they distinctly gave, and that, therefore, all powers not absolutely expressed as parted with remained in the state, a position which cannot be contended for on the part of the provinces of the Dominion, the differences in this respect in their constitutions being, as put forth in a work published in Toronto on this subject in 1872: "In the United States all

“ powers not specifically conceded by the several States to the Federal Government, were still  
 “ to remain with the several States. In Canada, on the contrary, all powers not specifi-  
 “ cally conceded by the Imperial Parliament, in the proposed constitution to the separate  
 “ provinces, were to remain with the Federal Government. The source of power was  
 “ exactly reversed. At the time of the framing of their constitution, the United States  
 “ were a congeries of independent states, which had been united for a temporary purpose,  
 “ but which recognized no paramount or sovereign authority. The fountain of concession,  
 “ therefore, flowed upward from the several states to the United Government. The Pro-  
 “ vinces, on the contrary, were not independent States, they still recognized a paramount  
 “ and sovereign authority, without whose consent and legislative sanction the union  
 “ could not be formed ; without their assent, their rights would not be taken from them ;  
 “ but as they could not part with them to the other Provinces, without the sovereign  
 “ assent, the source from which those rights would pass to the other Provinces, when  
 “ surrendered to the Imperial Government for the purpose of confederation, would be  
 “ through the supreme authority. Thus the fountain of concession would flow down-  
 “ ward, and the rights not conceded to the separate Provinces would vest in the Federal  
 “ Government, to which they were to be transferred by the paramount or sovereign au-  
 “ thority.” (Gray on Confederation, vol. I., p. 56.)

In every way, therefore, in the legal aspect of the case, both as to the original inherent power, and the less distinctive and marked concession, the position of California was stronger than that of British Columbia, while the latter is relieved from all conflict on the question of concurrent jurisdiction by the express terms of the federal compact of the Dominion.

In that case, the court decided (Field *dissentienté*) that the federal constitution had vested in the General Government the power to regulate commerce in all its branches, and this power extends to every species of commercial intercourse, and may be exercised upon persons as well as property.

That commerce cannot be carried on without the agency of persons, and a tax, the effect of which is to diminish personal intercourse is a tax on commerce. If the power to impose such a tax is acknowledged, it being a sovereign power, no limitation can be affixed to its exercise, and it may be so used as not only to diminish but to destroy commerce.

The power asserted in the passing of the Act in question, is the right of the State to prescribe the terms upon which the Chinese shall be permitted to reside in it, and this right if carried to the extent to which it may be carried, if the power exists, may be so used as to cut off all intercourse between them and the people of the State, and defeat the commercial policy of the nation.

That the Act could not be maintained as a police regulation ; that branch of the police power had been surrendered to the Federal Government as part of the power to regulate commerce, and its exercise by a state was incompatible with the authority of the Government. That the Chinese might be taxed as other residents, but could not be set apart as special objects of taxation, and be compelled to contribute to the revenue of the state in the character of foreigners

The reasoning which supports these conclusions is clear and logical, and it is stated in a note to the case, that they have been re-examined and approved. (People *vs.* Raymond, 34 California Reports, p. 422.) Reference is also made to the State of California *vs.* Steamship Constitution, January Term, 1872.

These California Reports are referred to as exceptionally applicable, the Chinese question on the Pacific coast emphatically belonging to that State. There, almost every argument that legal ingenuity could suggest has been used to take from the General and vest in the Local Government the power of expulsive or prohibitory legislation as against this particular class of foreigners ; and though towards them the mob may there occasionally exhibit a somewhat rude exuberance of license, few countries can be found where, in considering their cases, more correct views of law are laid down, than in the higher courts of that state.

Cooley on Taxation (chap. 3, p. 62), referring to the power of the Federal Congress in the United States to regulate commerce with foreign nations, observes: "The constitution and the laws made in pursuance thereof, being supreme over the several States, the power of regulation cannot be interfered with, limited or restrained by an exercise of State authority. When, therefore, it is held that a power to tax is at the discretion of the authority which wields it, a power which may be carried to the extent of an annihilation of that which it taxes, and, therefore, may defeat and nullify any authority which may elsewhere exist for the purpose of protection and preservation, it follows as a corollary that the several States cannot tax the commerce which is regulated under the supremacy of Congress;" citing *McCulloch vs. Maryland*, 4 Wheaton, p. 316, 425, per Marshall, C.J.

In the case of *Regina vs. Taylor* (36 Queen's Bench Reports, Ontario, p. 183) the same points were much discussed, both on the argument on the demurrer in the Queen's Bench and subsequently in the Court of Error and Appeal. Though the latter court reversed the decision of the former court as to the application of the principles to the particular case in hand, yet it did not differ as to those principles themselves, that is, that if the Local Act was an interference with the regulation of trade and commerce, not specially allowed by the 92nd section, it would be *ultra vires*. With the greatest deference, however, for the distinguished Chief Justice who delivered the judgment of the latter court, it is difficult to see the foundation for the conclusion at which he arrived, that the term "exclusive legislative authority" given to the Dominion Parliament, on the subjects enumerated in section 91, was to be construed as exclusive of Imperial, not of Provincial legislation.

The British North America Act, 1867, was framed, not as altering or defining the changed or relative positions of the Provinces towards the Imperial Government, but solely as between themselves. It was the written compact by which for the future their mutual relations were to be governed. In consideration of the concessions of the Provinces to the General Government, and for the purpose of enabling the latter to carry out the responsibilities assumed on behalf of the former, each restricted itself as to what for the future it would do. And it is to be observed that the expressions used in the 92nd section, though not identical in words, are identical in meaning with those used in section 91. In section 91 the Dominion Parliament has "exclusive legislative authority;" in section 92 the Provincial Legislature "may exclusively make laws" touching the matters assigned to each. The exclusiveness in the matter could certainly have no reference to legislation by the Imperial Parliament, because it would be incongruous, and if in the former it was intended as restricted to Imperial legislation, then the mutuality in the compact was gone, and the Provinces were obtaining nothing for the concessions they gave. Moreover, with reference to the Imperial Parliament as the paramount or sovereign authority, the term would have no legal bearing. Such a construction weakens the authority of the General Government of the Dominion. The British North America Act, 1867, was intended to make legal an agreement which the Provinces desired to enter into as between themselves, but which not being sovereign states they had no power to make. It was not intended as a declaration that the Imperial Government renounced any part of its authority. It is submitted, with deference to that great and good Canadian, Chief Justice Draper, that the original framers of Confederation meant that act to be the rule of guidance as between the Dominion and Provincial Governments. It is the charter of their relative rights; if not, the Act is a great bungle.

In the case of *Regina vs. the Justices of King's County*, in New Brunswick (Pugsley's Reports, vol. II., p. 535), it was held that a Local Legislature has no power, since the "British North America Act, 1867," to pass a law directly or indirectly prohibiting the manufacture or sale, or limiting the use of spirituous liquors. And an Act passed with this object in view was *ultra vires* and void. The Court there clearly decided that the power of regulating trade and commerce, given exclusively to the Dominion Parliament by the 91st section, was not limited to trade and commerce with foreign countries, or even between the separate Provinces, but extended to the internal trade and traffic of

each particular Province. That "trade" meant the exchange of goods for other goods, or for money—the business of buying and selling—while "commerce" might be more correctly defined as an interchange of goods, wares, productions or property of any kind, between nations and individuals. That the regulation of trade and commerce must involve full power over the matter to be regulated, and must necessarily exclude the interference of all other bodies that would attempt to intermeddle with the same thing.

Vattel, chap. 8, referring to our duties towards foreigners, observes: "Since the Lord of the Territory may, whenever he thinks proper, forbid its being entered, he has a power to annex what conditions he pleases to the permission to enter. This is a consequence of the right of domain. If he annexes any particular condition to such permission, he ought to have measures taken to acquaint foreigners with it when they present themselves on the frontier. He ought not to grant an entrance into his state for the purpose of drawing foreigners into a snare. As soon as he admits them he engages to protect them as his own subjects, and to afford them perfect security as far as depends on him."

Kent, in his Commentaries (8th Edition, vol. II., p. 388) observes: "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, so that no one class of individuals, and no species of property may be unequally or unduly assessed." Chinese are not citizens, nor are Frenchmen, Germans, Italians, Spaniards, or Americans; all alike are foreigners, unless naturalized, and as such are entitled to the same privileges. The United States, as the sovereign power to which California belongs, made treaties with China. Great Britain, as the sovereign power to which Canada belongs, has made treaties with China. Those treaties are described for the purposes of peace and amity, trade and commerce.

Treaties are regarded as the highest and most binding of laws, beyond any merely internal regulation which one of the parties thereto may make for the government of its own people, because, on the subjects to which they refer they bind the people of both powers, however dissimilar in other respects may be their institutions, customs or laws. A remarkable case illustrating this principle will be found in 3 Dallas' American Reports, p. 199 (*Ware vs. Hylton*): "During the revolutionary war between Great Britain and the United States the State of Virginia made a law that all persons indebted to British subjects, might pay the amount into the loan office, which should be a good discharge." By the Treaty of Peace it was provided that "Creditors of either side should meet with no lawful impediments for the recovery of their money." The defendant had paid the money into the loan office, but it was held that in consequence of the Treaty of Peace he was liable to the plaintiff. Judge Chase said: "In the constructions of contracts words are to be taken in their natural and obvious meaning, unless some good reason be assigned to show that they should be understood in a different sense. The universality of the terms is equal to an express specification in the treaty, and indeed includes it, for it is fair and conclusive reasoning that if any description of debtors or class of cases were intended to be expressed it would have been specified. The indefinite and sweeping words made use of by the parties, exclude the idea of any class of cases having been intended to be excepted, and explode the doctrine of constructive discrimination." (Phillimore on International Law, vol. II., p. 89.)

Wildman on International Law, vol. I., p. 188, says: "Treaties of commerce and navigation are necessary to secure, as a matter of right, that commercial intercourse, which without treaty is merely precarious." At p. 179: "They are to be taken as to their stipulations, most strongly against the party for whose benefit they are introduced." At p. 184: "Provisions in favor of natural justice and humanity, and consequently much more those that are declaratory of the Common Law of Nations, must be construed liberally." As a matter of history, it is well known that these treaties were forced on

China by Great Britain, and on the part of the former most reluctantly accepted. As stated by a late writer on the subject in a popular magazine, the terms of the treaty between Great Britain and China permitted the subjects of Great Britain to trade in China and reside there, and it gave in return full permission for the Chinese to trade and reside in the British Dominions everywhere. Many had already gone there and their action was fully legalized by the treaty. It is said this permission was not asked by the Chinese but was inserted by the English Envoy to give it an appearance of fairness. The treaty was forced upon China. An examination of the last treaty in 1858, and the subsequent convention in 1860, shows that the Emperor of China actually undertakes to withdraw the ban hitherto preventing his subjects from going abroad, and to give them permission "to go and trade and reside and take service in the British Colonies" and to enter into engagements with British subjects for that purpose.

By the 132nd section of the "British North America Act, 1867," it is specially enacted that the Parliament and Government of Canada shall have all the powers necessary or proper for performing all the obligations of Canada, or any Province thereof, as part of the British Empire, towards foreign countries arising under treaties between the empire and such foreign countries.

The same views with reference to the powers of Local Legislatures, when coming in contact with the Dominion authority, are sustained in *Leprohon vs. The City of Ottawa* (2 Queen's Bench, Ontario, 478); *Dow vs. Black* (O. P. C. & R., 272); *Union of St. Jacques vs. Belleisle* (do. 35); *The Queen vs. Chandler* (Hannay's New Brunswick Reports, 54).

Sumptuary laws affecting the domestic and personal habits of a people, where not necessary for the prevention of crime, the preservation of the public health, or purposes of morality, have always been considered objectionable. To enact that employment shall not be given to classes, except on hazardous and ruinous terms, is practically prohibiting intercourse with the particular class specified. If you cannot deal or trade with a man, but at the risk of a penalty far exceeding the value of the service that dealing or trading will be put an end to.

Looking at the British Columbia Act in the light of these authorities, we find, in the first place, it goes far beyond the California Act, in *Lee Sing vs. Washburn*, declared to be unconstitutional. It is not a license to do business, it can barely be called a license of residence; it is more simply a three month's permit of existence in British Columbia. Every Chinese person, the traveller for pleasure, for knowledge or in view of future trade or business, comes within its purview. It is limited to no locality, attaches at an age, without reference to sex, when under the laws applicable to other persons, the individual is not the master of his own movements or actions; and under the 12th section makes the inability to take out such license, immaterial from what cause arising, whether from sickness, impotency, poverty; infancy, idiocy or old age, an offence punishable by what, from caprice, misapprehension, or bad feeling, may be made a grinding servitude almost indefinite in extent, and compared with which the ordinary punishments inflicted for very serious crimes would be almost a luxury. How is a Chinese infant, or female barely over twelve years of age, to comply with this Act? By the 7th section the liquidation of the offence is not limited to the offender's person or goods, but may be atoned for by the seizure of any other person's goods happening to be in his possession, or the goods and chattels of the accidental occupant of the same premises. The Act exceptional in its nature as to one class of foreigners, bristles with imprisonment and hard labor, and places the frightful power of conviction and punishment in the hands of any justice of the peace throughout the country, at the instance of a collector whose interest it may be to gratify the promoters of the Act.

Such will be the condition of the employed; what will be the condition of the employer?

By the 8th section: "Any Chinese person who shall not have in his possession a license lawfully issued to him, and any person who shall employ any Chinese person who has not in his possession a license lawfully issued to him, shall, on conviction

“thereof, forfeit and pay a sum not exceeding \$100, and in default of immediate payment, the amount of such penalty shall be levied by distress and sale of the goods and chattels of the persons contravening the provisions of this Act, or if sufficient distress be not found, shall be liable to be imprisoned with or without hard labor, for any period not exceeding two months and not less than one month.”

By the 9th section: “In any prosecution for the infraction of any of the provisions of this act, the *averment in the information* that any person named therein had not in his possession at the time of the alleged infraction a license lawfully issued to him, shall be sufficient proof that such person had not such license, unless the defendant shall prove the contrary.”

And by the 10th section jurisdiction is given to any mayor, warden, or any justice of the peace to hear and determine the information in a summary manner at any locality where the accused shall be found. Thus a farmer in the urgency of a pressing harvest, a merchant or trader in the emergency of business, before he can avail himself of this species of labor or assistance, must lose his time, his harvest, or his opportunity in testing the genuineness and lawful issue of the document, as well as the identity of the person holding it. Distance, inability to prove identity, pressing necessity are of no avail. Non-employment or the risk of the penalty! It is a somewhat startling proposition to confound the innocent with the guilty, and hold the free citizens of a country responsible for the tricks and defaults of foreigners! Such trammels must kill all trade and intercourse with the proscribed race. Intercourse is necessary to trade. Social ostracism the Local Legislature has no power to enforce. The Act has overreached itself. In contrast with the California Act cited in *Lee Sing vs. Washburn*, the extent to which it goes is astounding.

Secondly, from the examination of its enacting clauses, it is plain it was not intended to collect revenue, but to drive the Chinese from the country, thus interfering at once with the authority reserved to the Dominion Parliament as to the regulation of trade and commerce, the rights of aliens, and the treaties of the empire. It interferes with the foreign as well as the internal trade of the country, and in its practical effect would operate as an absolute prohibition of intercourse with the Chinese.

“There can be no question that all parties who reside within the taxing power and receive the protection of the government may be called upon to render the equivalent, and that both with reference to persons and property the rule is applicable when within the jurisdiction.” (Cooley, p. 15.) The Chinese, like all other residents in the country, can be made to bear their proper share of taxation when enforced in a legal manner, under laws constitutionally made. The 92nd section gives the Local Legislature the power of raising a revenue for Provincial purposes by direct taxation within the Province, and points out the modes and subjects by means of which it may be done; but under the semblance of such an intention the law will not permit an infringement of the constitution.

It has been said, that Queensland passed a law, putting an exceptional tax on Chinese immigrants into that country, which after several unavailing efforts, was at length assented to by the Imperial Government. The shape in which that tax was imposed, or the reasons which induced the Imperial Government to assent to it, have not been shown nor has the act itself been produced.

British Columbia does not stand in the same position, she is not autonomous. As the State Legislature of California stands towards the Congress of the United States, so the Local Legislature of British Columbia stands towards the Parliament of Canada, and is restrained by the federal compact which governs the Dominion. Queensland, on the contrary, is autonomous, legislates only and solely for herself, is restrained by no federal compact, and in her relative position towards the British Empire is constitutionally on the same footing as the Dominion of Canada.

The Dominion Parliament may pass such an Act as regulating the trade and commerce of Canada, subject to the confirmatory power of the sovereign authority in England as governing the whole empire, but British Columbia cannot. Should the Dominion

Parliament pass an Act like that of Queensland, the Imperial Government might see reasons to assent to it. And if the interests of British Columbia, in the future, require legislation of that exceptional nature, which is the opinion of some practical and sensible men in the country, she must seek and obtain it through the proper channel, that is, by the action of the Dominion Parliament.

The present Act is entirely beyond the powers of the Local Legislature, and is, therefore, unconstitutional and void.

The prayer of the petition must be complied with and the injunction issued.

This judgment will apply to each of the cases brought before me.

## APPENDIX H.

VICTORIA, B. C., August 22nd, 1884.

SIR,

Herewith I have the honor to hand you a return of the Chinese cases which have been brought before the Police Magistrate of this city for the five and a half years ending on June 30th, 1884.

Also a statement of the number of cases, whites, Indians and Chinese, before the same court for that period. These returns are compiled from the Official Record of the said court.

I remain, sir, respectfully yours,

CHARLES P. BLOOMFIELD,

*Superintendent of City Police.*

NICHOLAS FLOOD DAVIN, Esq.,  
*Secretary, Chinese Commission.*

### CALENDAR of Chinese Cases before the Victoria Police Court.

1879

DATE.	NAME.	OFFENCE.	SENTENCE.
Jan. 2	Ah Song	Larceny	3 months hard labor.
	Ah Yue	Vagrancy	
	Ah Fow	Vagrancy	\$20 or 2 months hard labor.
	Ah You (woman)	Vagrancy (prostitution)	\$20 or 2 months hard labor.
3	Kai Tow	Larceny	
4	Si Fung	Assault on Chinaman	3 months hard labor.
11	Ah You	Supplying liquor to Indians	3 mos. h. l. and \$100 fine or 3 mos. add.
	Ah Sin	Vagrancy	\$10 or 1 month hard labor.
15	Ah How (woman)	Larceny	Not proven.
17	Ah How	Vagrancy	\$20 or 1 month.
22	Ah Yee	Infraction city by-laws	\$10, to be levied by distress.
	Ah Quoi	do do	do do do
22	Ah Sing	do do	do and \$2 costs do
22	Ah Ling	do do	do do do
27	Sam Chong	do do	\$20 or 1 month hard labor.
	Ah Sing	do do	do do do
Feb. 4	Ah Liu	Supplying liquor to Indians	3 mos. h. l. and \$50 fine or 3 mos. add.
18	Ah Fay	Vagrancy	\$25 or 3 months hard labor.
22	Ah Bow	Larceny	Committed for trial.
	Ah Boon	Assault on officer	\$20 and \$3 costs or 2 months hard labor.
24	Ah Sim	Larceny	Not proven.
28	Ah Tuck	Safe-keeping	Remanded for medical treatment.
	Ah Moon	Larceny	Committed for trial.

## CALENDAR of Chinese Cases before the Victoria Police Court.

1879—Continued.

DATE.	NAME.	OFFENCE.	SENTENCE.
Mch. 6	Ah Foo	Supplying liquor to Indians	6 mos. h. l. and \$100 or 6 mos. addit'l.
	Ah Yeu	Vagrancy	\$20 or 2 months hard labor.
8	Ah Fow	Vagrancy	\$25 or 2 months hard labor.
	Ah Hoo	Supplying liquor to Indians	6 months h. l. and \$100 or 6 mos. add.
15	Gin Foo	Larceny	
	Ah Chu	Supplying liquor to Indians	3 months and \$50 or 2 months addit'l.
Apl. 2	Ah Foo	Vagrancy	\$20 or 2 months hard labor.
	Ah Yeu	Supplying liquor to Indians	
21	Ah How	do do do	Discharged.
	Wing John	do do do	do
May 21	Lo Chung	Infraction harbor rules	Summons dismissed.
	Jim	Supplying liquor to Indians	Discharged.
June 2	Ah Hoy (woman)	Vagrancy	do
July 9	Tye Chung Yuen	Infraction sanitary by-law	
	Wong Yet	do do do	Dismissed.
30	Ah Lim	Supplying liquor to Indians	3 mos. h. l. and \$50 fine or 3 mos. add.
	Ah Sam	Unlawful detention of property	Dismissed.
Aug. 13	Guy Lee	Trading without license	do
	Ah Song	Supplying liquor to Indians	Discharged.
Sept. 21	Ah Foo	do do do	3 mos. h. l. and \$50 fine or 1 mo. add.
	Ah Lee	do do do	1 mo. h. l. and \$50 fine or 1 mo. add'l.
16	Ah Yue	Refusing to pay taxes	\$2 tax and costs \$2.
	Song Ou Lung	do do do	do do
	Ah Tuck	do do do	do do
	Ah Kee	do do do	do do
22	Ah Sue	Supplying liquor to Indians	3 mos. h. l. and \$50 fine or 2 mos. add.
	Ah Lin	Malefious injury to timber	\$5 fine and \$5 damage or 1 mo. h. l.
Oct. 2	Ah How (woman)	Vagrancy (prostitution)	\$10 fine or 14 days hard labor.
	Ah Chu	Supplying liquor to Indians	\$50 fine or 3 months imprisonment.
6	Chang New	Assaulting Choo Hook	Discharged.
	Chang New	do Lee Hook	Committed for trial.
	Lee Fook	do Chung Lay	do do
	Kai Tai	Vagrancy	6 months hard labor.
20	Sam	Assault'g Mrs. A. F. Pemberton	Prosecutor did not appear.
22	Mee Hing	Infraction sanitary laws	
20	Ah Keol	Vagrancy	\$10 or 1 month hard labor.
	Ah Qwn	do	do do
Dec. 1	Ah Sing	Larceny	1 month imprisonment hard labor.
	Ah Quong	Murder	Committed for trial.
15	Ah Shun	Supplying liquor to Indians	Discharged.
	So Ling	Vagrancy	do
18	Ah Get		Bound over to appear when called on.
	Ah Sing		do do do
	Ah Pow	Unlawful Gaming. To wit: Tan-Tan.	Fined \$20 or 1 month hard labor.
	Ching Yee		Bound over to appear when called on.
	Ah Hing		do do do
	Yue Choy		do do do
	Wah Saw	Unlawful Gaming. To wit: Tan-Tan.	All bound over to appear when called on and to pay costs of prosecution.
	Chin You		
	Sam Fook		
	Ah Bow		
	Ah Chong	Tampering with witness	Discharged.

1880

Jan. 14	Sin Quoi	Assault with intent	\$50 fine and \$100.50 costs or 3 mos. h. l.
	Ah Yung	Infraction street by-law	Fined \$2.50.
Feb. 4	No Tow	Larceny	3 months hard labor.
	Ah Hay	Vagrancy	do do do
12	Ah Hing	do	do do do
	Ah Yea	Larceny of Chickens	Committed for trial.
Ah Hing			
Ah Lut			
Ah Jack			
Ah Long			
	Ah Shing		



## CALENDAR of Chinese Cases before the Victoria Police Court.

1880 - Continued.

DATE.	NAME.	OFFENCE.	SENTENCE.
Mch. 22	Ah Sing	Supplying liquor to Indians.	1 mo. h. l. and \$50 fine or 1 month add.
23	Ah Sing	Trespass.	Discharged.
	Ah Mow	Prison-breaking	Committed for trial.
April 5	Kwong Lee & Co.	Infraction sanitary laws.	Dismissed on payment of costs.
21	Ah Fan	Unsound mind.	Discharged.
23	Ah Lip	Vagrancy.	\$10 fine or 1 month hard labor.
	Hop Sing	do	do do do
May 11	Wong Paek Lung.	Larceny of moneys.	do do do
June 9	Sing Kee	Infraction of street by-laws.	Dismissed on payment of costs.
	Kwong Lee & Co.		
	See Lee Lung		
	Wah Lung & Co.	Infraction of Sunday by-law.	Dismissed.
	Tye Chung & Co.		
	Kwong Tong Sing.		
9	Tai Soong & Co.		
	Tai Yune & Co.		
	Tong Lee		
	Chu Chung & Co.	Infraction of Sunday by-law.	Dismissed.
	Quong Sing.		
	Ah Gow		
	Kwong Ling Sing.		
14	Mee Hing	Larceny.	Dismissed.
17	Ah Cheong	Infraction of sanitary laws.	Fined \$10 or 1 month imprisonment.
28	Chang Lee		
	Ah Hing		
	Ah Sow	Non-payment of road tax.	
	Ah Hop		
	Song Ou Lung.		
	Ah Tow		
July 13	Ah Wah	Supplying liquor to Indians.	2 mos. h. l. and \$50 fine or 3 mos. add.
	Ah Lin	Larceny	Discharged.
17	Ah Lim	Breach of prison discipline.	\$50 fine or 30 days imprisonment.
22	Ah Hing	Unlawful possession of game.	\$10 fine or 20 days imprisonment.
26	Ah Ping	Infraction of street by law.	Discharged.
	Gin How	Vagrancy	\$30 fine or 2 months hard labor.
	Fook Choy	do	do do do
	Ah Mow	do	do do do
	Bing Kee	Unlawful possession of game.	\$5 fine or 10 days imprisonment.
28	Ah Sing	Larceny of moneys	3 months hard labor.
Aug. 4	Lee Hung	Unlawful possession of game.	\$5 fine and \$2 costs or 10 days impr't.
	Ah Lee	do	do deer-skins.
Sept. 6	Ah Chu	Using threatening language to one Fred. Laxford.	15 skins forfeited & fined \$25 or 20 days. Prosecutor did not appear.
	Ah Ly		
	Ah Chow	Non-payment of taxes.	Discharged.
22	Wah Kee		
	Ah John		
Oct. 4	Ah Bow	House breaking.	Committed for trial.
	Ah Jim	do	do do
	Ah Foon	do	do do
	Ah Buck	do	do do
20	Wing Hing	Vagrancy	Discharged.
Nov. 1	Ah Tan	Supplying liquor to Indians.	\$50 fine or 2 months hard labor.
10	Ah Loy	do do do	\$100 fine and \$2 costs or 3 months h. l.
25	Ah Song	On premises with intent.	6 months hard labor.
Dec. 15	Ah Sing	Assault	\$5 or 7 days imprisonment.
	Ah Lee	Infraction city by laws	\$2.50 fine or 4 days imprisonment.
22	Ah Wye	Larceny of jewelry	Discharged.
24	Ah Sing al. Ah Get.	Supplying liquor to Indians.	do

1881

Jan. 6	Quong Hing	Infraction street by law.	Fined \$5 or 4 days imprisonment.
	Rit Long	do do	do do
17	Yung Fou	Vagrancy	14 days imprisonment hard labor.
	Ah Long	do	Discharged.

## CALENDAR of Chinese Cases before the Victoria Police Court.

1881—Continued.

DATE.	NAME.	OFFENCE.	SENTENCE.
Feb. 21	Ying	Larceny	discharged.
23	Ah Jim	Larceny of ducks	6 months hard labor.
	Ah Sam	do do	do do
25	Ah Sing	Larceny	do do
Mch. 31	Ah Chu	Peddling without license	Fine \$5, \$2 costs and \$20 license or 1 m.
"	Ah Weu	do do	do do
	Tong Lee	Infraction fire by-law	Dismissed.
	Ah Jim	Resisting revenue officer	Committed for trial.
Apl. 12	Toy	On premises with intent	do do
May 2	Ah Sam	Obt'g goods by false pretences	Dismissed.
4	Ah Long	Infraction street by-law	Fined \$1 and \$2 costs or 1 day impris't.
July 4	Ah Quong	Assault	Fined \$10 or 1 month's imprisonment.
Aug. 31	Ah Sing	Assault on constable	\$20 or 2 months imprisonment.
Sept. 30	Ah Tim	Assault	\$10 or 14 days imprisonment.
Nov. 29	Kwong Lee & Co.	Infraction sanitary laws	Dismissed.
	Ah Quong	do do	Fined \$2.50 and \$7 costs or 14 days.
	Ah Quon	do do	do do do
	Ah Sun	do do	Fined \$5 and \$7 costs, levied by distress.
	Lim Sam	do do	Dismissed.
	Gee Yack	do do	Fined \$2.50 and \$5 costs or 14 days.

1882

Jan. 17	Ah Quong	Larceny of moneys	6 months imprisonment hard labor.
20	Ah Moon	Larceny	do do do
Feb. 3	Ah May	Cruelty to animals	
6	Wong Foon <i>alias</i> Tay Wah	Murder	Committed for trial.
	Ah Hoe (woman)	Accessory to murder	do do
	Ah Moy do	do do	do do
	Ah Choon	Cruelty to animals	
7	Kum Soon	Accessory to murder	Dismissed.
	Wing Chong	do do	do
10	Gar Lock	do do	do
	Chin Kee	do do	do
	Ah Kim	do do	do
Apl. 28	Lung Kee	Infraction sanitary laws	Fined \$5 or 14 days imprisonment.
	Hung Yueu	do do	do do do
May 30	Ah Poy	Assault	Dismissed.
June 10	Ah Tim <i>al.</i> Ah Gung	Larceny	Dismissed.
23	Low Tow	do	6 months imprisonment hard labor.
28	Ah Moon	do	Committed for trial.
30	Lung Kee	Infraction sanitary laws	Fined \$20 to be levied by distress.
	Ah Sow	do do (2 cases)	do \$15 in each case.
	Tye Chung Yueu	do do do	do \$10 in each case.
July 7	Lung Kee (4 cases)	Infraction sanitary laws	do \$10 in each case.
20	Ah Sam	Defrauding the Revenue	Committed for trial.
	Ah Pah	do do	do do
20	Ah Hong	do do	do do
	Ah Hang	do do	do do
Aug. 7	Ah Kin	Obtaining money by fraud	Dismissed.
Sept. 2	Lip Kim	Larceny of fruit	do
26	Ah Pow	Vagrancy	Fined \$50 or 3 months hard labor.
30	Fook Sing	On premises with intent	Committed for trial.
	Ah Wong	Larceny	Dismissed.
Oct. 16	Chin Hoe	do	Committed for trial.
25	Ah Fee <i>al.</i> Ah Gun	Arson	do do
30	Ah Sam <i>al.</i> Ah Mow	Burglary	do do
31	Sam Low	On premises with intent	do do
	Sam Long	Assaulting Chinaman	\$20 and \$2.50 costs or 14 days impris't
Nov. 6	Ah Foo	Larceny	Committed for trial.
10	Lim Sam	Vagrancy	Dismissed.
	Ah Lep	do	do
25	Mee Chow	Suspicion murder of Ah Si	do
29	San Chong	Infraction sanitary laws	

## CALENDAR of Chinese Cases before the Victoria Police Court.

1882 - Continued.

DATE.	NAME.	OFFENCE.	SENTENCE.
Dec. 4	Ah Ki.	Smuggling.	Discharged.
	Ah Foo.	do	do
6	Yap Wing.	Obtaining money by fraud.	do on payment of costs.
14	Wah Chin (2 cases).	Infraction Sanitary Laws.	Fined \$50 or 1 month imprisonment.
18	Low Tow.	Larceny.	6 months hard labor.
20	Ki Chew.	do	Committed for trial.
	Ah Ou.	do	do do

1883

Feb. 22	Ah Hong.	Malicious injury of property.	Discharged.
Apl. 5	Ah Chue.	Malicious assault.	Dismissed with costs.
	Ah Hee.	do	do do
	Ah Yung.	do	do do
	Hing Lee.	Infraction sanitary laws.	do do
9	Ah Hoe.	Assault on Ah How.	Dismissed on payment of costs.
16	Ying Long.	Larceny.	Committed for trial.
20	Wye Ying.	do	Discharged.
May 4	Loo Choo against Kwong Lee.	Infraction sanitary laws.	Fined \$10 or 14 days imprisonment.
June 16	Ah Ou.	Drunk and disorderly.	Bail estreated \$5.
19	Goon Gan.	Infraction street by law.	Dismissed.
July 8	Low Tow.	Vagrancy.	3 months hard labor.
16	Amelia Fagardo.	Larceny from person.	Discharged.
Aug. 15	Fong Ah You.	Larceny.	Discharged.
24	Lee Woon.	do	Committed for trial.
27	Ah Nim.	Assault.	Fined \$20 and \$15 costs or 2 mos. h. l.
Sept. 1	Ah How.	Assault.	Fined \$10 & \$2.50 costs or 15 days imp.
14	Chin Fook Gang.	Unsound mind.	Committed to Asylum.
Oct. 24	Ah Yue.	Larceny.	Committed for trial.
25	Ah Yue.	do	do do
	Ah Yue.	do	3 months hard labor.
	Ah Sue ad Chum Ou.	Murder of Ah Fong.	Discharged.
Nov. 20	Yick Tai.	Victoria street by law.	do on payment of costs.
5	Ah Lye.	Assault.	Fined \$5 & \$1.50 costs or 10 days.
12	Ah Jim.	On premises with intent.	Discharged.
15	Pun Wye.	Larceny.	6 months hard labor.
21	Lung Gee.	Drunk and disorderly.	Fined 5 shil. & \$1 costs or 6 hours.
22	Ah Yung.	Larceny at Chinese fire.	6 months hard labor.
	Ah Yee.	do do	do do
	Ah Sit.	do do	do do
23	Ah Quong.	do do	3 months hard labor.
	Ah Yung.	do do	do do
29	Hang.	do do	Committed for trial.
	Kay.	Arson.	do do
Dec. 1	Gee Chung.	Larceny.	Discharged.
	Low Tow.	do	6 months hard labor.
	Ah Pak.	Larceny from Chinese fire.	Discharged.
	Ah Pah.	do do	do
	Ah Chue.	do do	do
	Ah Chung.	do do	do
	Ah Sing.	do do	do
7	Ou Hing.	Infraction street by law.	Dismissed or payment of costs.
22	Lung Moi Choy.	Assault and robbery.	Discharged.
29	Lim Sam.	Receiving stolen property.	Committed for trial.

1884

Jan. 7	Ming Dew.	Larceny.	Committed for trial.
	Lim Sam.	do	do do
12	Ah Kim.	Rape on white girl.	Committed for trial.
16	Hing Lee.	Infraction city by laws.	Fined \$2.50 or 7 days imp.
19	Ah Chung.	Larceny.	Committed for trial.
24	Ah Kim.	do	1 month hard labor.

CALENDAR of Chinese Cases before the Victoria Police Court.

1884—Continued.

DATE.	NAME.	OFFENCE.	SENTENCE.
Jan. 26	Ah Kong	Assault	Fined \$10 & \$2 costs or 14 days.
29	Ah Chue	Infraction city by-laws	Fined \$25 & \$2 costs or 14 days.
31	Yap Loon	Safe-keeping (destitute sick)	Died in gaol.
Feb. 4	Chung Ah Ling	Infraction city by-laws	Fined \$5 and \$2.50 costs.
	Chu Chung	do do	do do
	Quong Ou Lung	do do	do do
	Chong Lee	do do	do do
17	Yueu Chung	do do	Dismissed on payment of costs.
March 8	Chin Ah You	Abduction	Discharged.
	Chin Ah You		Discharged.
12	Ah How	Larceny	1 month hard labor.
14	Ah Lim	Vagrancy	1 month imprisonment.
15	Ah Gong	Larceny	2 months do
21	Ah Yep	do	3 months hard labor.
24	Sing Sam	Infraction city by-laws	Dismissed on payment of costs.
Apr. 1	Ah Gim	Vagrancy	6 weeks imprisonment.
11	Ah Jim	do	\$5 or 14 days imprisonment.
May 13	Ah Lee	Infraction city by-laws	Fined \$5 or 1 week imprisonment.
17	Ah Foon	Vagrancy	Fined \$5 & \$1.25 costs or 14 days.
	Ah Sing	do	do do
22	Ah Moon	Infraction city by-laws	Fined \$5 & \$4 costs.
June 2	Low Tow	Larceny	6 months hard labor.
9	Ah Get	Infraction city by-laws	Fined \$10.50 & \$2.50 costs or 1 mo. imp.
14	Loo Choo	do do	Fined \$25 & \$2 costs or 14 days.
30	Chong Quan	Defrauding revenue	Discharged.

RECAPITULATION.

Total number of Chinese Cases before the Victoria City Police Court for the named period of five years and a half, 291, as follows:

Larceny	76	Refusing to pay taxes	12	Threatening language	3
Vagrancy	34	Trespass	1	Arson	3
Assault	22	Murder and accessories	11	On premises with intent	1
Drunk and disorderly	2	Unlawful gaming	10	Rape	1
Sanitary by-laws	21	Breaking gaol	2	Abduction	2
Other by-laws	44	Breach of Game Law	7	Resisting officer	1
Malignant injury	2	Defrauding revenue	1	Cruelty to animals	2
Tampering with witness	1	Harbor rules	1		
		Safe-keeping	4	Total	291

NUMBER OF CASES, Whites, Indians and Chinese, before the Victoria City Police Court from January 1st, 1879, to June 30th, 1884.

	1879.			1880.			1881.			1882.			1883.			1884.		
	Whites.	Indians	Chinese.	Whites.	Indians.	Chinese.	Whites.	Indians.	Chinese.	Whites.	Indians.	Chinese.	Whites.	Indians.	Chinese.	Whites.	Indians.	Chinese.
January	15	31	16	12	25	2	27	24	4	19	11	2	17	21		48	26	10
February	16	28	7	11	22	9	13	12	4	18	13	10	15	16	1	34	28	5
March	28	20	6	15	14	3	20	11	4	21	10		31	30		48	27	1
April	30	25	3	33	8	4	21	12	1	17	16	2	25	13	7	78	36	2
May	19	12	3	28	14	1	16	8	2	36	18	1	36	20	1	55	21	1
June	19	16	1	35	12	21	30	18		42	34	8	30	19	2	42	15	
July	17	21	3	13	18	10	46	11	1	35	17	8	26	7	1			
August	44	26	3	34	24	2	26	16	1	47	23	1	34	12	3			
September	33	21	8	26	15	5	53	12	1	37	15	4	36	13	2			
October	30	19	10	24	23	5	35	30		36	24	5	54	30	5			
November	13	14	1	29	30	3	35	16	6	42	19	5	53	28	11			
December	23	22	15	35	28	4	32	24		29	11	7	37	18	10			
Total	291	255	75	295	233	69	354	194	24	375	211	53	394	217	43	305	153	32

NOTE.—In this statement, under the heading of whites, are included all others than Chinese and Indians.

CHARLES P. BLOOMFIELD,  
Superintendent of City Police.

APPENDIX I.

RETURN of Convicts sentenced in the Supreme Court of British Columbia to the British Columbia Penitentiary from 1st January, 1880, to 30th June, 1884.

1880

No.	NAME.	RACE.				Crime committed.	Sentence.	When sentenced.	Where sentenced.	Convicting Judge.
		(Chinese)	Indians	Half-Breeds	Negroes					
1	Moon Gow	1					2 years	Mch. 13, '80	New Westminster.	Mr. Justice Crease.
2	James E. Woods					Larceny.	do	Aug. 23, '80	Victoria	Chief Justice Begbie.
	do					Shop-breaking.	do	do	do	do
3	Aaron Oldenburgh					Prison breach.	do	do	do	do
4	Alfred Raper.					Rec'd stolen goods.	do	do	do	do
5	Lee Hoy.					Embezzlement.	do	do	do	do
6	Hum Tat					House-breaking.	do	do	do	do
7	William Stewart					Wounding with int.	do	Sept. 20, '80	Richfield.	Mr. Justice Crease.
	do					Larceny.	do	do	do	do
8	Hong Quie					Escape.	do	Oct. 1st, '80	Quesnelle Mouth.	do
9	Quickelle					Shop-breaking.	9 months.	do	do	do
10	Antoine Lamproux		1			Larceny.	2 years.	Oct. 11, '80	Clinton	do
11	John Vesey			1		Killing-cattle.	do	Oct. 18, '80	Kamloops	do
12	Ah Tung				1	Larceny.	do	do	do	do
13	Pierre				1	Assault with intent.	do	do	do	do
	do					Larceny.	do	Oct. 25, '80	Lytton.	do
14	Jacob Williams					do	do	do	do	do
	do				1	do	do	do	do	do
15	Chung Goocy					do	do	Oct. 24, '80	Yale	do
16	Chung Lan Lowe					Stabbing	do	do	do	do
17	Harry				1	Aiding, abetting.	10 do	do	do	do
						Larceny.	10 do	do	do	do
		7	3	1	2		2 do	Nov. 10, '80	New Westminster.	do

1881

18	Young Dock Leit					House-breaking	3 years	March 23, '81	Nanaimo	Chief Justice Begbie.
19	Lee Hung	1				do	do	do	do	do
20	Ah Jake	1				Rec. stolen goods	3 do	do	do	do
21	Claudid Gouramandez.	1			1	Shop-breaking	3 do	May 11, '81	Victoria	do

RETURN of Convicts sentenced in the Supreme Court of British Columbia to the British Columbia Penitentiary from 1st January, 1880, to 30th June, 1884.

1881—Continued.

No.	NAME.	RACE.				Crime committed.	Sentence.	When sentenced.	Where sentenced.	Convicting Judge.
		Chinese	Indians	Half Breeds.	Negroes					
22	Ab Tic	1					May 11, '81	Victoria	Chief Justice Begbie.	
23	Frederick Baptiste			1		Larceny	do do	do	do	
24	Skoultum <i>al.</i> Mowitch Man.		1			House-breaking	Aug 1st, '81	New Westminster.	Mr. Justice Crease.	
25	Pierre <i>alias</i> Jean		1			Assault with intent	do do	do	do	
26	William		1			do	do do	do	do	
27	John Marrion		1		1	House-breaking	do do	do	do	
28	Kiyote Louis		1			Prison breach	Nov. 7th, '81	Kamloops	Mr. Justice McCreight.	
	do					Cattle stealing.	do do	do	do	
29	Johnny		1			Manslaughter	6 yrs conc.	do	do	
30	Frank Jones				1	Shooting with intent	7 years.	Dec. 1st, '81	Mr. Justice Gray.	
31	John Conway				1	Stealing	do do	do	do	
32	John Henry Mackay				1	Attempt to rape.	do do	do	do	
33	Charlie		1			Wounding with int.	do do	do	do	
34	Tommy <i>alias</i> Towery		1			Larceny	do do	do	do	
35	William Kelly <i>alias</i> Hogan				1	Larceny	do do	do	do	
36	Joseph Miller				1	Larceny	do do	do	do	
37	Frederick Holther	4	7	1	1	H. break. & larceny.	Dec. 8th, '81	Victoria	Mr. Justice Crease.	
							do do	do	do	

1882

38	John L. Barry					Robbery with violence.	7 years	June 14, '82	Victoria	Mr. Justice Crease.
39	Joseph Kelly				1	do do	do do	do	do	
40	William McNell			1		Larceny of cattle	do do	do	do	
41	William Edwards				1	House-breaking	do do	do	do	
	do					Breaking gaol.	do do	do	do	
42	Isaac Verlein				1	Escape from B.C.P.	do do	do	do	
43	Antoine Lamproux		1			do do	2 months.	June 21, '82	Mr. Justice Gray.	
44	Pierre		1			do do	24 hours.	do do	do do	
45	Quickselle		1			do do	18 months.	do do	do do	
46	George Alep				1	do do	do do	do do	do do	
47	John Steele				1	do do	1 year.	do do	do do	

48	Cum Yee	Larceny and rec.	3 year	June 21, '82	New Westminster.	Mr. Justice Gray.
49	Andrew Julius	Wounding	2 do	Oct. 5, 1882	Kamloops	Chief Justice Begbie.
	do	Escape from gaol	6 months	do	do	do
	do	do	3 do	do	do	do
50	Charles Doupe	Larceny	3 years	do	do	do
51	Mun Gow	Larceny and rec	3 do	do	do	do
52	John Haines	Larceny	2 do	Sept. 29, '82	Clinton	do
53	Frank Rogers.	Larceny	5 do	Oct. 14, '82	Lytton	do
	do	Obt. m'y und'r f. pr.	1 do	do	do	do
54	Ah Sam.	Larceny	2 do	Nov. 20, '82	Yale	Mr. Justice Crease.
55	Phillarkar	Robbery	5 do	do	do	do
56	Chang Foo	Wounding with int.	4 do	do	do	do
57	Ah Hem	do	4 do	do	do	do
58	Lin Chuie	do	4 do	do	do	do
59	Ah Tie	do	4 do	do	do	do
60	Ah Chue	do	4 do	do	do	do
61	Lock Sing	do	3 do	do	do	do
62	Ah Tung	do	3 do	do	do	do
63	Ah Lem	do	3 do	do	do	do
64	Ah Jasper	do	3 do	do	do	do
65	Ned	Killing cattle	3 do	do	do	do
66	Sam	do	2 do	Nov. 27, '82	New Westminster.	do
67	John Hall	do	5 do	do	do	do
68	Fook Sing	do	7 do	do	do	do
	do	Manslaughter.	2 do	Dec. 4, 1882	Victoria	Mr. Justice McCreight.
69	Ah Sam alias Ah Mow	In pos. h. br. imp.	6 months	do	do	do
70	Ah Fee alias Ah Jim	Larceny and rec	3 years	do	do	do
71	Ah Fou	House-breaking	10 do	do	do	do
72	Wong Fong	Settg fire to a build.	2 do	do	do	do
73	David Holland	Larceny	14 do	do	do	do
74	John Graham	Manslaughter	5 do	Dec. 13, '82	Nanaimo	Mr. Justice Gray.
	do	Assault with intent.	2 yrs 3 mths	do	do	do
		Larceny	2 years	do	do	do
		do	10			
			1			
			8			
			2			
			1			
			1			
			16			

1883

75	H. Olson <i>al.</i> Ole Englebretson	Larceny	2 years	April 2, '83	Victoria.	Mr. Justice Walkem.
76	Ki Chu	Burglary	do	do	do	do
77	Ah On	do	do	do	do	do
78	Ah Wong.	Assault with intent.	7 do	do	do	do
79	Thomas O'Connor	Shop-breaking	10 do	May 2, '83	New Westminster.	Mr. Justice Gray.
	do	Burglary	5 do	do	do	do
80	William Johnson	Larceny and rec. s. py	5 concurr t	do	do	do
81	San	Escape B. C. P.	5 years.	do	do	do
82	Johnny	do	2 do	do	do	do
83	Ah Chow	do	1 do	do	do	do
84	Richard Walsh	Larceny	4 years	May 21, '83	Yale	Mr. Justice Crease.
85	Charley	Wounding with int.	3 do	do	do	do
		Cutting and wound'g	2 do	do	do	do

RETURN of Convicts sentenced in the Supreme Court of British Columbia to the British Columbia Penitentiary from 1st January, 1880, to 30th June, 1884.

1883—Continued.

No.	NAME.	RACE.				Crime committed.	Sentence.	When sentenced.	Where sentenced.	Convicting Judge.
		(Chinese.	Indians.	Half Breds.	Negroes.					
86	Chok alias Jack.		1			House-breaking.	4 years.	June 7, '83.	Clinton	Mr. Justice Crease.
87	Pasca Joe.		1			Breaking and steal'g	7 do	June 18, '83.	Lytton	do
88	Ah You.	1				Stealing.	3 do	do do	do	do
89	Ah Moon.	1				Keep disord'ly house.	2 do	do do	do	do
90	John Kelly.				1	Larceny and rec.	7 do	Aug. 20, '83.	Victoria	Chief Justice Begbie.
	do				1	do	7 concurt	do do	do	do
91	Thomas Lane.				1	do	7 years.	do do	do	do
	do				1	do	7 concurt	do do	do	do
92	Charles Hehm.				1	Killing cattle.	2 years.	do do	do	do
93	Thomas Currie.				1	Larceny.	3 do	do do	do	do
94	Kanaka Bar Charley.		1			Burglary.	7 do	do do	do	do
95	Lytton Charley.		1			do	3 do	Octr. 18, '83.	Lytton	Mr. Justice Walkem.
96	Johnny Malshat.		1			Prison breakh.	3 do	do do	do	do
97	Ah Fin.	1				Larceny and rec.	2 do	Nov. 14, '83.	New Westminster.	Mr. Justice Creight
	do	1				do	2 do	do do	do	do
98	Sing.					Larceny.	2 do	Nov. 26, '83.	Victoria	Chief Justice Begbie.
99	Patrick Murphy.				1	S. breaking and rec.	2 do	do do	do	do
100	Thos. H. Morris.				1	do	3 do	do do	do	do
101	Ah Yue.	1				do	2 do	do do	do	do
102	John Turner.		1			sig. do	4 do	do do	do	do
103	Lig Uan.		1			do	4 do	do do	do	do
104	Chas. Brooks Foster.				1	Larceny.	3 do	Dec. 5, '83.	Nanaimo	Mr. Justice McCreight.
		9	10							
										11

1884

105	Ah Kim.	1				Rape.	34 years.	April 7, '84.	Victoria.	Chief Justice Begbie.
106	Simon Schroder.				1	Larceny.	3 do	do	do	do
107	Peter Rescero.			1		Assault with intent.	5 do	do	do	do
108	Jim.		1			do	5 do	do	do	do
109	Ah Chung.	1				Larceny.	2 do	do	do	do
110	William Swan alias Snow			1		Ob. goods on false pre	2 do	do	do	do
111	Henry Knight.				1	Wounding int. murder.	7 do	do	do	do



112	John L. Barry	1	As. to do gr. v. bod. h. m.	10 years	May 7, 1884	New Westmins	do
113	Joseph Gomaz	1	Wounding int. murd.	3 do	do	do	do
114	Joseph G. Chamberlain	1	As. with int. murder.	4 do	do	do	do
115	Charley	1	Stealing from person	2 do	May 22, '84	Lytton	Mr. Justice Walkem.
	do		Prison breach	2 do	do	do	do
116	Jamie	1	Burglary	7 do	do	do	do
117	Billy Shack	1	do	7 do	do	do	do
118	Alexander Myle	1	Manlaughter	14 do	do	do	do
119	Ah Hop		Larceny	3 do	do	do	do
120	Ah Cock	1	Ac. before fact robbery	10 do	June 4, '84	Nanaimo	Mr. Justice Crease.
121	Benjamin Randal	1	Rob. with violence	12 do	do	do	do
122	Andrew Hart	1	do	4 do	do	do	do
123	Charley	1	Escape	3 months	do	do	do
124	Crow	1	Larceny of cattle	3 years	June 7, '84	Clinton	Mr. Justice Walkem.
125	Crazy Jack	1	do	3 do	do	do	do
		4					
		7					
		2					
		3					
		5					

ARTHUR H. McBRIDE, Warden.  
British Columbia Penitentiary.

## APPENDIX J.

CITY HALL, VICTORIA, B.C., August 14th, 1884.

SIR,—In response to your request I beg to submit herewith an abstract statement, showing the amount of taxes under four different heads paid to the Corporation of the City of Victoria by the Chinese residing within the municipality, for five years, viz: from 1st January, 1879, to 31st December, 1883, as follows:—

YEAR 1879.	
Trade Licenses .....	\$2,210 00
Water Rents .....	2,468 00
Road Tax .....	962 00
Real Estate Tax .....	187 00
	\$5,827 00
YEAR 1880.	
Trade Licenses .....	\$2,430 00
Water Rents .....	2,612 00
Road Tax .....	962 00
Real Estate Tax .....	187 00
	\$6,191 00
YEAR 1881.	
Trade Licenses .....	\$2,675 00
Water Rents .....	2,738 00
Road Tax .....	962 00
Real Estate Tax .....	187 00
	\$6,562 00
YEAR 1882.	
Trade Licenses .....	\$3,385 00
Water Rents .....	3,178 00
Road Tax .....	962 00
Real Estate Tax .....	187 00
	\$7,712 00
YEAR 1883.	
Trade Licenses .....	\$3,725 00
Water Rents .....	3,500 00
Road Tax .....	962 00
Real Estate Tax .....	227 00
	\$8,414 00

The Road Tax is approximate, having been based upon the income of one year for an average.

The amount under head of Real Estate Tax is small, this is owing to the fact that there are only four who own real estate in the city; but several of the leading firms have erected this year substantial buildings on leasehold property, upon which in future, under the terms of their lease, they will have to pay the Real Estate Tax.

I have the honor to be, sir,  
Your obedient servant,

THOS. RUSSELL,  
*City Treasurer and Accountant.*

NICHOLAS FLOOD DAVIN, Esq.,  
*Secretary, Chinese Commission.*

APPENDIX K.

The number of Chinamen who have paid Provincial Revenue Tax from January 1st, 1882, to December 31st, 1882 :—

Victoria City, Victoria and Esquimalt Districts..... 572

During the year 1882, the undersigned was the only Collector of Provincial Revenue Tax for the above named places.

RICHARD JONES.

The number of Chinamen who have paid Provincial Revenue Tax from January 2nd, 1883, to December 31st, 1883 :—

Victoria City, Victoria and Esquimalt Districts..... 1,102

RICHARD JONES.

The number of Chinamen who have paid Provincial Revenue Tax from January 2nd 1884, to July 31st, 1884, seven months :—

Victoria City, Victoria and Esquimalt Districts..... 1,040

The collecting of the above named tax is still going on.

RICHARD JONES.

APPENDIX L.

DEPARTMENT OF MARINE AND FISHERIES, BRITISH COLUMBIA AGENCY.

VICTORIA, B.C., August 22nd, 1884.

SIR, —I have the honor to submit for your information the number of Chinamen, as compared with white men and Indians, employed this year at the salmon canneries in this Province. The number given may be taken as approximately correct :

Whites.....	273
Indians (men and women).....	1,280
Chinamen.....	1,157
• Total.....	2,710

Owing to a large quantity of the salmon put up in the past two years remaining unsold, and also for the reason that this year was not expected to be a good one, eight of the canneries have been closed.

The white men are generally employed as foremen, mechanics, and fishermen, the Indians fish for and clean salmon, and Chinamen make the cans (with the aid of machinery), fill them and solder them up, etc.

I have the honor to be, sir,

Your most obedient servant,

T. REVELY, *Agent.*

NICHOLAS FLOOD DAVIN, Esq.,

*Secretary, Chinese Commission.*

## APPENDIX M.

NEW WESTMINSTER, B.C., August 18th, 1884.

SIR,—I have the honor to submit, at your request, returns showing the number of immigrants settled on the mainland since the opening of the railway belt in June, 1883. 3,795 persons have arrived; out of this number 3,295 have settled in the New Westminster District, and 500 have settled chiefly in Shuswhap, Okanagan, Speluncheon and Kamloops.

I may also remark that these are all a very desirable class of settlers and with considerable means.

I have the honor to be, sir,  
Your obedient servant,

NICHOLAS FLOOD DAVIN, Esq.,  
*Secretary, Chinese Commission.*

WILLIAM ROSS.

CUSTOM HOUSE, VICTORIA, October 6th, 1884.

SIR,—In reply to your letter of the 27th September, received this afternoon, I beg to state that the collection of duty from Chinamen during the month of August amounted to \$9,267 08; and for the month of September to \$9,753 91.

I have the honor to be, sir,  
Your obedient servant,

W. HAMLEY.

To N. FLOOD DAVIN, Esq.,  
*Chinese Commission.*

(Telegram.)

VICTORIA, B. C., November 2nd, 1884.

Number of Chinese, from July to October, thirteen hundred and six.

W. HAMLEY.

To N. F. DAVIN, Esq.,

STATEMENT of Coal exported from the Port of Victoria and Nanaimo, B.C., for three years, ending 30th June, 1884:

	TONS.	VALUE.
Year ending 30th June, 1882.....	210,556	\$713,147
“ “ 1883.....	193,485	674,208
“ “ 1884.....	218,856	766,018
Total.....	622,897	\$2,153,373

W. HAMLEY.

CUSTOM HOUSE, VICTORIA, B.C., November 5th, 1884.

PASSENGERS arriving at Victoria, British Columbia, four months, during July, August, September, October, 1884:

	WHITES	CHINESE.
July.....	2,070	401
August.....	1,597	209
September.....	954	269
October.....	1,101	427
Total.....	5,722	1,306

W. HAMLEY.

CUSTOM HOUSE, VICTORIA, B.C., November 11th, 1884.

## APPENDIX N.

CUSTOM HOUSE, VICTORIA, B.C., August 11th, 1884.

SIRS,—In accordance with your request I forward to you herewith, returns of the amounts of duty paid directly by Chinese importers at the Custom House, during the two years ending June 30th, 1883, and June 30th, 1884. In the former year they paid \$87,459, out of a total of \$798,604.67, being at the rate of 11.20 per cent.; in the year following, the Chinese paid \$99,779.75, out of a total of \$790,676, or at the rate of 12.54 per cent. I send you for these two years detailed statements of each month's collection from the Chinamen. In the month of July, 1884, last past, Chinese importers paid \$19,319.71, out of a total of \$77,208.51, or about 25 per cent. In the foregoing return the goods came partly from the United States and partly from China. Another return, which I forward, gives the value and the duty of goods imported chiefly by Chinese, but partly also by our own people, from China only, from 1871 to the present time.

I forward also a return for the last four years of the passengers, whites and Chinese, of whom we have any record at the Custom House, coming from the ports on Puget Sound, from San Francisco and from China direct.

There are now, I believe, about 13,000 Chinamen in this country.

I have the honor to be, sirs,  
Your obedient servant,

W. HAMLEY.

The HON. J. A. CHAPLEAU, and

The HON. MR. JUSTICE GRAY.

SUMMARY of Customs Revenue collected from Chinese firms during the fiscal year commencing July 1st, 1882, and ending June 30th, 1883.

1882	
July 31st.....	\$ 5,440 52
August 31st.....	10,421 35
September 30th.....	6,277 32
October 31st.....	6,149 56
November 30th.....	8,579 17
December 31st.....	6,132 45

1883	
January 31st.....	\$ 5,472 35
February 28th.....	2,730 40
March 31st.....	7,157 43
April 30th.....	10,442 28
May 31st.....	7,630 24
June 30th.....	11,025 94

\$87,459 01

Total of revenue collected from July 1st, 1882, to June 30th, 1883, \$798,604.17, of which amount the Chinese have paid at the rate of 11<sup>20</sup>/<sub>100</sub> per cent.

**SUMMARY of Customs Revenue collected from Chinese firms during the fiscal year commencing July 1st, 1883, and ending June 30th, 1884 :**

1883.	
July 31st.....	\$14,298 25
August 31st.....	8,054 34
September 30th.....	7,976 51
October 31st.....	7,829 54
November 30th.....	6,654 25
December 31st.....	6,854 07
1884.	
January 31st.....	\$ 6,404 72
February 29th.....	3,560 64
March 31st.....	6,006 67
April 30th.....	7,996 69
May 31st.....	14,989 61
June 30th.....	9,154 46
	\$ 99,779 75

Total of Revenue collected from July 1st, 1883 to June 30th, 1884, \$790,676, of which amount the Chinese have paid at the rate of 12<sup>54</sup>/<sub>100</sub> per cent.

In the month of July, 1884, collected from Chinese firms \$19,319.71, out of a total of \$77,208.54, or about 25 per cent. of total collections.

**IMPORTS from China (direct) into the Province of British Columbia.**

Year ending 30th June.	Goods entered for consumption.		Year ending 30th June.	Goods entered for consumption.	
	Value.	Duty received.		Value.	Duty received.
1871	Nil.	Nil.	1878	\$ 81,345 00	\$ 22,940 23
1872	Nil.	Nil.	1879	121,976 00	30,410 78
1873	Nil.	Nil.	1880	44,936 00	14,186 25
1874	\$ 6,164 00	\$ 174 47	1881	127,852 00	39,204 48
1875	1,277 00	194 61	1882	240,170 00	78,433 65
1876	5,481 00	1,994 85	1883	326,239 00	104,738 66
1877	20,711 00	8,392 48	1884	393,728 00	111,300 15

**NUMBER of Passengers entering the port of Victoria.**

YEAR	FROM	WHITES	CHINESE	TOTAL
1881.....	Sound ports.....	1,899.....	387.....	2,286
1881.....	San Francisco.....	2,283.....	813.....	3,096
1881.....	China, 6 vessels.....		1,739.....	1,739
1882.....	Sound ports.....	4,011.....	280.....	4,291
1882.....	San Francisco.....	2,668.....	295.....	2,963
1882.....	China, 18 vessels.....		7,508.....	7,508
1883.....	Sound ports.....	6,510.....	793.....	7,303
1883.....	San Francisco.....	2,886.....	1,874.....	4,760
1883.....	China, 4 vessels.....		556.....	556
1st half of 1884.....	Sound ports.....	5,888.....	488.....	6,376
" ".....	San Francisco.....	1,111.....	384.....	1,495
" ".....	China, 3 vessels.....		584.....	584
		27,256	15,701	
1876, 1877, 1878, } 1879 and 1880... }	China, 8 vessels.....		2,326.....	
			18,027	

NUMBER of persons represented by goods passed free of duty under the head of settlers' effects.

	ADULTS	VALUE OF EFFECTS
1884, ( $\frac{1}{2}$ year).....	99 males, 97 females, 134 children.....	\$22,159
1883.....	181 males, 176 females, 207 children.....	35,670
1882.....	137 males, 121 females, 125 children.....	24,211
1881.....	particulars not kept.....	14,150

N. B.—Settlers from eastern provinces are not included in this.

APPENDIX O.

CORRESPONDENCE.

VICTORIA, B.C., July 20th, 1884.

SIR,—In accordance with a suggestion from Mr. Chapleau as to information for the use of the Royal Commission about to sit in Victoria on the Chinese question in a short time, I have the honor to request from your department a return of the convictions against Chinese criminals during the last eight or ten years, with the cost to the Administration of Justice of their prosecution; such return to be as brief as possible, simply stating offence, sentence, cost, year. Also a similar return, but entirely distinct, of conviction of other criminals, stating offence, sentence, cost, year, country. Such returns to be prepared in columnar statements, with totals carried out.

I have the honor to be, sir,  
Your obedient servant,

J. H. GRAY.

To the Honorable A. B. DAVIE,  
*Attorney-General.*

VICTORIA, B.C., July 20th, 1884.

SIR,—Mr. Chapleau having written me to obtain certain information preparatory to the sitting of the Royal Commission on the Chinese question at Victoria in a short time, I have to request that you will prepare and transmit to me as soon as you possibly can:

1. A return of the number of vessels arriving in British Columbia annually with Chinese immigrants, and the number brought by them, the period to be for the last eight or ten years.
2. A return during the same period of the value of their importations and the duties paid thereon by the Chinese; classifying in general terms the nature and character of the goods imported—for instance, groceries, wearing apparel, rice—with the proportionate amount of duty on each class.
3. If possible, the number of vessels returning to China with Chinese and the number of the latter, and the value of goods or coin they took with them.
4. Similar return to the United States from British Columbia. Also similar returns as to other immigrants during the same period who may have arrived in the Province. In order to avoid complication, please to prepare such returns according to the financial year.

I have the honor to be, sir,  
Your obedient servant,

J. H. GRAY.

To the Honorable WILLIAM HAMLEY,  
*Collector of Customs.*

VICTORIA, B.C., July 21st, 1884.

SIR,—Having learned from Mr. Chapleau that he proposes being in Victoria in about ten days to open the Royal Commission on the Chinese question, I have the honor to request for the use and information of the Commission a return of the taxes paid in the city of Victoria by the Chinese residents during the last eight or ten years, the statement to be annual, classifying the nature of the taxes and total amount under each head. Secondly, a return embracing the sanitary regulations made by the Council for their government, with a statement of the number of infractions thereof by the Chinese and the steps taken for enforcement of the regulations and punishment of the offenders. Thirdly, a return of the expenses, if any, which the city has had to pay for the support and maintenance of Chinese poor and sick. Fourthly, the number of Chinese children admitted to the public schools for education by virtue of the payment of the school taxes. Fifthly, a return of any facts you may desire to be placed before the Commission. I have the honor to request that these returns, though general, may be so made up as to stand the strictest scrutiny as to particulars, should further investigation be deemed necessary. I have further to state that as soon as Mr. Chapleau arrives arrangements will be made to hear the views and wishes of the Council on this important subject.

I have the honor to be, sir,

Your obedient servant,

J. HAMILTON GRAY.

To His Worship THE MAYOR of Victoria.

CITY HALL, VICTORIA, B.C., July 24th, 1884.

SIR,—Your communication of the 21st instant to His Worship the Mayor was laid before the Council at their regular meeting held last evening, asking for returns for the use of the Royal Commission on the Chinese question, and the following resolution in respect to the same was passed, namely: "Resolved, That the communication be received and the clerk instructed to reply, stating that the Council are willing to give all the information that lays in their power."

I have the honor to be, sir,

Your obedient servant,

JAMES D. ROBINSON, C.M.C.

Honorable Mr. Justice GRAY, Victoria.

VICTORIA, B.C., July 24th, 1884.

SIR,—I have to acknowledge your letter of this day's date, transmitting the resolution of the Council in reply to my communication of the 21st instant, to His Worship the Mayor, and have to request that at the earliest possible moment you will favor me with the information in detail particularly specified therein. I presume in your accounts of the municipal revenues and expenditures annually, the totals under the separate heads can readily be found. Should you omit any of the returns specified I will at once call your attention to the fact so as to obviate delay. The moment Mr. Chapleau arrives I will submit to him the question of expense attending the preparation of the returns, and hope such arrangements will be made as not to impose any serious burdens on the city, while at the same time the information gained may tend generally to the public good. Please to give me all the returns you can prepare by the 30th instant.

I have the honor to be, sir,

Your obedient servant,

J. H. GRAY.

JAMES D. ROBINSON, Esq.,

Clerk, Municipal Council, Victoria.



CITY HALL, VICTORIA, B.C., July 31st, 1884.

Sir,—Your letter of 24th inst. was read at the meeting of the Council held last evening, and I was instructed to inform you that the City Treasurer and myself are willing to give you all the information in our power, provided you employ some person to do the work, as we find it impossible to make out the returns you ask for, or we can probably find some one to do the work, provided you will guarantee the cost.

I remain, sir,

Your obedient servant,

JAMES D. ROBINSON,

*Clerk, Municipal Council.*

Hon. Mr. Justice GRAY, Victoria.

VICTORIA, B.C., August 6th, 1884.

Sir,—As directed by you I have examined the buildings occupied by Chinese in this city, and have to report as follows:—More than ten houses were built at a cost of about \$41,000; three houses are at present building which will cost about \$6,000, and several houses are to be built, at a cost of about \$8,000. Some wooden houses were built at a cost of more than \$5,000. Two Chinese merchants' stores were built by white men, costing \$7,000. Many houses are not yet built. This morning we saw Governor Cornwall at his residence, and he was pleased to receive us. I hope you will kindly let me know when we can see Hon. Mr. Chapleau, and also inform us what we should say at the interview.

I am, sir,

Your obedient servant,

HUANG SIC CHEN.

NICHOLAS FLOOD DAVIN, Esq.,

*Secretary, Chinese Commission.*

CHINESE COMMISSION,

VICTORIA, B.C., August 6th, 1884.

JAMES D. ROBINSON, Esq.,

*Clerk, Municipal Council.*

Victoria, B.C.

Sir,—The correspondence between yourself and the Honorable Mr. Justice Gray, one of the Commissioners appointed to enquire respecting Chinese immigration, has been laid before the Commission. Mr. Justice Gray asked for certain information, and you replied that the Council were willing to give all information in their power. I have the honor to request that you will at your earliest convenience, and if possible in time to be laid before the Commissioners at the first or one of their earliest sittings, furnish the Commission with the returns asked for by the Hon. Mr. Justice Gray. I am instructed to inform you that any expenses you may incur in furnishing the required information will be borne by the Commission.

I have the honor to be, sir,

Your obedient servant,

NICHOLAS FLOOD DAVIN,

*Secretary, Chinese Commission.*

The following letter was received by the Hon. J. A. CHAPLEAU and Hon. Mr. Justice GRAY : —

LANGLEY STREET, VICTORIA, B.C., August 7th, 1884.

DEAR SIR, — A public meeting is to be held at the City Hall on Saturday next, at eight o'clock p.m., to discuss the Chinese question.

I am instructed by the promoters of the meeting, amongst whom are the Dominion and Local Parliament members, to invite you to attend.

Yours faithfully,

THEODORE DAVIE,  
M.P.P., Victoria City, B.C.

Please send answer to Mr. SHAKESPEARE, M.P., City.

DRIARD HOUSE, VICTORIA, B.C., August 8th, 1884

DEAR SIR, — I beg to acknowledge the receipt of your letter of the 7th instant, conveying an invitation to attend a public meeting to be held in the City Hall to-morrow evening, for the purpose of discussing the Chinese question.

Under other circumstances nothing could well give me more pleasure than to attend a public meeting in Victoria; but I am here as the member of a Commission whose duty it is calmly and impartially to investigate all matters bearing on the issues which have been raised respecting Chinese immigration, and it would not be fit for me to take part in a public meeting where the merits of the question may be discussed, and where conclusions may be formed on one side or the other respecting the very subject under investigation.

I hope you will convey to the members of the Dominion and Local Parliaments, and the other promoters of the meeting, my thanks for the courtesy which prompted their invitation, and an assurance of the pleasure which it will give me and my colleague to receive from them in the course of the enquiry any facts or other information which, laid before Parliament, will assist in the solution of this question in the best interest of the Dominion.

I am, dear sir, yours truly,

J. A. CHAPLEAU.

NOAH SHAKESPEARE, Esq., M.P., Victoria, B.C.

VICTORIA, August 8th, 1884.

DEAR SIR, — I beg you will convey to the promoters of the public meeting proposed to be held on Saturday evening next to discuss the Chinese question my thanks for their courteous invitation to attend. I regret my duty as a member of the Commission will prevent my being present.

The views of the people of British Columbia have been already expressed by their representatives in Parliament, and the Governor-General, by the advice of his Ministry, has deemed it proper to issue this Commission to obtain evidence, make enquiries and report facts, which will enable the Parliament to legislate in a manner conducive to the best interests of the whole Dominion, including British Columbia.

It would be entirely beyond the scope of the Commission to discuss the question at such meeting, and they ought not to be present, where their silence might be construed into acquiescence.

I fully concur with the views expressed to you by Mr. Chapleau, and would simply add that we shall form no opinion until the fullest opportunity for information has been afforded, and the whole evidence calmly considered.

I am, dear sir, yours truly,

J. H. GRAY.

NOAH SHAKESPEARE, Esq.

Victoria, B.C., August 11th, 1884.

SIR.—I have the honor of sending as follows copies of three Resolutions which were unanimously passed at a public meeting held in the City Hall on Saturday evening, the 9th instant, Councillor Gowan in the chair, present—a full house; also our Dominion representatives, Messrs. Shakespeare and Baker; the President of the Council, Hon. Mr. Drake; the leader of the Opposition, Mr. Beaven; the other members of Parliament for this city, and prominent citizens. For further details I would respectfully refer you to the *Victoria Daily Standard* of this date, also to the *Colonist* of yesterday's date.

First Resolution—"Whereas the Provincial Government and the representatives of the Province in the Parliament of Canada and Provincial Legislative Assembly have for many years past petitioned the Dominion Government to pass a statute restricting the immigration of Chinese into the Province, and have supplied the Government of Canada with abundant information upon the subject; This meeting is of the opinion that the appointment by the Dominion Government at this stage of the question of Commissioners to enquire into the subject, instead of legislating as requested, is uncalled for and superfluous, and is equivalent to doubting the correctness of the information supplied through our constitutional representatives."

Second Resolution—"That, in view of the apathy evinced by the Dominion Government to our repeated entreaties for the restriction of the Chinese immigration, which is thwarting our prosperity and threatening our very existence, we deem it necessary to reiterate our demands for the enactment of restrictive measures at the next meeting of Parliament."

Third Resolution—"Resolved that the Secretary of this meeting be requested to forward copies of the Resolutions just passed to the Government at Ottawa; also to the Hon. Mr. Chapleau and Hon. Mr. Justice Gray, the Commissioners on the Chinese question."

I have the honor to be, sir,

Your obedient servant,

F. L. TUCKFIELD,

*Hon. Secretary*

The Honorable J. A. CHAPLEAU,

*Commissioner on the Chinese question.*

Copy of letters sent to Noah Shakespeare, Esq., M.P., Robert Dunsmaur, Esq., and Robert Beaven, Esq.:

Victoria, B.C., August 12th, 1884.

SIR,—I am instructed by the Commission appointed to enquire into the "Chinese question," now sitting in Victoria, to ask if you have any facts, or information, which will be of use to the Commission, and if so, to lay the same before them.

I have the honor to be, sir,

Your obedient servant,

NICHOLAS FLOOD DAVIN,

*Secretary, Chinese Commission*

Victoria, B.C., August 13th, 1884.

Hon. J. A. CHAPLEAU,

DEAR SIR,—Your reply to my communication of this date duly received, and I beg to state that Mr. Booth and myself will be delighted to have an interview with you to-morrow morning at the Priard, between nine and ten.

I remain, your obedient servant,

NOAH SHAKESPEARE,

VICTORIA, B.C., August 20th, 1884.

SIR, -- I beg to acknowledge the receipt of your letter dated August 12th. In reply thereto would most respectfully state that, from a careful investigation of this matter in all its bearings, I can add nothing further in relation to the Chinese question than the statements I have already made, and which are already on record in the "Debates" of the House of Commons.

I have the honor to be, sir,  
Your obedient servant,

NOAH SHAKESPEARE.

To NICHOLAS FLOOD DAVIS, Esq.,  
*Secretary, Chinese Commission.*

(Telegram.)

VICTORIA, B.C., November 2nd, 1884.

To N. FLOOD DAVIS, Esq.,

The Board of Trade by Resolution declined to give evidence, and I felt as if I gave personal views they might be liable to be construed as an expression from the Board to some extent, hence I decided not to give them.

R. P. RITHEE,

*President.*

WASHINGTON, November 7th, 1884.

SIR, I have the honor to acknowledge the receipt of your letter of the 27th ultimo, and in reply thereto to enclose herewith copy of a note which I have received from the Secretary of State informing me that his department is unable to furnish you with more than one copy of the Senate Report on Chinese Immigration, which is herewith transmitted.

I am, sir,

Your most obedient humble servant,

L. S. SACKVILLE WEST.

NICHOLAS FLOOD DAVIS, Esq.,

(Copy.)

DEPARTMENT OF STATE,  
WASHINGTON, November 6th, 1884.

SIR, -- In reply to your note of the 31st ultimo, requesting to be furnished with 100 copies of the Report of the Joint Special Committee to Investigate Chinese Immigration. I regret to inform you that the Department is unable to comply with your request as the number of copies on hand do not exceed six or seven, one of which is herewith enclosed.

Accept, etc.

FRED. T. FRELINGHUYSEN.

The Honorable L. S. WEST, etc.

APPENDIX P.

On the night of Saturday, 9th of August, 1884, accompanied by the Chief of Police Superintendent Bloomfield, a visit was made to Chinatown, Victoria, B.C. Chinatown had

already been visited in the day time, and it was remarked what fine brick houses the Chinese had in Victoria, and how much superior they and their surroundings appeared to the Chinese and Chinatown in San Francisco.

The opium dens were visited, under the guidance of the Chief of Police, and turned out to be the exact counterpart of what was seen in San Francisco, only, of course, they are not nearly so numerous. We found, to us, one novel feature. We had abundant evidence that in San Francisco whites smoked opium; but we saw none. In Victoria, however, we found dens where one or two whites were huddled in with Chinese indulging in this powerful narcotic. In one, a young woman, well dressed and full of intelligence, lay fixing her pipe with a practised hand and inhaling the smoke. After much persuasion on our part and on that of the Chief of Police she consented to answer questions, and such information as she had to give will be found in the Minutes of Evidence.

## APPENDIX Q.

The following is a report of a decision rendered by the Honorable George Ogden Hoffman, of the United States District Court.

IN THE MATTER OF )  
TUNG YEONG )  
ON HABEAS CORPUS. )

The very great number of cases in which writs of *habeas corpus* have been issued out of this Court by Chinese persons claiming to be illegally restrained of their liberty, and which were of necessity summarily investigated and disposed of, has rendered it impossible for the Court to deliver a written opinion in each case. The evidence in the various cases, and the rulings of the Court have been very imperfectly reported by the press, and the latter though much criticised, have not, it is believed, been thoroughly understood.

It is deemed proper to set forth in an opinion, as succinctly as may be, the general nature of these cases, of the evidence upon which the decision of the Court has been based, and its rulings upon the more important of the questions which have been presented for its determination.

The applications for discharge from a restraint claimed to be illegal may be divided into three classes:

First -- Applications on the ground of previous residence.

By the second article of the Treaty it is provided that "Chinese laborers now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nations." (22d U. S. Stat., p. 827.)

By the third section of the law known as the Restriction Act, the same privilege indirectly extended to laborers "who shall have come into the United States before the expiration of ninety days next after the passage of this Act.

The date of this Treaty is November 17, 1880.

The date of the passage of the law is May 6, 1882.

During this interval large numbers of Chinese laborers who were protected by the Treaty have left the country, of course, unprovided with Custom House certificates, for there was no law then existing which required them to obtain them or authorized the Custom House authorities to furnish them.

The language of the law is ambiguous and perhaps admits the construction that the laborers who left this country during the interval I have mentioned should be required to produce the Custom House certificate provided for in the Act. It was not doubted by the Court that if the Treaty and the law were irreconcilably conflicting the duty of the Court was to obey the requirements of the law, but it was considered that no construction should be given to the law which would violate the provisions of the Treaty,

if such construction could be avoided. It was, therefore, held that a Chinese laborer who was here at the date of the Treaty, and who left the country before the law went into operation, might be admitted without producing a Custom House certificate, which it was impossible for him to obtain, and that it was inadmissible, if not indocent, to impute to Congress when legislating to carry into effect our Treaty with China, the intention to deprive laborers, whose right to come and go of their own free will and accord was explicitly recognized and secured by the Treaty, of that right by exacting as a condition of its exercise the production of a certificate which it was out of their power to obtain. (*In re Chin A. On*, 18 Fed. Rep., p. No. 8, p. 506.) It was also held that Chinese who were not in the country at the date of the Treaty were not embraced within the provisions of the second article, and also that a Chinese laborer, who, although in the country at the date of the Treaty, had left after the law went into practical operation, and who neglected to procure a certificate, was not entitled to return. As to the soundness of this last ruling, doubts may be entertained. It is understood that the question will shortly be submitted to the Circuit Court.

If there be error in these rulings it is assuredly not in favor of the Chinese. The right of laborers who can prove they were in the country at the date of the Treaty, and had left before the law went into effect, to be allowed to land without the production of a Custom House certificate, being thus recognized, the Court held that the burden of proof was on them, and that satisfactory evidence of the facts would be rigorously exacted. In some cases this evidence was such as to establish the facts beyond all reasonable doubt: as, for instance, the former residence and departure of the petitioner was in one case proved by the testimony of the reverend gentleman at the head of the Chinese Mission in this city; who swore not only to his personal recollection of the fact, but produced a record of the proceedings of the sessions of his church, in which the departure of the petitioner and his resignation of the office of deacon, which he held, and the appointment of his successor is recorded. These records, he testified, were in his own handwriting and were made at the date which they bore. In another case, a young lady connected with the mission, proved the departure of the petitioner (who was a convert and her pupil), not merely by her own testimony as to the fact, but by the production of a religious book which she gave him at the time of his departure, on the fly-leaf of which were inscribed in her own handwriting, and signed by herself, some expressions of regard, together with some texts of Scripture. This book, she testified, was handed to him on board the vessel at the date of the inscription on the fly leaf, with the injunction to keep it and bring it back on his return. The book was accordingly returned and produced in Court. On proofs such as these no rational doubt could be entertained, and the petitioners were discharged.

But in the large majority of cases proofs hardly less satisfactory were exacted and furnished. The Chinese on returning to their country almost invariably procure permits from the companies of which they are members, and which are furnished them on payment of their dues. The departure of the members and the payment of their dues are recorded in the books of the company. These books the Court invariably required to be produced. It also appears that in most cases their savings, accumulated in this country, were remitted to China for their account by mercantile firms in this city, and also that their tickets were, in many cases, purchased through the agency of those firms. The production of the firm's books showing these transactions was in like manner required, and they, together with the books of the companies, were subjected to the critical scrutiny of Mr. Vrooman, the very intelligent, competent, and entirely reliable Chinese interpreter.

In very many cases all these books were produced in Court, and in some instances the evidence they afforded was corroborated by testimony of white persons in whose employ the petitioner had been, and who testified to the time of his departure. It is, of course, possible, that in some instances the Court has been deceived, but considering that in no case has a person been allowed to land on the plea of previous residence on unsupported Chinese oral testimony, the number of such instances cannot be large. The proofs were in all cases sufficient to satisfy any candid and unbiassed mind. Of the whole num

ber thus far discharged by the order of the Court, it is believed that those discharged on the grounds stated, constitute nearly one half. In justice to the Six Companies, I should add that their presidents have spontaneously offered to the Court to cause copies of their books, with records of departures of their members during the interval I have mentioned, to be made at their own charges, such copies to be verified by Mr. Vrooman, by comparison with the original records, and then to be deposited with the Court. When this is done no means will any longer exist of interpolating or adding new names on the books of the companies. It will still remain possible for a Chinese laborer to assume the name, and personate the character of some one whose name appears on the records; but this mode of deception it seems impossible wholly to prevent.

Secondly--Applications founded on the production of Canton certificates.

The investigation of this class of cases proved exceedingly embarrassing to the Court, and is attended with difficulties almost insuperable. The certificates furnished at Canton by the agent of the Chinese Government, the law declares, shall be *prima facie* evidence of a right to land. This provision of the law, whatever distrust might be felt as to the reliability of these certificates, the Court could not disregard. The counsel for the petitioner usually presented a Canton certificate to the Court and rested his case. The District Attorney was necessarily without the means of disproving the truth of the certificate except by such admissions as he might extract from the petitioner himself when placed on the stand, or had been gathered from him upon his examination by the Custom House officials. The District Attorney was, therefore, allowed to call the petitioner, and cross examine him in a most searching manner, and contradict, if he could, his statements; in short, to treat him as an adverse witness called by the opposite side. This method, though somewhat irregular, seemed to be the only one to be adopted with any hope of arriving at the truth. Another embarrassment under which the Court labored was the inability to attach any distinct and definite signification to the term "merchant," but inasmuch as the Treaty expressly declares that the only class to be excluded are "laborers" and that no other class is within the prohibition of the Treaty, it was held by the Court that the enquiry was not so much whether the person was a merchant as whether he was a laborer, and that that enquiry should relate, not to his occupation or status in China, but to the occupation in which he was to be engaged in in this country; as the intention and object of the law was to protect our own laborers from the competition and rivalry of Chinese laborers.

At first sight it would seem that the production of the books of a respectable mercantile firm in which the name of the petitioner was inscribed as a partner, would be sufficient to establish his status as a merchant. It was soon found, however, that this mode of proof was, to a great extent, unreliable; for, first, the books might be falsified, and the entry made to meet the exigencies of the case; and, secondly, it appeared that the Chinese are in the habit of placing their earnings in stores or mercantile establishments, and in virtue of this investment they are admitted to a share of the profits. It might, therefore, often happen that a Chinese laborer would appear in the books of the company as holding an interest to the amount of a few hundred dollars in the concern, while he himself remained a laborer, and could in no sense of the term be called a merchant or a trader. The books above spoken of were in all cases subjected to a rigid scrutiny, with a view of detecting interpolations and falsifications. I am satisfied that in spite of the efforts of the Court, which in almost all cases itself subjected the petitioner to a rigorous cross-examination, and in spite of the efforts of the District Attorney, some persons have been admitted on Canton certificates who had no right to land. In what numbers it is impossible to say, but this result seemed to be the necessary consequence of the fact that the law made the certificates *prima facie* evidence of the petitioner's right and of the difficulty of ascertaining the facts. A considerable number of cases were also presented to the court where the petitioner claimed to be about to enter some mercantile establishment in which his brother or his uncle or his father was interested. The existence of the establishment was usually proved beyond a doubt, but the court was at the mercy of oral testimony as to the intended adoption of the petitioner as a partner.

In some instances letters were produced from his relatives in this city, addressed to him in Hong Kong, inviting him to come to this country to be admitted to the business, but the genuineness of these letters was often doubtful, and no obstacle existed to their manufacture in this city after the arrival of the steamer.

In several cases it appeared by the petitioner's own admission that he was a laborer in China, that he came to this country wholly unprovided with money, and that he expected to enter the store of his brother, or uncle, or other relative, as a porter. In such cases he was remanded to the ship, but even in those cases where the petitioner, or his uncle, or other relative declared that he was to be admitted to the business, the Court became aware that it might be the victim of imposition if on such testimony any Chinese person engaged in mercantile pursuits here could import as many laborers as he might declare to be brothers, sons or nephews, and testify that he proposed to admit them to the business. In some instances pretensions of this kind have been summarily rejected. In other instances the Court has felt compelled to discharge the petitioner on a preponderance of proof, though not without serious misgivings as to the facts of the case.

Third - Children brought to or sent for by their parents or guardians in this city.

In almost all these cases the petitions were filed on behalf of children of from ten to fifteen years of age. Their fathers or other relatives testified that they had sent for them to be brought to the United States with a view of placing them at school to learn the English language, and later to adopt them into their business. The parents who thus claimed to exercise the natural right to the custody and care of their children, were in almost every instance Chinese merchants sometimes of considerable substance resident here, and entitled under the provisions of the Treaty to all the rights, privileges and immunities of subjects and citizens of the most favored nation. Absurdly enough, these children in many instances were provided with Canton certificates, but though they were in no sense merchants, many of them being much too young to earn their living, they were certainly not laborers; and it was not without satisfaction that I found there was no requirement of the law which would oblige me to deny to a parent the custody of his child, and to send the latter back across the ocean to the country from which he came.

The foregoing presents a general, but I think sufficient statement of the various questions which have arisen in these cases, and of the rulings of the Court upon them.

If there be error in those rulings I am unable to discern it.

It will be cheerfully corrected when found to exist by the judgment of a higher Court, or even when pointed out by any one who shall first have taken the pains to ascertain what rulings of this Court have actually been a natural and one would think necessary preliminary which has hitherto been largely dispensed with by the more vehement of those by whom the action of the Court has been assailed.

That some persons have been suffered to land under Canton certificates who were in fact within the prohibited class, there is great reason to fear.

How this could have been prevented by the action of any Court, honestly and fearlessly discharging its duty under the law and the evidence, has not been pointed out.

By the Constitution and laws of the United States Chinese persons in common with all others have the right "to the equal protection of the laws," and this includes the right "to give evidence" in Courts.

A Chinese person is therefore a competent witness. To reject his testimony when consistent with itself, and wholly uncontradicted by other proofs, on the sole ground that he is a Chinese person, would be an evasion or rather violation of the Constitution and law which every one, who sets a just value upon the uprightness and independence of the Judiciary, would deeply deplore.

But while according to Chinese witnesses the right to testify secured to them by the Constitution and the law, no means of arriving at the truth within the power of the Court have been neglected, and the ingenuity of the District Attorney and the Court has been taxed in the attempt to elicit the truth by minute, rigorous and protracted cross-examinations.



That it has frequently been baffled was naturally to be expected. But notwithstanding these unavoidable evasions, the practical operations of the Act has been by no means unsatisfactory.

Returns obtained from the Custom House show that from the 4th August, 1882, to the 15th January, 1884, a period of nearly sixteen months, there have arrived in this port 3,415 Chinese persons. During the same period there have departed no less than 17,088.

It thus appears that not only has the flood of Chinese immigration, with which we were menaced, been stayed, but a process of depletion has been going on, which could not be considerably increased without serious disturbance to the established industries of the state. It is stated that the wages of Chinese laborers have advanced from \$1 to \$1.75 per diem - a fact of much significance if true.

It is much to be regretted that the notion that the law, through its own defects, or the fault of the Courts, proved practically inoperative, has been so widely and persistently disseminated. Such a misapprehension cannot have failed to be injurious to the state, by preventing the immigration of white persons from the east to replace the Chinese who are departing.

Another circumstance, which though not contemplated by the law, has incidentally attended its enforcement, may be mentioned. The costs, the attorney's fees, and the inconvenience and expense of attending upon the Courts until their cases can be heard, must in effect have imposed upon the Chinese arriving here charges nearly or quite equal to the capitation tax which in Australia has been found, it is said, sufficient to secure their practical exclusion. On this point I have no accurate information. But the liability to the charges I have mentioned cannot fail to exercise a strong deterring influence upon the lower classes of Chinese laborers.

In the case at bar, the proofs establish beyond a rational doubt that the petitioner was in the United States at the date of the Treaty, and that he left the United States before the passage of the law which enabled, or required Chinese laborers to procure Custom House certificates.

He is, therefore, in my judgment, entitled to be discharged.

## APPENDIX R.

NEW WESTMINSTER, B.C., December 5th, 1884.

SIR, - I have the honor to acknowledge the receipt of your communication, instructing me to forward immigration returns since last report up to date.

I herewith enclose returns, showing number, occupation, sex, etc., of immigrants recorded at the Provincial Immigration Office, New Westminster, during the above period, and their ultimate destination.

Of Chinese we keep no record, but I am safe in estimating that not less than 1,500 have passed by the port of New Westminster, and are making great inroads on all the industries of the country. We have Chinese as farmers, humbermen, carpenters, blacksmiths, shoe makers, tailors, merchants, stage proprietors, hack drivers - in fact, we find them in all and every kind of business, and to the great detriment of white immigrants who are flocking in large numbers to settle up this province.

The Provincial Government forbids them any employment on provincial works, directly or indirectly.

I have the honor to be, sir,

Your obedient servant,

WILLIAM ROSS,

*Immigration Agent.*

To N. F. DAVIS, Esq.,

*Chinese Commission, Ottawa.*



## APPENDIX S.

FOREIGN OFFICE, Honolulu, 18th December, 1884.

NICHOLAS FLOOD DAVIN, Esq.,

Secretary, Chinese Commission, Ottawa, Canada.

SIR,—I have the honor to acknowledge the receipt of your letter, in which you ask for certain documents and information concerning the Chinese resident here and their relations with the rest of the population.

In reply I beg to say that the Chinese question occupies a somewhat different position here to what it does in the Dominion or other countries which have adopted restrictive laws against their immigration. In explanation of this I forward a series of replies to some of the printed questions of which you sent me a copy.

There is no "Restriction Act" on our Statute book, but the Government, relying on national rights, which are in the case of this kingdom not interfered with by any treaty, has taken into its hands the control of Chinese immigration. A relation of the circumstances is contained in two of the appendices to my last report to the Legislative Assembly, of which I will forward a copy to your address. (See pages i. to ix., and civ. to cxxvii.) The position taken up by the Government in this matter is strengthened by an Act passed to meet special circumstances in 1878, of which a copy is enclosed herewith. The steps thus taken have been successful, and as a stream of more desirable population is about to be brought in, under control of the Board of Immigration, it is not probable that any change will be made in the regulations now in force, unless some unforeseen emergency should arise. It has not been deemed necessary to propose any new legislation on the subject.

In reply to your enquiry as to the intermarriage of our people with Chinese, I may say that this has taken place somewhat freely so far as the native Hawaiian women are concerned. When the results of a census which is to be taken towards the end of this month are available, I shall be able to give you definite information on the subject.

With high respect, I have the honor to be, sir,

Your most obedient servant,

WALTER M. GIBSON,

*Minister of Foreign Affairs.*

## ANSWERS TO QUESTIONS PUT BY THE CANADIAN CHINESE COMMISSIONERS.

(See *Minutes of Evidence*, page 69.)

1. The immigrant Chinese are chiefly laborers for plantations, but as their terms of service expire large numbers of them take to various trades, particularly carpentering, sailoring, and shoe making. They also take to peddling and the keeping of retail stores and coffee shops. Only about half the Chinese here are believed to be actually at work on sugar and rice plantations. The rest are engaged in commerce, rice planting, and various trades, as stated above, market gardening, and taro and banana culture. Most of our house-servants are Chinamen.

2. Usually [arrive in good health].

3. No; the Chinese are always ready to look after their sick and indigent fellow countrymen.

4. Most Chinamen are industrious and thrifty; but those engaged in domestic service are often lazy, exacting, and troublesome. They have never been turbulent here; a drunken Chinaman is exceptional. Their offences against the laws are chiefly petty thieving; graver crimes are not frequent.

5. As a rule they do [*i.e.*, respect their engagements].

6. Yes; their competition is felt in almost every branch of trade, and in the country districts almost all the petty stores and eating-houses are in their hands.

7. The Chinese were brought in as contract-laborers for plantations by the Government and by individual employers until the system was inhibited by the Government of China and Hong Kong. Since then they have ostensibly come as voluntary immigrants, paying their own passages; but it is probable that most of them are under obligation to Chinese firms, who are repaid for their advances with large profit out of the sums paid down by the employers when they enter into engagement here.

8. So far as the planters are concerned, most of them would still welcome new importations of Chinese laborers, wages being very high and the supply of labor less than they need.

9. The Government first intervened in April, 1883, to check their coming, by a protest and warning that they would resist the landing of any further shipment of male Chinese. This year the immigration was resumed under the auspices of the Pacific Mail Steamship Company, through misapprehension (as they allege); whereupon the regulations of March 25th, 1884, were issued (copy enclosed). The people generally support the action of the Government, but there has been no popular agitation on the subject.

10. They always live in crowded quarters, which in very many cases are unwholesomely dirty. In spite of the stringency of the law here and the vigilance of officers, opium is smoked by them in secret to a great extent, and they lead the natives into the same habit.

11. Very much [*i.e.*, the Chinese have contributed to develop the Hawaiian Kingdom].

12--23. [No answers.]

24. Certainly not [*i.e.*, the proportion of depraved people is not greater among the Chinese than among the whites].

25. Ditto [*i.e.*, the vicious among the Chinese do not flaunt their vices more than the whites].

26. There seems to be little doubt as to their having brought the leprosy here. It is known among the natives as "the Chinese disease." The number of Chinese who are lepers is, however, very small.

J. S. WEBB,  
Secretary.

Foreign Office, Honolulu, December 19th, 1884

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**FOREIGN OFFICE NOTICE.**
**REGULATIONS**

For the admission of Chinese immigrant laborers into the Hawaiian Kingdom, made and published under the authority of a resolution of His Majesty in Cabinet Council, passed on the thirteenth day of July, 1883:

No. 1. From this date permission will be granted to masters of vessels arriving at the port of Honolulu to land Chinese immigrant laborers, not exceeding twenty five in all from any one vessel, that number to be in addition to, and exclusive of any Chinese passengers who may hold passports, as provided for in Regulation No. 2.

No. 2. Passports enabling their holders to enter the ports of the Kingdom may be issued from the Foreign Office, Honolulu, or by His Majesty's Consul General at Hong Kong.

1. To any Chinese resident in this Kingdom who may desire to visit any foreign country, and return therefrom.
2. To the wives or other female relatives, and to the children of Chinese now residing in the Kingdom, or who may be about to emigrate to this country under the provisions of Regulation No. 1.

No. 3. A fee of one dollar shall be charged for each passport issued in pursuance of the foregoing regulation.

No. 4. All orders and instructions regulating Chinese immigration to this country, heretofore issued from this Office, are hereby cancelled.

WALTER M. GIBSON,

*Minister of Foreign Affairs.*

Foreign Office, Honolulu, March 25th, 1884.

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**AN ACT TO REGULATE THE LANDING OF PASSENGERS ARRIVING AT THE DIFFERENT PORTS IN THIS KINGDOM.**

WHEREAS, Large bodies of immigrants are now passing from Asia to the coast of South America, and the ships conveying them are liable to stop at ports of this Kingdom; and whereas, further, it is inexpedient that such passengers should be allowed to land in considerable numbers, without being subjected to observation and inspection; therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

*Section 1.*—That any ship passing from China or any other Asiatic port, and calling at any port in this Kingdom on her voyage, shall not be permitted to disembark passengers at any port in this Kingdom, without first having obtained the assent in writing of the Governor of the island, or the collector of the port at which such ship may call.

*Section 2.*—Be it further enacted, before the Governor or collector of the port as aforesaid shall grant such permit to land any passengers, as in the preceding section set forth, the commander of the vessel shall furnish in duplicate a list of the passengers whom he desires to land, and the permission, if granted by the Governor or collector as

aforesaid, shall be signified by inscribing the same on one copy of the said list, and returning it to the master of the vessel as aforesaid.

*Section 3.*—Be it further enacted, that if the commander of any vessel, passing from China or any Asiatic port, carrying passengers, as in the preceding sections set forth, shall disembark, or allow to be disembarked, any passengers without first having obtained the permission as aforesaid, such commander shall be liable to a fine of twenty dollars for each and every passenger disembarked or allowed to disembark, which said fine shall be recoverable before any police or district justice.

*Section 4.*—This Act shall take effect and become a law from and after the date of its approval.

Approved this 1st day of August, A. D. 1878.

KALAKAUA, R.

## APPENDIX T.

### CANADA CHINESE COMMISSION, 1884.

(*Postscript, 9th December, 1884, see Minutes of Evidence, p. 71.*)

Since answering the queries of the Commissioners three cases have been brought to my attention, which I think deserve to be placed before the Commissioners, as they contradict my experience hitherto.

In my former answers, I expressed a favorable opinion of the Chinamen as being law abiding, and generally as acquiescing and even aiding in the administration of justice in our courts; and further, as being rarely guilty of crimes attended with violence to the person. Nor do I wish to modify that general opinion, which, indeed, was founded on my uniform experience up to that time.

There have occurred since I wrote some very notable exceptions to this behavior:

1. At the recent Victoria assizes, in a case of Chinese abduction, where Chinamen witnesses and interpreters were necessary, it was established to the satisfaction of the presiding Judge (Mr. Justice Crease), that these were being terrorized by the threats of certain Chinamen, alleged to belong to a secret association. Three persons alleged to have used such threats were summoned before Mr. Justice Crease, who took immediate cognizance of the charge, (the investigation then pending being paralyzed, so long as the terror continued), and after hearing witnesses, and what the parties, who all appeared on the summons, had to say in their excuse, he fined them \$500, \$500, and \$1,000 respectively, and in addition sentenced them to six months' imprisonment; treating their conduct as a very high contempt of court.

2. Another attempt, or suspected attempt to pervert the course of justice is just reported from Lytton. The body of a deceased Chinaman had been found under circumstances which seemed to point to a murder, and two Indians gave evidence before the coroner which implicated two Chinamen in the crime. But at the assizes, these Indians refused to repeat their statements, alleging that their former testimony was false, that they repented of it, and that they had been bribed by some other Chinamen (who appeared as prosecutors) to tender it. This is not a clear case; though Mr. Justice Walkem, (who presided at the assizes), appears to be under the impression that what the Indians said before him was true in substance.

It is only just to the alleged suborners to recollect that the neighborhood of Lytton has been the scene of terrible outrages against Chinamen, in all of which the perpetrators have escaped scot free. One case in particular, which in its wholesale unconcealed atrocity equalled anything which I have read of agrarian outrage in Ireland, the alleged ringleaders, though fully identified by four of the surviving victims, were acquitted by the jury upon evidence of an *alibi* which the prosecutors might well deem perjured—so that in the present case the Chinamen, entirely misapprehending the principles of our criminal law, may have imagined that subornation of perjury was a weapon permitted by our courts, and that to acquit or condemn we only required the production of sworn evidence, without troubling ourselves to enquire whether it were true or not.

3. There has been since the date of my answers yet a third case, contradicting my former experience. At the late assize at Nanaimo last week, some Chinamen were convicted of robbery, with violence dangerous to life, upon a Chinese woman named Ah Chif.

The only observation on the above cases which seems at all material is, that they are all entirely confined to offences of Chinamen between and among themselves: not in any way concerning the white population. They may perhaps (the first two at least) be due to the demonstrated impotence of our criminal law to protect Chinamen from the most enormous outrages, as well as from petty annoyances. This is not suggested as in the least detracting from the criminality of the offences now noted, but as possibly diminishing their danger to society, and partly, perhaps, serving to account for the recent and sudden appearance of these crimes among Chinamen in British Columbia.

MATT. B. BEGGIE,

*Chief Justice, British Columbia.*

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