

MESSAGE.

JOSEPH W. TRUTCH.

The Lieutenant-Governor transmits herewith, for the information of the Legislative Assembly, a copy of correspondence between himself and the Secretary of State for the Provinces, in relation to the Address of the Assembly to him, last Session, on the subject of the collection of a Poll Tax on British subjects entering California by sea.

*Government House, Victoria,
February 11th, 1873.*

The Lieutenant-Governor to the Hon. J. Howe.

No. 21.

28th February, 1872.

SIR,—I have the honor to enclose herewith a certified extract from the Minutes of my Executive Council, together with a copy of the Address to me, therein referred to, from the Legislative Assembly of this Province, which I am requested to forward for the consideration of His Excellency the Governor-General.

The Tax complained of, is virtually levied in Victoria, inasmuch that the sum of \$5, in addition to the ordinary passage money, is demanded by the Agents of the Steamer now carrying Her Majesty's Mails between San Francisco and Victoria, under contract with the Postmaster-General of Canada, from all persons not being citizens of United States, taking passage from this Province for San Francisco, as a Poll Tax payable to the State of California by every alien entering that State. This practice on the part of the Agents of the Steamer running between this Port and San Francisco, has prevailed for years past, and British subjects have thus been compelled to pay this Tax even before they left this Province, as otherwise they could not obtain passage tickets, without which they were not admitted on board the Steamer. I am informed, and it is generally believed (although I have not the means at hand to sustain that belief, the Attorney-General being unable to give a decided opinion on the subject, without referring to Acts of Congress, of which no copies exist in the Province), that this State Tax is contrary to the Federal Laws of the United States; and that this position has been maintained by the United States Courts in California. But to contest the legality of this Tax is most inconvenient to strangers arriving in the State from foreign countries, so that the imposition of the Tax is generally submitted to as a lesser evil than the annoyance and detention which an appeal to the Courts would necessarily entail; and in the case of persons, not being citizens of the United States, going to California from this Province, the payment of the Tax is rendered compulsory, and without redress, by the process above mentioned, adopted for its collection.

It would be of material benefit to the people of this Province if the collection of this Tax should be discontinued, and I shall therefore be glad if His Excellency the Governor-General should be moved to take the steps towards that end, which are prayed for by my Ministers.

I have, &c.

(Signed) JOSEPH W. TRUTCH.

Extract from Minutes of the Executive Council, held on the 26th February, 1872.

His Excellency the Lieutenant-Governor laid before the Council an Address from the Legislative Assembly to him, praying that early steps be taken for the purpose of inquiring into the constitutionality of the collection of a Poll Tax by the State of California, from British subjects entering that State.

After consultation, agreed that His Excellency be requested to forward the same to the Governor-General, praying him to communicate the same to the Imperial Government, with request that if this Tax be unconstitutional, steps may be taken to prevent the collection of such a Tax in future.

(Certified) JAS. JUDSON YOUNG,
Clerk Executive Council.

The Secretary of State to the Lieutenant-Governor.

No. 44.

22nd March, 1872.

SIR,—I have the honor to acknowledge the receipt of your Despatch No. 21, of the 28th ultimo, covering a certified extract from the Minutes of your Executive Council, together with a copy of the Address to you from the Legislative Assembly of British Columbia, praying that early steps may be taken to enquire into the unconstitutionality of the collection of a Poll Tax by the State of California, from British subjects entering that State.

Your Despatch and its enclosures will be brought under the early consideration of His Excellency.

I have, etc.,
(Signed)

JOSEPH HOWE.

The Secretary of State to the Lieutenant-Governor.

No. 112.

16th October, 1872.

SIR,—Adverting to your Despatch No. 21, of the 28th February last, and its enclosures (2), I have the honor to acquaint you for the information of your Government, that His Excellency the Governor-General in Council has been pleased, in pursuance of their suggestion, to direct that the subject referred to in the Address of the Legislative Assembly enclosed in your Despatch, viz: the constitutionality of the collection by the Government of the State of California, of a Poll Tax from British subjects entering that State be brought under the notice of Her Majesty's Government.

A copy of your Despatch and its enclosures will, accordingly, be transmitted by His Excellency to the Right Honorable the Secretary of State for the Colonies.

I have, etc.,
(Signed)

E. A. MEREDITH.

*Under Secretary.**The Lieutenant-Governor to the Secretary of State.*

No. 84.

November 6th, 1872.

SIR,—With reference to your Despatch No. 112, of the 16th ultimo, I have the honor to state, for the information of His Excellency the Governor-General, that I have learned to-day that the Tax to which your said Despatch refers is no longer levied. The imposition thereof having been discontinued on the ground of its unconstitutionality. This information has just been laid before me by the Honorable the Provincial Secretary, having been communicated to him to-day by the United States Consul of this port. As I have thought it of sufficient importance to be made known to His Excellency forthwith by telegram, a telegram was addressed to you, of which the following is a copy:—

"VICTORIA, BRITISH COLUMBIA.

"November 6th, 1872.

"The Honorable J. Howe.

"Ottawa, Canada.

"I have just learned that the Tax to which your Despatch No. 109 refers, is no longer imposed.

"(Signed)

J. W. T."

I have, &c.,
(Signed)

JOSEPH W. TRUTCH.

The Secretary of State to the Lieutenant-Governor.

No. 122.

27th November, 1872.

SIR,—I have the honor to acknowledge the receipt of your Despatch No. 84, of the 6th instant, stating with reference to previous correspondence on the subject, that the imposition of the Tax referred to in your Despatch No. 21, of the 28th February last, had been discontinued on the ground of its unconstitutionality.

Your Despatch will be brought under the early notice of His Excellency the Governor-General.

I have, &c.,

(Signed)

JOSEPH HOWE.