

Legislation Affecting British Columbians of Chinese Descent

Historical Overview:

- The B.C. Legislature passed over 100 pieces of discriminatory legislation and regulation against the Chinese community in the 1800s and 1900s.
- The general purpose of the legislation was to:
 - restrict employment;
 - restrict voting or holding public office;
 - impose taxes or fees based on place of origin or ethnicity;
 - impose restrictive or punitive licensing or regulatory requirements; and
 - restrict ownership of property.

Chronological list of Notably Wrongful legislative activity

- 1855** "The first Act to exclude Chinese immigrants was passed by the Colony of Vancouver Island in 1855 and it provided for a payment of \$10.00 for each male native of China, or any person born of Chinese parents."ⁱ
- 1872** "In 1872 after B.C. entered Confederation, the provincial legislature was asked to impose a yearly poll tax of \$50 on all Chinese residents and to forbid them employment on all public works. This proposal did not meet with approval, but amendment to the Qualification and Registration of Voters Act for the purpose of excluding all Chinese from provincial franchise was passed without dissent or debate."ⁱⁱ
- 1875** "In 1875 the first measure of discrimination against the Chinese was entered on the Statute book of British Columbia when the Legislative Assembly passed an act disenfranchising the Chinese in provincial elections."ⁱⁱⁱ
- 1877** Local government electoral participation was restricted in B.C.'s "Act for Curing Defects in Certain Municipal Elections in 1876."^{iv}
- 1878** B.C.'s Provincial Legislature passes "An Act to provide for the better collection of Provincial Taxes from Chinese". The provincial act would have required all Chinese residents over 12 years old to pay \$10 per quarter in place of paying other provincial taxes but was struck down by the courts for being ultra vires."^v
- 1884** Lieutenant Governor gives assent to "An Act to prevent Chinese from acquiring Crown Lands."
- B.C.'s Lieutenant Governor gives assent to "An Act to regulate the Chinese population of British Columbia" or the "Chinese Regulation Act, 1884. The legislation imposed a \$10 head tax on all Chinese; it banned such Chinese customs as the exhumation of bodies for shipment back to China and the non-medical use of opium; it attempted to force Chinese to adopt a more expensive standard of living by requiring dwellings to provide a minimum number of cubic feet for every resident."^{vi}
- The Speaker of the B.C. legislature, in a letter to the Governor-General, regretted the federal disallowance of the 1884 Act on grounds of "expediency" and urged that restrictive legislation be passed, "to prevent our province from being completely over-run by Chinese."^{vii}

- 1885** Report of “Select Committee on Chinese Restrictions” adopted by the Legislative Assembly of B.C.
- The federal government amended the Franchise Act to prevent “any person of Mongolian or Chinese race,” from voting in federal elections.^{viii}
- Report of the Royal Commission on Chinese Immigration, Report and Evidence.
- BC Lieutenant Governor gives assent to “An Act to prevent the immigration of Chinese.”
- July 20: Governor General of Canada gives assent to “An Act to restrict and regulate Chinese immigration into Canada,” or “The Chinese Immigration Act, 1885.” The Act imposed a head tax of \$50 on any Chinese person entering Canada.^{ix}
- 1886** “A motion introduced in the House in 1886 to impose an annual tax of ten dollars on ‘every male of eighteen years who wears long hair in the shape of a tail or queue,’... two years later, the B.C. government proposed that no man with hair longer than five, and, a, half inches could be employed by the CPR. The real intent... was to force a special tax upon the Chinese.”^x
- 1891** “[T]he B.C. legislature requested that the federal government raise the head tax to \$200.”^{xi}
- 1896** “Both the Chinese and Japanese were disfranchised from municipal elections in British Columbia.”^{xii}
- 1897** The Legislative Assembly passes a resolution regarding “the desirability of increasing the capitation tax on Chinese entering the Dominion.”
- “Beginning in 1897, a series of acts were passed which prohibited the employment of Orientals on works authorized by the provincial government. All of these acts – including the Alien Labour Act – were vetoed by Ottawa as a violation of international treaty rights.”^{xiii}
- 1900** Federal Government raises the head tax to \$100.
- 1903** Federal Government raises the head tax to \$500.
- 1912** B.C. Premier McBride Addresses the Legislature on the Subject of Oriental Immigration. The address was titled “Exclusion of Asiatics.”
- 1919** British Columbia passes bill banning Chinese persons from employing or having managerial oversight over women in factories, restaurants or laundries.^{xiv}
- 1923** Governor General of Canada gives assent to “An Act respecting Chinese Immigration” or “The Chinese Immigration Act, 1923.” (Also called the Chinese Exclusion Act because of its affect).
- 1947** Governor General of Canada gives assent to “An Act to amend the Immigration Act and to repeal the Chinese Immigration Act.”
- 1950** December 28: Immigration Act was amended to allow “The wife, husband, or the unmarried child under twenty-one years of age, of any Canadian citizen legally admitted to and resident in Canada.”
- 1967** Federal immigration policy was overhauled. Race and ethnic origin was removed as a valid consideration when determining an immigrant’s admissibility to Canada.
- 2006** Prime Minister Stephen Harper offers full apology for the Chinese Head Tax

Sources

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- The Chinese In Canada, Roy, P., & Tan, J., 1985.
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- Calling Power to Account: Law, Reparations, and the Chinese Canadian Head tax: David Dyzenhaus, Mayo Moran

ⁱAndracki, pp. 10.

ⁱⁱChang & Hangan, p.9-10.

ⁱⁱⁱAndracki, p.3.

^{iv}S.B.C. 1877,c.15, s.46, Rule 33.

^vChang and Hagan, p.10.

^{vi}Roy, P., & Tan, J. p.8.

^{vii}Ryder, p. 653

^{viii}Chang and Hagan, p.11

^{ix}M. James

^xCraig, p.17.

^{xi}Craig, p.18.

^{xii} Andracki, S. p.79

^{xiii}Craig, p.29.

^{xiv}Dyzenhaus p.30.

Note:

In the present day, British Columbia proudly "*recognizes that the diversity of British Columbians as regards to race, cultural heritage, religion, Ethnicity, ancestry, and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbia.*" ~ BC Multiculturalism Act

For more information on B.C.'s multicultural initiatives, please visit www.EmbraceBC.ca.