

Province of British Columbia

SUPREME COURT.

Duff, J.] IN RE VANCOUVER ENGINEERING WORKS. [May 17.

*Alien Labour Act—Infraction—Advertising for workmen.*

Case stated for the opinion of the court by way of appeal from the Police Magistrate of Vancouver. The information charged the company with an infraction of the Alien Labour Acts.

60 & 61 Vict. (D) c. 11, s. 1, reads as follows.

"From and after the passing of this Act, it shall be unlawful for any person, company, partnership, or corporation in any manner to prepay the transportation or in any way to assist or encourage the importation or immigration of any alien or foreigner into Canada under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of such alien or foreigner, to perform labor or service of any kind in Canada."

1 Edw. VII (D) c. 13, s. 4, an amending section, enacts, that "it shall be deemed a violation of this Act for any person, partnership, or corporation to assist or encourage the importation or immigration of any person who resides in or is a citizen of any foreign country to which this Act applies by promise of employment through advertisement printed or published in such foreign country, and any such person coming to this country in consequence of such advertisement shall be treated as coming under contract as contemplated by this Act, and the penalties by this Act imposed shall be applicable to such."

The accused caused to be inserted in a newspaper published in Seattle, U. S., the following advertisement;—"Wanted, first-class machinists. Apply Vancouver Engineering Works, Ltd., Vancouver, B.C."

The Police Magistrate dismissed the information. The question submitted for the opinion of the Court was—"Does the above advertisement contain a promise of employment within 1 Edw. VII. c. 13.

*Held*, that the advertisement did not contain a promise of employment, but was merely an invitation to apply for employment, and it did not help the prosecution that the legislation thus construed imposes no effective restraint upon the importation of foreign labor and that the result is alien to the spirit and design of the enactment.

*J.E. Bird*, for the prosecution. *C.B. Macneill*, for the defendants.