DEBATE NEARING ITS CONCLUSION

Member for Delta Set Right By Premier on Various Points

ADDRESS OF McPHILLIPS

Quotes Authorities to Show Fallacy of Stand Taken By Opposition

(From Friday's Daily)

In the course of what will probably be the last of the speeches from the Liberal ranks upon the amendment to the speech in reply proposed by J. A. Macdonald, M.P.P. for Rossland, and leader of the Liberal opposition in the local legislature, John Oliver, M.P.P., for Delta, excited come little interest in the session of the house yesterday by reading a press despatch from Ottawa. The despatch in question announced that today all the correspondence between the Liberal government at Ottawa, its appointee, the Lieutenant-Governor of British Columbia, and the local authorities, upon the matter, will be brought down. The despatch included a statement from Sir Wilfrid Laurier to the effect that the Liberal government at Ottawa had given no advice to Lieutenant-Governor Dunsmuir on the question.

The speech of Mr. Oliver, which was of long duration, elicited a telling reply from A. E. Phillips, M.P.P. for the Islands. Mr. Phillips quoted a number of constitutional authorities to show the false premises and conclusions taken by Mr. Macdonald and the supporters who have followed him. His speech was illuminating and elicited rounds of applause from the ranks of the government.

The member for Delta was set right on a number of points by both Premier McBride and Hon. W. J. Bowser. A number of statements alleging that Premier McBride had received support in the last provincial election from the C. P. R. received ringing denials from the leader of the government.

Incidentally a statement of Mr. Oliver that the Conservative press of the province was in the habit of deliberately misquoting and misrepresenting the remarks of the Liberal members of the legislature was controverted by Hon. Richard McBride. The latter paid tribute to the work of the newspapers.

It is probable that today Parker Williams, M.P.P. for Newcastle, will conclude the debate.

To Approach Governor

Mr. Oliver moved that the rules of the house be suspended in order to permit of his introducing a resolution. He was certain that it would gain the support of both the supporters of the government and the opposition members. His motion was that the house should ask the lieutenant-governor to grant a return to the house of copies of all instructions received by him from Ottawa in connection with the reservation of his assent to the Natal act at the last session of parliament.

Access is Free

Hon. Mr. McBride: It strikes me, Mr. Speaker, altogether apart from the fact that the hon. gentlemen's motion is entirely irregular and that this motion should perhaps have been the very first move coming from the Opposition in connection with this debate on the witholding of the Royal assent from what is commonly called the Bowser bill.

Now, sir, my hon. friend knows his position as an independent member of parliament gives him access to the lieut.-governor of this province, and if he wishes to approach his honor the lieutenant-governor as a member of this house in regard to anything that has occurred in connection with this matter, there is no reason in the world why he should not go. Of course, I am quite satisfied that this house will not take the hon. gentleman seriously, as this is merely another move in the game which has now very nearly reached the stage of a farce, as far as my opinion is concerned.

The motion of the hon. gentleman will be opposed. Mr. Speaker.

Macdonald, M.P.P. for Rossland, and

Mr. Speaker said that in the circumstances, the motion of the hon. gentleman was clearly out of order.

The house opened at 2:25 p. m. Prayers were read by Rev. Dr. Campbell.

Mr. Oliver Resumes

John Oliver, member for Delta, in resuming his address which had been interrupted by the adjournment of the House on the previous evening rehearsed a number of the points which he had made with reference to the cases cited by the attorney general during his speech of the day before. He dealt at some length with the case in New Brunswick in 1874, where Mr. Bowser had stated the then lieuteneant governor, Sir Leonard Tilley, had reserved his assent contrary to the advice of his ministers and also to the case when Lieut-Col. Dewdney held office in this province and had reserved his assent to a bill dealing with the employment of Japanese and Chinese on public works of the province. He instanced several particulars in which the attorney geneeral, he claimed, had failed in his argument. The attorney general with reference to Lieut.-Governor Dewdney had not stated that the latter was acting strictly against the advice of his ministers.

Hon. Mr. Bowser—"I distinctly stated yesterday that Lieutenant Governor Dewdney in withholding his assent on the occasion mentioned acted directly against the advice of his first minister, Hon. Mr. Turner, and the same remark applies to the reservation of assent made by Lieut.-Governor Macintosh."

Complains of Report

In continuing, Mr. Oliver referred to yet another instance of the treatment which was handed out to the Liberal members by the Conservative press of the country. He had said yesterday that Mr. Bowser had made a statement before a political gathering concerning an alleged contract between a number of Liberals and the Grand Trunk Pacific to bring in 50,000 Japanese to work on the latter railway. He had asked why this statement had not been probed at the recent enquiry in Vancouver and in that connection he had said that the provincial government was represented by counsel at that enquiry. The paper had quoted him as saying that the provincial government "had not been represented." Again when he referred to the two gentlemen who, it transpired, had really been interested in an agreement between certain coal mining companies and the supply company of which they were members he had termed those gentlemen, supporters of the member for Vancouver. The Colonist in its report of his remarks that morning had made him say "henchmen." These were examples of the incorrect reports of his remarks and the remarks of the Liberal members which appeared in the Colonist and the other Conservative papers of the province.

Hon. Mr. McBride—"I hope the gentleman will at once withdraw that observation. This House has no Hansard; and I am sure that both the Liberal and the Conservative as well as the independent press of the province, make extremely fair and independent and deceent reports of the proceeding of the legislature. (Hear-hear. I do not think that in the circumstances it is all fair for the honorable gentleman to make that statement."

Had Not Retracted

In connection with his former remarks, Mr. Oliver in continuing, stated that while the attorney general had made this statement and while nothing had been brought out in evidence at the commission referred to, to substantiate them, he had not had the manhood to retract his former remarks.

So serious had the government taken the statements made and the situation in which they were now involved that they had summoned a meeting and were going to hold a smoker where the constitutional aspect of the matter would be discussed. He gathered from the announcement that the recourse was to be made to the judgment of the performers at the Grand and Pantages theatres as to the merits of the case. Well all that he could say was that knowing this he had gone to the Grand the previous evening and he was not of the opinion that any judgment which the artists he had seen there perform would be of much value outside their own specialties.

The attorney general in his remarks yesterday had made some slurring remarks about the works of Todd. He could quite understand why the members of the government and its supporters had little use for the works of Todd.

The attorney general had quoted a letter from the deputy minister of justice to show that the responsibility for the non-assent of the lieutenant governor to the Natal act had been the fault of the government at Ottawa. He did not read all of that letter and he had not stated that it is the duty of that department to look into and carefully peruse all legislation in the provincial houses and to instruct himself upon them.

Vancouver By-Election

The premier had stated that the Liberals had had a chance to bring up the matter and discuss it at the time of the Vancouver by-election, and failing that they should in the words of the marriage service "forever after hold their peace."

There had not been sufficient time allowed, Mr. Oliver stated, from the announcement of the appointment of Mr. Bowser as attorney general to election day to permit of the matter being carefully gone into. The government had not allowed 24 hours more than was necessary to comply with the law.

Suppose the opposition had put a candidate in the field, what would have happened. The statement would have been made that the McBride government had not acted constitutionally and you would have come back with the same answer as here, stating that the lieutenant-governor was acting on his instructions.

With regard to those instructions the speaker had been very careful to say that the lieutenant-governor was acting on his instructions and had not defined the latter word. He had not said special instructions.

So, for this reason, if the Liberal party had allowed an opportunity to slip, Mr. Oliver stated that he did not think they had done wrong.

Mr. Scott's Telegram

Mr. Oliver drew attention to a judgment of the privy council which set aside the statement made by members of the government that the lieutenant-governor is not a representative of the crown but of the governor-general which he regarded as absurd.

The statement of the premier to the secretary of state again was referred to. On April 11 the lieutenant-governor had presumably informed the premier that he would not assent to the bill. This was some nine or ten days before this legislature had adjourned. The same day the premier had left, and arriving in Ottawa April 16, had met the secretary of state and in a casual way told that gentleman the Natal act would not be assented to by the lieutenant-governor.

A telegram had been sent twelve days later which they the members of the government) have endeavored to twist so as to give the idea that there were special instructions given from Ottawa.

Mr. Oliver asserted that there was no particular significance in the fact that the lieutenant-governor had written the acting premier informing him that the bill referred to must be left out of the bills to which assent was to be given.

Mr. Oliver cited Todd to show that when a report of bills for sanction is sent to the lieutenant-governor, it is the duty of the attorney-general to advise the lieutenant-governor on the legal standing of bills.

The lieutenant-governor in fact knew his duty better than the ministers, for, as required by law, he had sent the message as required. It was the duty of the acting premier to at once have protested against the refusal of the lieutenant-governor to assent if the government was acting in good faith.

With reference to any papers which passed between the lieutenant-governor and the governor-general in council at Ottawa, Mr. Oliver stated that it could not be argued that the house had not the right to demand such records. He cited authorities in justification of this view.

Mr. Oliver asserted that Premier McBride was endeavoring to burke the enquiry now going on before the house.

Resign or Be Responsible

The attorney-general had informed the house that this was a move of the opposition to get into power. They wished the government to resign in order that Mr. Macdonald might be called upon to form a ministry. The government had but two choices. One was to resign and the other was to accept the responsibility.

But was there any reason for the government to fear that if under such circumstances they should resign, the leader of the opposition would be so foolish and so devoid of judgment as to take the responsibility for the act of the lieutenant-governor. If he were to, did form a ministry and should go to the country he would come back to parliament with not two supporters. On the other hand had the ministers resigned and gone to the country they would have come back with a full and unanimous following. They would have shown not only Canada bu the whole world, that British Columbia was unanimous in its stand on this question.

With reference to the remark of the attorney-general that the secretary of state had improperly given out the statement of Mr. McBride with regard to the governor's withholding his assent. He thought that the secretary of state was as good a judge of what was his duty and what was correct and proper as the attorney-general after the spectacle he had made of himself the day before. (Opposition hear, hear.)

What was the truth of that circumstance? Mr. McBride had assured the secretary of state that the bill would not be assented to. The secretary of state had casually told this to one of the ministers at Ottawa. The latter had said that if he were the secretary of state he would not rely too much upon the statement of Mr. McBride. This was the reason for the sending of the telegram which had been brought down.

This matter had been decided between the premier and the lieutenant-governor at least five days before the conversation referred to.

Mr. Oliver stated that there was just one way of escape for the government. If they could show the house that the lieutenant-governor had received his instructions from Ottawa they might escape.

In House of Commons.

"The premier recognizes this," remarked Mr. Oliver, pausing, "and now I am in a position to tell the house that today on the floor of the house in Ottawa Ralph Smith, member for Nanaimo, asked the premier whether the government had anything whatever to do with advising the lieutenant-governor of British Columbia to withhold his assent to the Natal act of 1907.

"Sir Wilfrid answered that no advice was given to the lieutenant-governor on that question. He further said he would bring down all the correspondence tomorrow." (Opp. applause.)

Hon. Mr. Bowser—"What about the telegrams?"

Mr. Oliver—"What telegrams?"

Hon. Mr. Bowser—"The telegrams from the secretary of state at Ottawa to his honor the lieutenant-governor here."

Mr. Oliver—"I am now dealing with those telegrams. I am sorry that the hon. the attorney-general is so dense. (General laughter.)

Hon. Mr. Bowser—"Do I understand the hon. gentleman to say that Sir Wilfrid Laurier will bring down the correspondence tomorrow?"

Mr. Oliver—"I will read the despatch."

Hon. Mr. Bowser—"Would it be going too far to ask whether it is the intention of the government at Ottawa to disallow the present Natal act which it is now proposed to pass through this house." (Hear, hear and applause.)

Mr. Oliver read the despatch and in response to a question from Mr. Bowser informed him that it was a press despatch.

Hon. Mr. Bowser—"Oh."

Mr. Oliver—"Yes, it is a press despatch and if the government organ, the Colonist, has not yet a copy of it, it is a long way behind the Times." (General laughter.)

Echoes of the Campaign.

Mr. Oliver then began his peroration. In the face of the statement of the attorney-general, then a supporter of the government and in the confidence of the government, that there was an invasion of 50,000 Japanese threatening British Columbia, the premier of the province went away to England knowing that the lieutenant-governor would not assent to a bill which would have done much to avert disaster in the event of that story being true. He had gone away without advising the house. The acting premier knew that this bill would not be assented to and yet had made no representations regarding the threatened invasion.

"Knowing as I believe the now attorney-general knew at that time," Mr. Oliver continued, "knowing that these laborers were not for the G.T.P. but for the Wellington collieries and the C.P.R. which had lent the government its support during the late election,——"

Hon. Mr. McBride—"That is not so. I deny the statement and this is the second time that the hon. gentleman has made this statement."

Mr. Oliver—"What statement?"

Hon. Mr. McBride—"I well know what the honorable gentleman would like to make the country believe,—that the Canadian Pacific railway company and another corporation supported this government at the last election. But I deny the statement and say that it has no foundation in fact."

Mr. Oliver—"Is it not the fact that my hon. friend during the electoral campaign traveled in special trains."

Hon. Mr. McBride—"Yes, I did and I paid for them." (Cheers.) I may say that I got only one special train and I paid for it. (Cheers). And I paid mighty well for it." (Applause and some laughter.)

Mr. Oliver—"My hon. friend from Rossland applied for a special train and could not get it."

Hon. Mr. McBride—"Well, that is not my fault."

Mr. Oliver asked the premier if the C.P.R. had not made special efforts to break the ice to permit his crossing one of the lakes while on that trip campaigning.

Hon. Mr. McBride—"That is not so. This is another general statement which is quite in line with what the hon. gentleman said a moment ago. The C.P.R. did no such thing for me, although perhaps it might have done this service for some of the hon. gentleman's friends."

Mr. Oliver: But is it true that the C. P. R. assisted you at the last election?

Hon. Mr. McBride: No, sir, it is not true. (Cheers.) Have you in reserve any more such inaccurate statements that require correction at my hands? (Hear, hear.)

Mr. Oliver: Yes. I further say that the hon. gentleman boarded the train at Sicamous when it was not the time for the train to stop at that place and my hon. friend knows it.

Hon. Richard McBride: In reply to the hon. gentleman I have to say this: I, on that occasion, used a special permit, which any member of this house can get if he applies for it, giving the privilege of traveling on the Imperial Limited or on the Overseas Limited, from Sycamous to Vancouver; and a very excellent train I must say it was, too. I also deny that statement and further say that neither directly nor indirectly did the C. P. R. corporation or any other corporation assist me in any manner whatever in the last election. (Cheers.)

Mr. Oliver reiterated one of his last remarks and was ruled out of order by the speaker.

Thinks Position Impregnable.

Mr. Oliver, in continuing, asserted that the position which had been taken by the opposition was impregnable. No communication had passed between the acting premier and the lieutenant-governor when the latter reserved his assent. No protest had been made against the unconstitutionality of the matter. It had been shown that the lieutenant-governor had received no instructions from Ottawa. Premier McBride had today attempted to burke the inquiry. The premier of the Dominion had today stated that he had given no such instructions. If he did not, then the local ministry was responsible. He therefore thought that the house should pass the amendment proposed by Mr. Macdonald.

A. E. McPhillips, member for the Islands, followed, and after the usual compliments to the preceding speakers and a lengthy reference to the important constituency which he has the honor of representing, went on to speak of the constitutional aspect of the lieutenant-governor's action in withholding his assent from the Natal act of last session.

Constitutional Question.

I now, sir, come to the main question that is now before this House—the constitutional question. And let me preface my remarks on this issue with the observation that nearly all the debate that has taken place upon this most interesting question has been conducted on lines entirely aside from the real matter at issue. (Hear, hear.)

I claim, sir, and my premise is, that his honor the lieutenant-governor, in common with his excellency the governor-general, has the undoubted right of withholding his assent from any bill that has passed this house wholly irrespective of any advice, that his ministers may give him. Now I concede, sir, that it would not be at all a correct thing for any governor, whether a lieutenant-governor or the governor-general, to arrogate to himself any particular assumption of administration in the way of imposing his opinion upon his ministers. Nevertheless we must not forget that we are still under the form of a monarchical government, and we must admit that the sovereign, or the viceroy, or the representative of the sovereign, possesses that complete and ample authority which I have instanced. And whether he exercises that power or not is a matter for him and for him alone to decide. This constitutional right is his in my opinion, beyond all question whatever. (Hear, hear).

Opposition Contention.

It is now contended, however, Sir, by hon. gentlemen opposite that a lieutenant-governor cannot withhold his assent from a bill unless either he have instructions from Ottawa to do so, or in this case is acting on the advice of the prime minister of the province of British Columbia; and among other authorities which have been cited by hon. members opposite in support of this contention is Clement on the constitution of Canada. This gentleman, as is well known, is at the present time one of the judges of the supreme court of this province, and I can show from this same authority, and in very precise manner, how this debate has so far proceeded altogether along wrong lines. This authority places it beyond any possibility whatever of dispute that either in the event of a lieutenant-governor withholding his assent from or giving his assent to a bill, he occupies exactly the same position as the governor-general, and can act without the interposition of his ministers at all.

I notice, sir, that the hon. the leader of the opposition and the hon. member for the Delta have left the house as if they considered that this question was settled, although the hon. member for Yale remains in his seat. But surely if this question is so momentous as to justify the declamatory oratory of the hon. member for Delta, surely if the throne is almost tottering, and if the most terrible constitutional dangers threaten us, these hon. gentlemen should be in their places in this house. (Hear, hear.) And surely, if responsible government were really in peril, these hon. gentlemen would be in their seats prepared to trip us up if we advance untenable arguments. (Hear, hear.)

Lacks Sincerity

Their absence, sir, is but another evidence of their insincerity, or rather of their lack of sincerity, which has already been pointed out by the hon. the first minister, when he successfully urged that if the honorable the leader of the opposition had been sincere in his present attitude he would most assuredly have gone in August, 1907, he would have gone to the largest commercial city in this province—Vancouver—and pointed out on the hustings how the constitution of the country was being trifled with. (Hear, hear.) But he did nothing of the kind. And further, sir, if the hon. the leader of the opposition were really sincere in this matter he would most certainly have brought it before this house in an entirely different way. For he has most clearly shown his want of sincerity by moving what is practically a want of confidence motion in the form of an amendment to the reply of this house to the speech from the Throne. This gives us the clearest possible evidence that the hon. gentleman does not wish to place this constitutional question fairly and squarely before this house. (Hear, hear.) For, under the principles that obtain under the system of responsible government, we are compelled to view this amendment as a vote of want of confidence in the administration and in the Conservative party of which we are loyal members; and in consequence we are compelled to vote this amendment down (applause), and it certainly appears to me that if the hon. gentleman had any real desire to approach the question in anything like a proper and serious way he would have brought it before the house in an entirely different way. (Hear, hear.)

Judge Clement's View

Now, sir, let us turn to Clement, on the Canadian constitution, second edition, 1904, pages 144 and 145, where we find the following language:

"The only powers which a lieutenant-governor may exercise otherwise than by order-in-council, are those conferred, by section 63, in reference to the appointments of members of the executive councils of Ontario and Quebec; by section 72, in reference to the appointment of legislative councillors in Quebec; by sections 82 and 85, in reference to the summoning and dissolving of the provincial legislative assembly, and by section 90, the giving or withholding of the assent of the crown to bills passed by the legislative assembly."

Draws Particular Attention

I wish to draw the particular attention of the hon. member for Yale to Judge Clement's statement:

"But with regard to all of these, with the exception of the last named, the 'conventions of the constitution' require that all such acts must be done upon the advice of the ministers having the confidence of the legislature of the province. As to the appointment of members of the executive council, the lieutenant-governor must ex necessitate, so far as the legal position is concerned, appoint, without advice, the new members upon the defeat and resignation of an entire adminisuration; but, even in such cases, the incoming ministry or executive council must accept entire responsibility for the acts of the lieutenant-governor in connection with the formation of the new executive council. With regard to the giving or withholding of the assent of the crown to bills passed by the legislative assembly of a province, a lieutenant-governor acts as a member of the Dominion executive staff, subject to 'instructions' from the governor-general, although, in practice, the supervision of provincial legislation entrusted to the Dominion executive is exercised after the event, by 'disallowance' rather than before the event, by 'instructions' to withhold the crown's assent."

Now, sir, the last named refers to the withholding of the assent of the crown to bills passed by a legislative assembly.

Need Not Ask Advice

Nor, sir, the learned text writer here says with regard either to giving or to withholding assent on the part of a lieutenant-governor, that these things can be done without his having recourse, in justification of his action, to the advice of his responsible ministers; and, therefore, this whole debate has been so far conducted by hon. gentlemen opposite on false premises. (Hear, hear.) This author holds that whenever a viceroy or a representative of the sovereign, such as a lieutenant-governor, either gives his assent to or withholds his assent from, a bill, as a matter of fact, he does this entirely on his own authority and discretion. And unquestionably whether this question is regarded from the one or from the other point of view, we must come back eventually to this one great fundamental principle, that the power of withholding his assent is vested by our constitution clearly in the lieutenant-governor himself; and that in taking such a step he can act on his own sole discretion, altogether apart from any advice that may be given him by his ministers. (Hear, hear.)

Refers to Munro

I now wish, Mr. Speaker, to refer to Munro, on the constitution of Canada; a work issued from the Cambridge Press in the year 1899.

Governors are Instructed

I am not aware, sir, whether in this case any instructions were sent from Ottawa to his honor, the lieutenant-governor or not, but I do know this that it has not been the practice of the Imperial authorities to send instructions to the governor-general since the year 1878, when the Marquis of Lorne took office as governor-general of the Dominion of Canada. Since that time such instructions have been omitted when the commission is handed to the governor-general upon his appointment to this office.

Where Does It Lead To

Munro on page 173 of his work deals with the Letellier case; and points out that lieutenant-governors are appointed for five years and that under sec. 59 of the B. N. A. Act they are not removable except for grave cause, which must be assigned.

Now, sir, suppose that we admit, merely for the sake of argument, that the hon. gentlemen opposite are right in their contention that under our constitution the lieutenant-governor occupies exactly the same position as the governor-general; but if that be granted, where does it land us? On page 176 of Munro's work, we find the following language:

"That where a message is considered only partially defective or where objectionable as being prejudicial to the general interests of the Dominion, or as clashing with its legislation, communication should be had with the provincial government with respect to such measure, and that in such cases the act should not be disallowed if the general interests permit such a course until the local government had had an opportunity of considering and discussing the objection taken, and the local legislature has also an opportunity of remedying the defects found to exist."

If, sir, the hon. the first minister had advised his honor the lieutenant-governor to give his assent to this bill, his honor would not have been at all required under our constitution to grant his assent; while he would have been acting in perfect conformity with the best constitutional practice in taking that course. And to say that the hon. the prime minister should then and there offer his resignation in consequence of his honor's refusal, is, to borrow the word used so often by the hon. member for Delta, "absurd." (Hear, hear.) And it would be absurd in the highest degree.

Has No Duty of Kind

As a matter of fact, sir, the hon. the prime minister has no duty of that kind placed on his shoulders at all, for when a lieutenant-governor withholds his assent to a bill he is acting within what is clearly the constitutional privilege of his excellency the governor-general; and as lieutenant-governor he is responsible for his actions as a Dominion official to the Dominion government. How very absurd it is, then, to pretend that the hon. the prime minister must then and there tender his resignation in all cases in which his honor the lieutenant-governor withholds his assent. (Hear, hear.) In all matters affecting the constitution we should proceed with calmness and with discretion. Hear, hear.)

Duty is to Re-Enact

The Hon. David Mills, an eminent authority, clearly lays down the principle in his report on the withholding of assent from a bill of the same character, that it then becomes the duty of the government in question—if the legislature remains of the same mind in the following session—to re-enact the measure from which assent has been withheld, and pass it through all its stages in the legislature, to be afterwards in due course submitted to the lieutenant-governor for his consideration, and if, in this event, the lieutenant-governor again withholds his assent I admit that occasion may arise for the responsible ministers of the crown coming to an understanding in regard as to the course that they should take in such circumstances. But, sir, in this instance, we have Liberals, of all others, coming forward and urging that a Conservative government should have acted in a precipitate manner; and this, to my mind, is an extremely singular thing. (Hear, hear.)

Similar Acts Disallowed.

Why, sir, one of the very first acts of a Liberal administration in 1897 was to disallow an act of practically the same character as the Bowser bill. (Hear, hear). We have the report of the Hon. David Mills on that disallowance, and on the last occasion when this immigration bill was disallowed at Ottawa, this action was taken on report of the gentleman who is now Sir Charles Fitzpatrick, the chief justice of Canada, who in the report which he then submitted to the governor-general states in effect that a bill of a similar character has from time to time passed this legislature and reported upon by his predecessors in this office, and whereas in accordance with the usual custom in such cases the provincial authorities have from time to time had their attention drawn to the matter and disallowance had taken place, he did not therefore consider that the ordinary practice should be pursued in this case, but that it should be disallowed forthwith. The privy council of Canada on that occasion at once acted on the minister of justice's report, and the consequence was that when this immigration act was disallowed the last time at Ottawa it was disallowed without any prior communication with the provincial authorities here at all. (Hear, hear).

Say There's No Authority.

His honor the lieutenant-governor must be credited with the possession of ordinary intelligence, and with the capacity of reading what has transpired at Ottawa in connection with these acts. His honor must have known that these acts had been disallowed at Ottawa time and again, and that the responsible ministers of the crown and above all perhaps the minister of justice, the first law officer of the crown at Ottawa, have declared time and time again, that this local legislature had no authority whatever to pass such an act. Sir Oliver Mowat, the Hon. David Mills and Sir Charles Fitzpatrick, when they were ministers of justice and had occasion to consider these bills, were all agreed on this important subject. And they are eminent authorities, for Sir Oliver Mowat was vice-chancellor of Ontario; the Hon. David Mills became one of the judges of the supreme court of Canada, and Sir Charles Fitzpatrick is at the present moment the chief justice of Canada. These were and are eminent jurists, and moreover they belonged to the same political party of which the hon. gentlemen opposite are members.

Japanese Treaty Also.

Then, in addition to all this, we have the Japanese treaty, which in express and absolute terms declares that the Japanese people must enjoy in our country exactly the same rights that we enjoy if we go to their country; and that there must be a free interchange of peoples.

Believes Act Useless.

We have, sir, only authority to legislate within the provisions of the B. N. A. acts, and if, sir, we legislate contrary to the wishes and policy of the Federal authorities it is quite clear that our legislation can be set aside, sir. The juryman who does not read the papers and who forms no opinions is the ideal juryman; and must we then consider that the lieutenant-governor, who reads no dispatches, who does not acquaint himself with the political history of the country, who does not know what measures are intra vires, and what measures are ultra vires, and who is not aware whether the bill to which he is asked to affix his signature is really just so much waste paper or not, is, in the eyes of the Federal authorities at Ottawa, the ideal governor! Because I challenge the hon. gentlemen opposite whether, in view of the opinions which have been given at Ottawa upon this very question by the eminent men whom I have mentioned, this Natal act which is now before this legislature is worth the paper it is written on.

You can take my personal opinion, sir, for what it is worth, but I am compelled to declare that in my opinion, although we may proceed and reenact this Natal act it is not worth the paper on which it is written. And even if after it has passed this house it should receive the assent of his honor the lieutenant-governor, it is still worth nothing more. (Hear, hear.) We have no jurisdiction whatever in regard to the question of immigration, and even if the bill which is now in question had received his honor's assent last year it would surely have been disallowed by the Federal authorities at Ottawa—by the political and personal friends of hon. gentlemen opposite. (Hear, hear.)

House Has No Authority.

John Jardine, Esquimalt—Does the hon. member pretend that this legislature has no jurisdiction whatever in a matter of this kind?

Mr. McPhillips—I say positively and without fear of successful contradiction and I can cite ample authority if need be for my statement that this legislature has no authority whatever to deal with the question of immigration into this country. We have no authority in the matter at all. And by the passage of such legislation we transgress the constitutional powers of the province, and we are more particularly in the wrong when we pass such legislation, if it is contrary to the legislation of the federal government, and will my hon. friend from Esquimalt say that no treaty at the present moment exists under which and with the consent of approval of the House of Commons of Canada the Japanese people are allowed absolutely free ingress into this country; exactly in the same manner as our people have free ingress into the country of Japan! And does the hon. gentleman pretend that we can exclude these people from this province in open defiance of the legislation and of the policy of the federal authorities at Ottawa?

I will read for the information of the hon. member sec. 95 of the B.N.A. act:

"In each province the legislature may make laws in relation to agriculture in the province, and to immigration into the province; and it is hereby declared that the parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, and to immigration into all or any of the provinces; and any law of the legislature of a province relative to agriculture or to immigration shall have effect in and for the province as long, and as far only as it is not repugnant to any act of the parliament of Canada."

Repugnant to Ottawa

Does my hon. friend mean to say that the Natal act is not repugnant to the legislation of the Dominion of Canada, which distinctly declares that these people shall have an absolutely free right to enter into our territory! It is quite apparent, sir, in view of the opinions which the distinguished gentlemen whom I have mentioned have expressed that legislation of this kind is of no value whatever, and speaking for myself I am compelled to say, in conformity with the view which I expressed in this house when similar legislation was passed, while I was sitting on the opposition benches, that this action is merely taken in this house in deference to the strong and sincere sentiment which exists throughout this country upon this crucial subject. (Hear, hear.) I said then, as I say now, that this is not the chamber in which such drastic legislation should be passed, and if any apology is needed for passing acts of this kind I have only this statement to make to the house and somewhat particularly perhaps to the hon. member for Esquimalt, who in common with myself feels very strongly indeed upon this subject.

Opposed to Asiatics

And now let me declare here once for all, that I am most energetically opposed to the introduction of these Oriental peoples into this province and into this Dominion of Canada. (Cheers.) I do not care at all, sir, whether these people are British subjects or whether they are aliens! I do not care one whit whether they are Hindus or Japanese or Chinese! I am in each and in every instance pronounced against them, and as a citizen of Canada I am most strongly opposed to their entrance into and to their presence in this country. (Cheers.) And I have not the slightest desire, sir, to see upon this great and most important issue the Liberals range themselves in one camp and the Conservatives in another camp. (Hear, hear, and cheers.)

Most Important Question

In my opinion, sir, this is the most important question possibly that can come under our consideration, and I would extremely like to join hands with the Liberal party upon this as well as on many other subjects which I believe to be vital to the highest welfare and to the best interests of the people of Canada as a whole. (Cheers.)

Rests With Ottawa

But at the same time, Mr. Speaker, I must look upon this legislation as legislation, which cannot be in any way productive in positive results, unquestionably as the Right Hon. Joseph Chamberlain pointed out many years ago, this legislation is class legislation; and as on that occasion indicated the course which should be pursued by the Federal authorities in the way of bringing into effect a legislative enactment. That right hon. gentleman then invited the federal authorities to take action; and it is beyond all question that jurisdiction in this matter rests not with the local but with the federal authorities. (Hear, hear.)

Why Don't "Solid Seven" Act

In these particular circumstances I must express by surprise, in view of the fact that hon. gentlemen opposite do not induce the "Solid Seven" at Ottawa to rise in their places in the House of Commons, and to introduce in that house a Natal act. (Hear, hear.)

Why, sir, do these hon. gentlemen, these "Solid Seven," not do their duty in this matter? I grant, sir, that they might meet at the present time with unsurmountable difficulties in the way of the invalidating Japanese treaty; and that if a Natal act were now passed at Ottawa it would be a direct infringement upon the provisions of that treaty. And I further have not the slightest doubt that the Liberal ministry which is at present in power in Ottawa, who would be directly responsible for the passage of such an act, might hesitate for a very considerable time before they enacted a measure of this kind. I can readily understand all that from their point of view, but nevertheless, I maintain that the entire responsibility for dealing with this very serious and most important question rests and wholly rests with the Liberal party of Canada. (Cheers.) And if it appears that this province is in jeopardy from the influx of these people it is idle and perfectly beside the question to say what the Conservatives should do. (Hear, hear.)

Speaking now as a citizen of Canada and particularly in my capacity as a citizen of the province of British Columbia, I am just as much entitled to have this "Solid Seven" champion my views as have my fellow citizens who are Liberals. (Hear, hear.) And if the general consensus of opinion in the province of British Columbia is that the entrance of the people should be stayed, and that they should not be allowed to come within our orders, then I maintain that the "Solid Seven" at Ottawa should form themselves into a distinct party; and speaking with one voice, should represent the sentiments of the people of British Columbia, irrespective of party; and demand the enactment of such legislation as will absolutely prevent the influx of these people into our fair province. (Cheers.)

Let it Rest in Right Place

Let the responsibility in this case Mr. Speaker, rest on the right shoulders. (Cheers.) Responsibility in this matter must certainly rest somewhere; and it certainly does not rest with the Conservatives of this province. By a considerable majority seven Liberal members were returned to the House of Commons at Ottawa; and these seven Liberal members—the "Solid Seven"—should not be—and I do not say that they have been—recreant to their duty. And if it is their duty to represent the unanimous opinion of the people of this province upon this great question, why should these hon. gentlemen not supplement that opinion by legislative enactment of some force and value. (Hear, hear and applause.) Why are these hon. gentlemen sent to Ottawa, if it is not to champion the interests of this province. And if they have a responsibility—and I say that they have—let them manfully accept this responsibility. (Hear, hear. And above all things, let my hon. friends opposite not attempt to throw the responsibility for effective action towards the settlement of this important question upon shoulders upon which it does not rest! (Cheers.)

Was Not Vetoed

Hon. gentlemen opposite seem to think that this bill has been vetoed in some way by his honor the lieutenant-governor; but no veto power is conferred by the B. N. A. Act upon a lieutenant-governor (hear, hear). Sec. 55 of the B. N. A. Act reads as follows:

"Where a bill passed by the houses of the parliament is presented to the governor-general for the Queen's assent, he saall declare, according to his discretion, but subject to the provisions of this act and to Her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the significance of the Queen's pleasure."

Question of Assent

Again section 57 of the same act is as follows:

"A bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent, the Governor-General signifies, by speech

Tuesday, January

Blac
Wat
Chewing Tob
The big black

FOR SALE
Estate of Whitfield Cha
Sealed tenders for the p
above estate, addressed to
of the Chase Estate, ca
F. J. Fulton, Barrister, K
will be received until the
uary, 1908.
The Estate consists of
(more or less) situated an
follows:—580 acres—less
right of way at Shuswap,
from the station. This
high state of cultivation
water privileges, and is
productiveness. There are
in course of erection on
property.
320 acres pasture land,
meekin, back of Shuswap.
428 acres pasture land,
long river frontage, on
of South Thompson River
550 head of cattle, ab
horses, five teams of wor
ness, farm implements,
At present the estate is
which expires on the first
when possession can be g
For any further informa
D. G. Macpherson, or Mrs
Shuswap, or to G. B. Ma
tural Department, Victor
ecutors.
The highest or any tend
sarily accepted.

SKEENA LAND DI
District of Con
TAKE NOTICE that W
of Aldermere, occupation
tends to apply for permi
chase the following descri
Commencing at a post
west line of J. H. Gray's
tached to J. H. G. ¼ sec. 1
29, Tp. 9, the plot being k
Fraction of Sec. 29, Tp.
between W. P. Johnson's
29, Tp. 9, and the N. W. ¼
W. P. JOHNSON,
Date, October 25th, 1907.

DISTRICT OF CO
Take notice that E. G. S
ers Inlet, occupation canner
to apply for a special timb
the following described la
1. Commencing at a po
the southeast corner on
side of Deans Channel at
and about one mile south
coll Bay and three miles
southwest of B. C. D. Co
203, thence north 80 chain
40 chains, thence north 80 c
west 40 chains, thence sou
thence east 40 chains, the
shore line of Deans Chann
more or less, thence follow
to point of commencemen
640 acres, more or less.
Dated 26th October
2. Commencing at a po
the northwest corner on
of Deans Channel and abo
more or less, east of B. C.
No. 233, thence south 40 c
east 160 chains, thence no
line of Deans Channel 40 ch
less, thence west 160 chai
shore line to point of co
containing 640 acres, mor
Dated 26th October
3. Commencing from nor
of claim No. 2 on the sh
Deans Channel, thence sou
thence east 160 chains, the
post No. 2 and northeast co
line 40 chains, more or less
160 chains to point of co
containing 640 acres, more
Dated 26th October
4. Commencing at a po
the southwest corner on
of Deans Channel and abo
north of Swellup Creek, th
chains, thence north 40 c
east 80 chains, thence nor
more or less, to shore li
Channel, thence west along
160 chains, more or less,
commencement, containing
more or less.
Dated 28th October,
(Signed) E.
B. FILLIP JACOBSON,

NOTICE is hereby given
after date I intend to apply
Chief Commissioner of Land
for a special license to cu
away timber from the follo
lands, situated on Phillip
Coast District:
Commencing on the post
Corner of Lot No. 381, t
chains, thence W. 80 chain
80 chains, thence E. 80 ch
of commencement.
FRED
Dec. 21, 1907.

LAND ACT
Victoria District, District
TAKE NOTICE that I, N
die, of Victoria, B. C., occ
Agent, intend to apply for p
lease the following describe
shore lot opposite lot 54, Me
trict; for fishing purposes:
Commencing at a post pl
southeast corner of Bentl
thence west 40 chains, then
chains, thence east 40 chai
north 40 chains to point of
ment.
NORMAN I
Date, Victoria, B.C., 13th Ja

NOTICE is hereby given
partnership existing between
signed as general merchant
Island under the name of
has this day been dissolved
consent. All debts due the s
be paid by John Locke Padd
all outstanding accounts d
firm are to be paid.
JOHN LOCKE P
ANDREW DEAC

NOTICE
RAYMOND &S
613 PANDORA STR
New Designs and Style
kinds of
Polished Oak Ma
All Classes of
GRATES
English Enamel and
Onyx Tiles.
Full line of all firepla
Lime, Portland Cemen
ter of Paris, Building
Brick, Fire Clay, etc., a
hand.

Subscribe for THE C