

patch from Mr. Lyttleton to Earl Grey of July 14 last inquiring whether the government of Canada was prepared to adhere absolutely and without reserve to the treaty of 1894 and 1895, or whether Canada desired to limit the terms of the treaty to the conditions made on behalf of Queensland when accepting the Japanese treaty, which provided that the stipulations contained in the 1st and 3rd articles of the treaty should not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, artisans, police and public security which are in force or might hereafter be enacted in Japan or Queensland; (2) limiting the treaty to a period of 12 months after notice given on either side.

When the minute of council dated June 7, 1905, was approved the judgment of the Privy Council as expressed in that minute was that Canada was willing to become a party to the Treaty of 1894 and supplementary convention of 1895 without any reserve. Since those dates Japan has enacted a law limiting immigration to foreign countries thus removing one of the objections that influenced the government of Canada in declining to become a party to the treaty with Japan in 1897. It is doubtful whether Japan would now agree to a treaty on any other basis than the proposals contained in the original treaty.

The undersigned therefore recommends that a cable despatch be sent to Mr. Lyttleton advising him that the government of Canada is prepared to adhere absolutely and without reserve to the treaty of commerce and navigation made between Great Britain and Japan in 1894 and supplementary convention signed at Tokio in July, 1895.

All of which is respectfully submitted.

R. W. SCOTT,
Secretary of State.

So, on the following day, September 26, 1905, the deputy of the Governor General, Hon. Mr. Taschereau, addressed the following dispatch to the Colonial Secretary :

Government House,
Ottawa, September 26, 1905.

The Right Honourable
Alfred Lyttleton, P.C., &c.

Sir,—The Governor General had the honour to send you to-day a telegraphic message in code of which the following is a translation:—

Referring to your telegram July 14, responsible ministers prepared to adhere to Japanese treaty 1894, and supplementary convention of 1895, absolutely and without reserve. Minute of council and despatch follow by mail.

I now have the honour to enclose herewith copy of the minute of council referred to, upon which that message was founded.

H. E. TASCHEREAU,
Deputy of the Governor General.

We observe an entire absence from this order in council of any mention of the assurances that have been referred to so copiously by my hon. friend the Postmaster General and Minister of Labour (Mr. Lemieux). There is no assurance referred to in this order in council which forms the basis upon which Canada acceded to this treaty of 1906. The reasons set forth in this order in council are two: First, that

Japan has enacted a law limiting immigration to foreign countries. Now, Japan could enact a law one day and repeal it the next, just as the parliament of Canada is at liberty to repeal or alter or modify any enactment of this parliament, and the mere enactment of a provision by the parliament of Japan, subject to alteration or repeal the next day, surely was but insufficient ground for putting to one side all considerations of that protocol which had been assented to by Japan and which would have reserved to Canada control which Canada ought to have over immigration into our country. The second reason assigned is as follows:

It is doubtful whether Japan would now agree to a treaty on any other basis than the proposals contained in the original treaty.

What was the ground for that doubt? Japan had consented to a protocol in October, 1896, and this government had it open to them at all times between October, 1896, and September 25, 1907, to accede to that treaty with a stipulation ensuring to Canada the control over immigration. For what reason is it to be said that there was any doubt? At all events, assuming that there was doubt, would it not have been worth while before plunging into a treaty of that kind which deprives us of the control of immigration, to at least make an attempt and, after making an attempt and ascertaining what the conditions were, to come to parliament and have a discussion and find out whether or not the true voice and spirit of this country was in favour of giving up control of immigration from Japan in order to secure any commercial advantages which would accrue to us by adhesion to that treaty?

Now, we have heard a good deal about assurances, and we have been told a good deal by my hon. friend the Postmaster General as to the spirit in which these assurances have been carried out by Japan. I do not desire to controvert his statements in the slightest degree in that regard. But I am prompted to observe that these assurances, as I understand the matter, were conveyed to this government by the consul general of Japan, Mr. Nossé, who formerly resided in Montreal and afterwards resided here in Ottawa. I have yet to learn that a consul general has any diplomatic functions or status which could have justified our government in accepting his assurances on that point. Why the very first duty of a new ambassador—and an ambassador has a high diplomatic status—upon his arrival in the country to which he is accredited, is to present his credentials, sometimes with a further statement of his powers. These powers are narrowly and closely examined, and on engagement made by him outside of his powers is entertained by the country to which he is accredited.

So far as Mr. Nossé is concerned, any