

nity to the province to have the matter brought before the courts, because our conviction was too strong in that respect. From the days of Sir Alexander Campbell such legislation was thought to be contrary to imperial interests; we also thought it extremely contrary to the interests of Canada; and for these two reasons we disallowed it. We intimated to the government of British Columbia that if their legislation had been confined to Chinese immigration and had exempted the Japanese, we would have left it. In the case of Japan, the Japanese government, acting from motives of friendship, has undertaken to prevent the emigration of Japanese to Canada, so that there was no reason for restriction on our part. But the Chinese government has never attempted to restrict or prevent Chinese emigration to Canada. That emigration is increasing; and, though in restricting it, we run the risk of injuring our trade with China, yet we felt that of two evils we should choose the less, and restrict the immigration even if it injured that trade. This is the reason we make the distinction between Chinese and Japanese immigration.

Mr. BORDEN (Halifax). I think we have practically got back to the first ground again.

The PRIME MINISTER. That is the only ground.

Mr. BORDEN (Halifax). My hon. friend the Minister of Justice gave another ground.

The MINISTER OF RAILWAYS AND CANALS. No, my hon. friend assumed that there was power.

Mr. BORDEN (Halifax). The Minister of Railways is now going to elucidate the situation. I regret that I require so much assistance; I have no doubt it is my own fault. I will just make one or two further remarks in regard to what the right hon. gentleman has stated. It is from the standpoint of Canadian interests that this legislation was disallowed, I understand now.

The PRIME MINISTER. Partially.

Mr. BORDEN (Halifax). And for that reason the government were not willing to refer it to the courts.

The PRIME MINISTER. That is one of the reasons.

Mr. BORDEN (Halifax). Had it not been for that, I presume it would have been referred to the courts.

The PRIME MINISTER. I do not say that at all.

Mr. BORDEN (Halifax). My right hon. friend does not say yes or no to that. He has still some confidence in that opinion of Sir Alexander Campbell of 1884. I think, as the Minister of Justice stated frankly today, it ought to be the rule, if a provincial government desires to have the question

of the validity of its statutes referred to the courts, it should be referred, unless some overpowering reason, apart from the question of ultra vires, makes it necessary that the Act should be disallowed. I think that would be in accord with the views expressed by my right hon. friend in the past with regard to provincial autonomy. Therefore I take for granted that the real reason which operated in the minds of the government in this case was the reason last assigned by my right hon. friend. Now, I would like to ask my right hon. friend in what respect he thought those statutes of the province of British Columbia conflicted with Canadian interests, and on what principle is it that a provincial legislature, being the only judge appointed by the constitution of matters which are within its competence should have its legislation overridden by the act of the executive at Ottawa.

The PRIME MINISTER. I thought I had given that answer already at least four times; but I am sorry to see that I have not made any impression on the mind of my hon. friend. I am afraid that whatever answer I give I shall not be any more successful. I would suggest, as the best way to get at a solution of the question, that he should move for the correspondence and the Act of disallowance, and he will find all the reasons for our action.

Hon. Mr. HAGGART. The absolute power of disallowance is given to us by the British North America Act when we choose to exercise it. It was held that this power should be exercised on some principle, and that principle is laid down in an Order in Council, in which the subjects, the reasons, and the distance we ought to go, are stated. Therefore I think the complete answer of the premier ought to be that we exercise that power in accordance with the British North America Act, and that the rules under which we exercise it are laid down in an Order in Council.

Mr. PUTTEE. As regards the Japanese, I wish to ask the right hon. first minister if any assurance has been sought or obtained that the action of the Japanese government, which was so timely so far as Canada is concerned, shall not be revoked.

The PRIME MINISTER. No, we have no assurance to that effect.

Mr. PUTTEE. Does the right hon. gentleman not think it would be wise to get that assurance at this time, when there is no friction?

The PRIME MINISTER. So long as matters remain as they are, there is no necessity of invoking any trouble. Should the action of Japan be revoked, it would then be time for this government to take action.

Mr. PUTTEE. It seems to me it would be to late then. The commissioners re-