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"AN ACT TO REGULATE IMMIGRATION INTO BRITISH COLUMBIA, 1908"

SPEECH

—OF—

HON. W. J. BOWSER, K. C.

Mr. Bowser Introduces Bill.

In introducing Bill No. 2, "An Act to Regulate Immigration into British Columbia" Hon. W. J. Bowser, K.C., Attorney-General, said:

Mr. Speaker, in rising for the second time to introduce the Bill which is entitled "An Act to Regulate Immigration into British Columbia," I will endeavor to be as brief and concise as possible in making the few remarks which I purpose addressing to this House on the question which is now before this Legislature.

This question is vital and all-important as far as this Province is concerned; and, therefore, in order to do justice to it and to explain in a proper manner the legislation which has taken place in this relation, I may, perhaps, find it necessary, in placing my views before the House, to enter into certain details and infringe upon the time of the House to a somewhat greater extent than is usual in such circumstances. It has been stated by some hon. gentlemen in this House, and particularly during the debate on the Address—I think, by the hon. member for Chilliwack—that this is a question which the people in Eastern Canada do not properly understand; and that these people are not thoroughly acquainted with our views in respect to it, and especially in reference to the particulars of the treaty between Japan and Canada, which came up for discussion

during last session in the House of Commons at Ottawa.

All Are Agreed.

But, in my opinion, and I think that the hon. members on the opposite side of the House will agree with me in this, this is the only question upon which all the people of British Columbia, and the members of all political parties, are in thorough accord, and our people are unanimously agreed that somewhere such a satisfactory settlement must be reached as will for all time to come keep out the Asiatic immigrants, who are now permitted to come into this country and compete with the laboring men of this great Province. (Cheers.)

We have most clearly and emphatically shown in the past, and particularly in the Bill which was introduced into and passed through this House last session, and I suppose that the same fate which befell that Bill will befall the proposed legislation of this session upon this subject, that as far as the Province of British Columbia is concerned, and as far as it can express its opinion through the members elected to represent the people in this House, something of an effective nature should be done, and that at an early date, to keep out these Asiatics. (Cheers.)

East Should Understand.

Now, sir, if there is any one public question which should be thoroughly

understood by the people of Eastern Canada, or at all events, by those who represent its constituencies in the Dominion Parliament concerning the stand which has been taken by the people of this Province beyond all peradventure, it is this important question. Sir, the Acts which have been unanimously passed in this House during previous sessions show in the clearest possible manner the feeling of the people living in the Province of British Columbia. We have the first Act, which was passed in 1900, which was re-enacted in 1902, and again passed in 1903-4, during the first session after the Conservative Government came into power into this Province. This Act again passed this House in 1905, as well as during our last session in 1907.

Disallowed by Ottawa.

And it is hardly necessary for me to add that, on every occasion, these Immigration Acts have been disallowed by the authorities at Ottawa. (Hear, hear.) These Bills have not been disallowed on the ground that it was not competent for this Legislature to pass them. The position was not taken, and, moreover, it could not have been properly taken, that the passage of these measures was an unconstitutional act, and if any question of unconstitutionality had been involved, it was the bounden duty of His Excellency the Governor-General and of his advisers at Ottawa to leave to the courts the settlement of the question, whether these Bills were constitutional or not, and in that way the issue, whether these particular Bills, which are commonly known as the "Natal Acts," are within our jurisdiction would have been settled for all time to come. (Hear, hear.)

So far, sir, as we can go in the way of enacting such legislation, we have on five different occasions passed these Bills through all their stages in this House, and in this manner this Province and this House have demonstrated in the clearest possible fashion to the Eastern people, to those who are at the present time in power at Ottawa, and to those who occupy seats in the Dominion Parliament, whether they sit in Opposition or on the Government benches, and, I think, it will be generally agreed that it is this Province, and this Province alone, which is best fitted to come to a decision upon this matter. (Hear, hear.) That it is the decisive wish of the people of British Columbia, wholly irrespective of party, that an Act drawn along the lines of the "Natal Act" should become the law of the land. (Cheers.)

What About Commission?

And, if some may be inclined to think that any question can be raised in regard to the people in the East, not being thoroughly acquainted with our views upon this great issue, what, I may ask, about the Commission which was appointed, I think, either in 1900 or 1901, by Sir Wilfrid Laurier, to examine into and prepare a report upon the subject? These Commissioners were: Mr. Clute, who is now one of the judges of the High Court of Justice of the Province of Ontario; Chris. Foley, a prominent laboring man, who on one occasion was a candidate for the House at Ottawa for Yale-Cariboo, and who was also a candidate at an election in the City of Vancouver some years later; and D. B. Munn, a resident of the City of New Westminster, who was completely familiar with the conditions surrounding this question, as far as capital is concerned. And this gentleman, I presume, was placed by the Government at Ottawa upon this Commission on account of his well-known interest in cannery development, as well as of the large amount of money which he has invested in canneries which are operated on the Fraser river. (Hear, hear.)

Of these three gentlemen, one, Mr. Clute, was a well-trained lawyer; another, Mr. Munn, was a large cannery operator; while the third, Chris. Foley, was a man in whom the laboring people of this Province had considerable confidence. And these gentlemen, at great expense to the country, went throughout the whole of the Province, taking evidence on oath, and they were further provided with counsel to assist them in their labors. The result of all this was, that they in due course brought down a report, which was submitted to the Parliament at Ottawa during the session of that year (1902), and it is only necessary to read from this report, which was the result of their labors, after they had heard serious and voluminous testimony, to show the nature of the conclusions at which they arrived.

Their Opinion of Japanese.

These gentlemen, treating of the Japanese, say:

"He is more independent, energetic, apt and ready and anxious to adopt, at least in appearance, the manners and mode of life of the white man. He avails himself of every opportunity to learn English, and often makes it a condition of his contract of hiring that he may do so. It is said that he is not as reliable in respect of contracts as the Chinese are, and that, while adopting to a certain extent our

habits of life, he more readily falls into the vices of the white man than the Chinaman does. . . . He comes without wife or family, and on a passport which requires him to return within three years, for which he has to give bonds before leaving."

They Have Information.

Now, Mr. Speaker, I earnestly hope that it is quite clear, from the portion of their report that I have already read to this House, as I hope it will also be equally clear from the additional extracts taken from this report, that I propose to read, that, as far as the Dominion Parliament is concerned, they had the plainest possible knowledge from the report of the Commission which was appointed by themselves for the express purpose of looking into this subject, of how very dangerous this question of Japanese immigration really is, as far as the people of British Columbia are concerned, and consequently it is no longer in the power either of any member of this House or of any member of the Dominion Parliament to stand up in his place in public debate in the Legislative halls, and say that they were not told in the clearest and in the most unequivocal language by the people of British Columbia themselves, exactly how they felt upon this great and most vital question. (Cheers.) I am able to show by our past legislation, and by the report of their own Commission, how very dangerous the question of Japanese immigration into this Province is, and having dwelt sufficiently on this part of the case, I will now proceed to read further from the Commission's report.

Mr. Chamberlain's Suggestion.

But before doing so, I will refer to the fact that the celebrated despatch of the Right. Hon. Joseph Chamberlain, with reference to passing the "Natal Act," had been received by the authorities at Ottawa. That despatch suggested and, in fact, advised, that if the people of British Columbia were not satisfied with the immigration laws which existed at the time, the duty was thrown upon the Dominion Parliament, as this was well within their jurisdiction, of passing such a measure as the "Natal Act"; and if the right hon. gentleman's suggestion of passing an Act along the lines of the "Natal Act" had then been taken, it would undoubtedly have been allowed to become law in the Dominion of Canada. (Cheers.)

Recommend Dominion Act.

After referring in their report to this despatch, which had been sent to the Governor-General by the Right

Hon. Joseph Chamberlain, the Commissioners go on to say:

"The Commissioners desire to express their earnest hope that in the continuance of this friendly policy, legislation on the subject by the Canadian Government may be rendered unnecessary. Should, however, a change of policy be adopted in this regard by the Japanese Government, whereby Japanese laborers may again be permitted to emigrate to Canada, the welfare of the Province of British Columbia imperatively demands that effective measures be adopted to take the place of the inhibition now imposed by the Japanese Government. Your Commissioners recommend that in that event an Act be passed by the Dominion Government on the lines of what is known as the "Natal Act," made sufficiently stringent and effective to accomplish the desired result."

What Greater Mandate?

Now, Mr. Speaker, what greater mandate, as a matter of fact, could the Dominion Government have than the report which was laid before them by their own Commission, which had come to this Province, gone into the whole matter thoroughly, considered it from every conceivable point, and come to the conclusion that if Japan allowed more of its people to come to this Province, it was clearly the duty of Parliament to see that their report and the suggestions which it contained were carried into effect, namely, that the Dominion Parliament, not this Parliament, should apply the educational test of the "Natal Act," and make it the statutory law of this great Dominion? (Cheers.) And consequently it cannot be claimed by the political friends of Sir Wilfrid Laurier and of his Government in this House, that there exists any excuse whatever for the plea of ignorance upon this subject. For on several occasions, as is now perfectly clear, it has been pointed out, not only by this Legislature, but further, by the members of their own Commission, that there was only one possible way of dealing satisfactorily with this important question; and that was along the lines of the "Natal Act." (Cheers.)

But, sir, what do we find to be the case? We find, sir, that notwithstanding all the information that had been received on this subject, notwithstanding the Acts passed by this House, and notwithstanding the report of this Commission, we find, sir, that these same people, who still control the Liberal majority in the Dominion House, bringing down in the session of 1907 a treaty which plainly sets at open defiance, not only the solemnly expressed wishes of this Legislature as contained in Acts crystallized into

law, as far as it had the power to go, but also the report upon this subject of their own Commission. And if, sir, our seven members, who were elected in 1904 to represent this Province in the Dominion Parliament, had on that critical occasion done their duty, they would have risen in their places in the House and pointed out to the administration and to the members of the House generally, that it was a fatal mistake in the best interests of their constituents to pass such a treaty. (Hear, hear.)

Canada Was Exempted.

There is only one other matter, sir, to which I wish to call the attention of this House, and it is a very peculiar circumstance, and it is this, that this treaty was originally negotiated in 1894. That is to say, that the Imperial Government had entered into this binding treaty with the Government of Japan as early as the year 1894, when it became a treaty, or law, as far as the Imperial Government and the Government of Japan were concerned. But, sir, provision was carefully made in this treaty, expressly exempting this great Dominion of ours from its operation. (Hear, hear.) Canada, sir, I will repeat, was expressly exempted in this treaty, which was at that time entered into between the Imperial Government and the Empire of Japan (hear, hear), and for thirteen years no necessity was perceived, as far as Japan and this nation—for we can fairly call ourselves a nation in that sense of the word (hear, hear)—for altering the condition of affairs. And why, sir, I will ask, was a change now resolved upon? And I would particularly like hon. gentlemen opposite to explain why this change in policy was considered necessary by the administration of the day at Ottawa? For, sir, I have never yet seen—or heard given in public debate—any good and valid reason why, after thirteen years had elapsed from the making of the treaty, its terms should at that particular juncture have been made to apply to Canada, allowing the Japanese to come freely into this country, and our citizens to go into their country—Japan. Indeed, sir, there was, on the contrary, every reason why this treaty should not be brought into force. As far as the East, sir, is concerned, the people there are not interested in this class of immigration; and there was every reason in the interest of British Columbia why this treaty should not receive the approval of and be passed by the Dominion House.

Remains Dead Letter.

For thirteen years, sir, it remained a dead letter. For some good reason,

and I presume that it was on account of this very question of immigration, Canada had been expressly exempted from its provisions. We were left by the Imperial Government to decide for ourselves whether we would enter into this treaty or not. And now, after thirteen years had gone by, only last year, in 1907, the Dominion Parliament was induced by Sir Wilfrid Laurier and his Liberal administration to apply the provisions of this treaty to this country—the Dominion of Canada. (Hear, hear.)

It has been suggested, sir, and I am not here to say what truth there is in the statement, in the public press, and in public speeches, and it may be a fact, that at this particular juncture the Grand Trunk Pacific Railway Company wanted cheap labor in this country in order to complete a portion of their road on this Coast and to the boundary of our Province, and so, after thirteen years, the Dominion Parliament, controlled or advised as it is to a great extent, by that great railway corporation, thought, perhaps, that it was in the interests of that corporation, as well as of those who wish to get cheap labor in this country, to bring about that consummation in this particular fashion, and at that particular time. (Hear, hear.)

Conservative Position.

But, sir, taking that statement for what it is worth, I hope that the House will pardon me for referring for a moment to a debate which took place in connection with this particular treaty. It has been stated, sir, in this House, that the Conservative party is quite as much to blame as the Liberals themselves for the passage of this treaty. I am not here, sir, to make excuses, either for the Conservative party or for any of the members of it in the Dominion House, for anything which they may have said or done when that treaty was before them, except to point out that members of the Conservative party were not then, as they are not now, in control of the majority in the House of Commons at Ottawa, and are consequently not responsible for its legislation. (Cheers.) And hence, so far as members of this party are concerned, no responsibility can, in my opinion, be fairly cast upon them at all. (Hear, hear.)

Sir Wilfrid's Assurance.

The excuse, however, which they give, and I do not really know how correct it may be, is that they were persuaded to acquiesce in the application of the terms of this treaty to Canada by the assurances of the first

Minister, Sir Wilfrid Laurier. In the debate which then took place in the House of Commons on that question, it was stated that arrangements had been made with Japan that only four or five from each of her provinces would be allowed to come to this country, and that, therefore, its tendency would be to co-operate with the sentiment which existed on this subject in the Province of British Columbia. I will read from the debates to show the language which was used on that occasion by Sir Wilfrid Laurier to show further that the members of the Opposition then accepted his assurances that, as only four or five Japanese would be allowed under the terms of this treaty to come to Canada from each district, no reason existed for apprehension in this respect.

On page 1551 of Hansard for 1906-7, Sir Wilfrid Laurier makes the following statement:

"At the present time the Japanese Government do not allow immigration from their own provinces, with the exception of a very few from each province; I think it is not more than four or five from each province; that is all that the Japanese allow to leave the Empire of Japan, and, therefore, there has practically been no emigration to British Columbia from that country."

Treatment of Japan.

Then a little further on Sir Wilfrid proceeds to say:

"Japan has undergone a revolution. It is no longer a country of Asiatic tendencies or Asiatic civilization, it is fast becoming a European country, and we have a growing trade with Japan, a trade which must be improved, and which will assume, in years to come and in the very near future, very large proportions. I want our friends from British Columbia to remember this, that if we are to trade with Japan, we must treat Japan as a civilized nation. We cannot afford to treat the Japanese population with anything like contempt; we must recognize their value, we must recognize that they are allies of Great Britain, we must realize that they are European and civilized community, and if we are to have any benefit from the trade we expect to have, we must take these facts into consideration."

More Intimate Communication.

And then he makes this statement: "If we are to build elevators at Vancouver, it is because we expect that we shall have a trade upon the Pacific. And if we are to have a trade on the Pacific, where is that trade to go? To those Asiatic nations I have mentioned—Japan, India, China. I do not

want to prosecute this theme any further this evening; the matter must come up for discussion again, but I would like to have my hon. friend from Westminster (Mr. Kennedy) and all the gentlemen from British Columbia to remember that we are undergoing a revolution, that conditions are not today what they were yesterday, and that they will not be tomorrow what they are today, but that there is a large tendency, an always increasing tendency, for a more intimate communication between the nations of the East and the nations of the West."

His Hopes Are Realized.

Sir, the Prime Minister of Canada's fondest hopes have been fully realized, as far as more intimate communication between Japan and this province is concerned. (Hear, hear.)

Now, sir, that was the precise language which was used by Sir Wilfrid Laurier during the session of 1907, when in his place in the House of Commons he expressed his strong desire for closer relationships between Japan and this country, which, in the circumstances meant British Columbia. (Hear, hear.) We have now this fact brought plainly before us: that, notwithstanding the positive expressions of opinion blazoned forth by the Acts which were from time to time passed by this Legislature, and notwithstanding the fact that the Liberal authorities at Ottawa had used their arbitrary powers to disallow these Acts, time in and time out, nevertheless in the session of the House of Commons in 1907, Sir Wilfrid Laurier proceeds in the most public manner to declare that more intimate relationships should exist between these two countries! (Hear, hear.)

Sir Wilfrid's Latest.

And a little later on we find in the Ottawa Free Press, in a speech which Sir Wilfrid Laurier delivered in the theatre in the City of Ottawa during the proceedings of a convention which led to the nomination of Mr. J. T. Caron by the Liberal party, we find the First Minister making this statement:

"As Ottawa people heard Mr. Borden here I think I should give him here the answer he deserves," added Sir Wilfrid, amid loud applause. "Mr. Borden got to Vancouver just at the time when a riot was threatened by the fact that during the summer some thousands of Japanese laborers had come to the shores of the Province. Vancouver was in a ferment, and Mr. Borden was pressed upon by the leaders of certain public opinion to state what his position was on the question. He

thought at once that there was a current of opinion in certain directions going against Japanese immigration, and that he would profit by it if he declared himself against such immigration.

"Mr. Borden tried to fortify himself by a telegram of mine to Vancouver in 1896," said Sir Wilfrid. "I was asked by telegram at the time of the general election what would be my attitude as leader of the Liberal party on the question of Chinese immigration. The question was new to me. Who had heard of Chinese immigration, and who cared about it in this part of Canada? Whoever gave it a thought? No one. I was not then prepared to express any opinion upon it, and I replied: 'The views of the Liberal party in the West shall be my guide on this question.'

"I have to say this to Mr. Borden," emphasized Sir Wilfrid, "that there is all the difference in the world between Chinese and Japanese immigration. (Applause.) There is all the difference in the world for this reason, that His Majesty the King has a treaty with Japan, and that we also have a commercial treaty with the Empire of Japan, ratified twelve months ago, and in which we have great hopes. Therefore, these conditions constitute a position with regard to Japan which does not exist so far as China is concerned. That is a fact Mr. Borden should have remembered. (Applause.)

"Six or seven years ago, or after we had been in office three or four years, the Chinese question became acute again in this country," said Sir Wilfrid, "and the Japanese question commenced to be acute also. We were asked by the people of British Columbia to pass an exclusion law against the admission of Chinese and Japanese. We had no hesitation in saying to them that we saw no reason why their request should not be gratified so far as Chinese immigration was concerned, but that we could not apply to Japan the same treatment that was wanted for China.

"Japan is an ally of ours," declared Sir Wilfrid, "and if there was a war in the Pacific in which Great Britain might be engaged, we would have the Japanese fleet by the side of the British fleet. We would not apply the law of exclusion to the Japanese, but we recognize that there is a strong prejudice in the Province of British Columbia among the white population against all kinds of Oriental population. I say prejudice, and I speak advisedly. I do not want to speak offensively. I know my words will be reported in British Columbia, but I speak here the same language that I would speak there if it were my privilege to be there. Perhaps my words

will be unwelcome there, but I tell them: 'You may have your views upon the question, and you are hostile to the immigration of the Oriental races. I do not share your sentiments, and I believe you are making a mistake.' (Applause.)

"These are your sentiments and I am bound to respect them. I want to respect them, but whilst I want to respect them, I tell you that as long as, and so far as I have the honor to be the adviser of His Excellency the representative of the King in this country, never shall I do a thing which might endanger the alliance with the British crown and the Japanese Empire. (Loud applause.)

"It is not sufficient for any man in the position which I occupy, or which Mr. Borden aspires to occupy (laughter), to look at things of the moment," said Sir Wilfrid. "He must look ahead and see what will be the consequence of his action. Such action as that taken by Mr. Borden would be dangerous in the extreme. We want the people of British Columbia to understand that we have an alliance with Japan, but there is more. We passed a commercial treaty because we expect to profit by it. We have a growing trade with Japan. We send flour from Ontario and the West, lumber from British Columbia, cattle from Ontario, so that it is not only a question which concerns the interests of British Columbia, but of the whole of the Canadian people. It is a Canadian question, and it is an Imperial question.

"This, then, has led me to say of Mr. Borden that he acted in a manner which is not only dangerous in the extreme, but unpatriotic," continued Sir Wilfrid. "It will not do for Mr. Borden to escape all responsibility in the position he occupies. The time may come when it will be his duty to take some position which may seem dangerous to his popularity, but no man is worthy of calling himself the leader of a party, whether in Government or in Opposition, if he is not ready at any moment to run the risk of losing popularity in order to do his duty by his country." (Loud applause.)

Says We're Not Patriotic.

There is no mistaking, sir, the language used by the Prime Minister. He thinks that, as far as this great Province of British Columbia is concerned, we are not patriotic. (Hear, hear.)

And if, sir, we attempt to defend ourselves and the sacred rights of our own people in this Province—and who, sir, should understand their rights and their interests better than the people of British Columbia? (cheers)—why, sir, forsooth, we are told by Sir Wilfrid Laurier, the Lib-

eral Prime Minister of the Dominion of Canada, that we are unpatriotic, and why? Because England has made an alliance with Japan (Hear, hear.)

Should Have Been No Treaty.

What, I say, under this head, sir, is simply this, that as far as this treaty between Japan and Canada is concerned, it should clearly have never been entered into, and particularly so in view of the state of the labor market and of the labor situation in British Columbia. (Cheers.) And if, sir, that Bill had not been brought down by the Liberal administration at Ottawa endorsing this treaty and bringing it into force in this country, we would certainly not have found ourselves in the position which we occupy today. (Cheers.)

Terms of Treaty.

It is only necessary to point to Article 1 of this treaty, and it is so plain that he who runs may read:

"The two high contracting parties agree that the stipulations of the treaty of commerce and navigation between Great Britain and Japan signed at London on the 16th day of July, 1894 (corresponding to the 16th day of the 7th month of the 27th year of Meiji), and of the supplementary convention between Great Britain and Japan signed at Tokio on the 16th day of July, 1895 (corresponding to the 16th day of the 7th month of the 28th year of Meiji), shall be applied to the intercourse commerce and navigation between the Empire of Japan and British Dominion of Canada."

Now, Mr. Speaker, it is clear that Article 1 of this treaty gives to every subject of Japan the right to come into this country just as freely as any Britisher or anyone else in the world could do. And all this was resolved upon and carried out by the Liberal Government at Ottawa in the face of the facts that this Legislature had passed the "Natal Act" on five separate occasions; that this was well known, too, and had been discussed by the Dominion Parliament; that we had decided in this House upon this exclusion policy; that the public press of this Province had taken the same stand and with no uncertain sound; that their own Commission had reported in favor of the passage of some such legislation as the "Natal Act," and of the letters of Mr. Nosse, the Consul-General of Japan in Montreal, stating that the Government of Japan was willing to prohibit the immigration of Japanese into Canada! But why were these letters written? It was felt, at the time when this took place, that in the interest of the public, and of British Columbia in particu-

lar, perhaps that some guarantee should be given by the Mikado and the Government of Japan that this immigration should cease. Correspondence passed in 1903 and again in 1904, and then the Hon. Sydney Fisher was sent on a diplomatic mission to that country. The hon. gentleman had a most marvellous reception, and was treated and feted with all the delicacies which the market could afford. And you can all remember that the Hon. Sydney Fisher came back with the assurance that this immigration would cease. But, as we all know, it did not cease. And now Sir Wilfrid Laurier tells us that we will find large markets in Japan, and also speaks of large shipments of flour to that country. But both these statements, as far as my knowledge goes, have their existence only in his imagination. (Hear, hear.) And I notice with interest that the Hon. Mr. Lemieux in his speeches during the debate in the Dominion House last week on this question, admits that the task which he undertook in going to Japan on his mission was not so easy as he had expected it would be. (Hear, hear.)

Brown Man's Country.

Then Article 21 shows that this is no ordinary treaty, and stipulates that: "The treaty shall remain in force for the period of twelve years from the date it goes into operation." I have no desire whatever, sir, to draw on my imagination, nor do I wish to pose as a prophet, but I ask any reasonable man who is within the sound of my voice, and I wish in particular to ask hon. gentlemen opposite what, in their opinion, will the conditions in this Province be at the expiration of twelve years if the Japanese are allowed to come into this country at the rate at which they have been arriving on our shores during the past month, as well as during the past two years? Why, sir, if these people continue to come into British Columbia at the rate at which they have been doing during 1907, instead of a British country this will then be a brown man's country—through the influx of Japanese and of other Asiatic hordes! (Hear, hear.)

Life of Agreement.

Then, sir, there is another reason supplied by the terms of this treaty for believing that the Liberal Government at Ottawa has no honest desire to meet our wishes. For, in Article 2, we find the following provision made:

"It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of six months from the

day on which one of the high contracting parties have announced the intention of terminating it."

Advices Keeping Cool.

I further notice, sir, that Sir Wilfrid Laurier in his speech to the Canadian Manufacturers' Association, delivered in Toronto in September of last year, took the ground that we should not get panicky on this question, and advised us to keep cool. But what did he do in the circumstances? Why, sir, public opinion was so strong upon this subject while the Dominion Parliament was on the eve of meeting, that we find that an Order-in-Council was passed by the Government in connection with this subject.

Why This Panic?

And if, sir, there was no occasion for a panic, as this treaty could be terminated by giving six months' notice, what reason existed for this show of panic on the part of the Government at Ottawa in bringing down this Order-in-Council, which was brought down under the authority of the "Immigration Act" and given the effect of law. And we are now told by the Hon. Mr. Lemieux, that this whole question has been settled. It has been settled, sir, apparently by passing an Order-in-Council! Why, sir, this question was settled before, if we would take as accurate the assurances which authorities at Ottawa gave us, and which were given us by the Hon. Sydney Fisher, as the result of his mission in 1903! (Hear, hear.)

Have the Correspondence.

Then we had the correspondence which passed between the Government at Ottawa and Mr. Nosse at Montreal, in 1900. Again in 1904, and again in 1905, promises and assurances were given on the part of the Japanese Government that they would not permit of any Japanese immigration into this country. But, notwithstanding this settlement, we saw with our own eyes in 1904 how infinitely easy it was for the Japanese to come into this country. As far, sir, as the Order-in-Council is concerned, it simply amounts to nothing. (Cheers.) It may, sir, be a good political move to take such a step. But we are here today, sir, to deal with this important question upon our own ground, and in a manner which is perfectly within our jurisdiction. (Cheers.) For we cannot take seriously the utterances of the Liberal Government at Ottawa in regard to this Order-in-Council.

Cannot Withdraw Bill.

And if, sir, we withdraw this Bill we would not be true to the great public trust which has been reposed

in us by the people of this Province, who sent us to this Parliament and asked us to conduct the country's affairs to the best of our ability, and in the interest of the large majority of the electorate of this great Province. (Cheers.) And I say again that we would not be true to the trust which has been reposed in us by the people, if we were to accept this Order-in-Council as being sufficient to stop these Japanese, or any other immigrants coming to our shores.

Consider Order-in-Council.

Let us for a moment, sir, consider this Order-in-Council. It deals with the Japanese as well as with other immigrants. And I state here, as a lawyer, who has given some thought to the matter, that as far as this Order-in-Council in its relation to Japanese immigration is concerned, it is not in my opinion worth the paper it is written on. (Hear, hear.) Japan has now a treaty with Canada, and how can any Government by merely passing an Order-in-Council abrogate and repeal a treaty which has become the law of the land? (Hear, hear.) There is only one way, sir, in which this treaty can be abrogated, and that is by making a subsequent treaty with Japan, either abrogating this treaty, or giving six months' notice, which has been mentioned. And still, these hon. gentlemen and their newspapers would lead us to believe that by an Order-in-Council passed under these circumstances, this tide of Japanese immigration can be effectually arrested, and the whole question settled. Surely these hon. gentlemen do not expect us to treat their statements seriously! Do they imagine, in view of what we have seen of the assurances of the Dominion Government upon this question and of what we know of the way in which the promises made in connection with this whole matter of Japanese immigration in the House turned out, that we can be persuaded by their speeches and by the editorials in their newspapers that an Order-in-Council has settled the whole question?

What Does It Mean?

Now, sir, what does this Order-in-Council really mean? Why, it applies to every nationality, to Norwegians and Swedes and Danes and Germans, and what is more, if any persons from among these nationalities wished to come to Canada from, say, the great Republic to the South of us, and although we wanted them in the worst possible way, in order that they might settle in our country, according to the

terms of this Order-in-Council they must first return to their own land. (Hear, hear.) I maintain, sir, that the passage of this Order-in-Council is purely a political move! (Cheers.) And, as has already been pointed out by the hon. member for Vancouver (Mr. Macgowan) in his speech during the debate on the Address, there was nothing to prevent the Japanese from going from the Hawaiian Islands to Japan and then coming to this Province. (Cheers.) I think, sir, that as far as the Order-in-Council is concerned, it has not settled this grave question in the slightest particular. (Hear, hear.)

Mr. Lemieux's Mission.

Now, sir, I will take up the mission of this great man, Lemieux, who also, according to the Liberal politicians, and their writers, has settled this whole question. Now, Hon. Mr. Lemieux has gone to Japan, and he has returned, and his trip, so far as its result goes, must be placed, I think, on the same par with the trip which Hon. Sydney Fisher took in 1903. (Hear, hear.) And it is quite clear that all he has said on this subject is based on the purest supposition. (Hear, hear.) This hon. gentleman now also comes back from Japan and would try to lead us to believe that this whole matter is settled. And in reference to his mission and its results, I may perhaps be allowed to read from a speech, and a very eloquent speech, indeed, it was, which he delivered in the Dominion House on January 21.

His Report at Ottawa.

The hon. gentleman then said, in answer to Mr. Owen, who asked him to what extent the Japanese Government promised to restrict emigration: "My hon. friend is too inquisitive. I will not answer, not from disrespect for him, but because if I did answer, I would commit an act unworthy of a Canadian representative, and unworthy of myself. There is, however, one feature of those regulations which I am authorized to make public. We all know how strongly has been resented in British Columbia the presence in large numbers of Asiatic labor. As Minister of Labor, I was most anxious to decrease the pressure of surplus alien labor in that Province. As a result of the negotiations, all emigration of contract laborers, artisans included, is now prohibited—unless they come at the request of the Canadian Government."

At Canada's Request.

There we have the fatal point made

by the hon. gentleman "Unless they come at the request of the Canadian Government."

Am I, sir, going too far to say in considering this question, and I hope that the Hon. the Leader of the Opposition will reply to this observation, that after taking thirteen years for the Dominion Government to wake up to the fact that this treaty should become law in this country, that it was a most singular and extraordinary thing that this action should have been taken in 1907? (Hear, hear.) Why, sir, what great questions were at that particular time at issue and being discussed between the Government of Canada and Japan? And am I, in the peculiar circumstances of the case, going too far when I suggest that the Hon. Mr. Lemieux was really sent to Japan in the interest of large employers of labor in this country? For we have as a guide the significant words: "Unless they come at the request of the Canadian Government." The time is not far distant, sir, when this House of Assembly will be prorogued; and when the Dominion Parliament will cease its labors as well, and then, sir, the Government of the Dominion may see fit to bring cheap labor into this country. (Hear, hear.)

We must also take into consideration the speech which the Hon. Mr. Templeman delivered in Victoria West in this City, a few months ago, and which is to be taken in connection with the declaration of Sir Wilfrid Laurier when he assured the country that he wished to see more intimate and closer relationships established between the countries of Canada and Japan. (Hear, hear.) Then I do not think, sir, that in view of these public statements I am going too far when I say that the time may come, and very shortly, too, when this class of immigration may be allowed to enter this country by the Dominion Government, either in the interests of the Grand Trunk Pacific Railway Company or of some other great corporation by which cheap labor is required to a greater extent than is at the present time within their reach. (Hear, hear.)

Assurances Useless.

I have already pointed out to the House that, notwithstanding the assurances which were given by Mr. Nosse in 1900, in 1903 and in 1905, the greatest influx of Japanese laborers that has ever landed upon our shores came into this Province during the year 1907. (Hear, hear.) And in view of these circumstances, am I going too far in saying that as far as the Government of Japan is concerned there is no probability of anything different

happening in 1908 and in 1909, from what has occurred in 1907?

No Alien Labor in Japan

I now wish to draw the attention of this House to another peculiar feature. We are informed that despite the existence of Article I of this treaty, an Ordinance has been passed by the Government of Japan in 1899 prohibiting the entrance of cheap labor into that country from any other sources, and consequently no single white man of the laboring class can now enter Japan. (Hear, hear.) And this is the way in which the Liberal party of Canada looks after the interests of the laboring man and of this great Province! (Hear, hear.)

I see the Hon. the Leader of the Opposition smile, and as it is not very often that he does smile, I am very pleased to see it, but as far as these matters go, I am confident that the Liberal party cannot satisfactorily answer these charges. (Hear, hear.)

Mr. Macdonald—In the face of the clear provisions of the treaty, will the hon. gentleman persist in that statement?

Hon. Mr. Bowser—I am not sufficiently versed in the law of Japan to answer on that head; but I pretend to know something of the laws of British Columbia, and of the common law of England; and I will point out that there is no question of this Japanese Ordinance being rescinded. In any event, sir, the interests of this fair Province must be sacrificed. (Hear, hear.)

Canada's Alternatives.

Further, in reply to a question in reference to what Japan was going to do, the Hon. Mr. Lemieux said:

"After all, sir, there are only two alternatives: Canada must either abrogate the treaty or accept the arrangement. Assuming that we would abrogate the treaty, which would be done by giving six months' notice, what would be the result? The abrogation of the treaty would, in so far as Canada is concerned, result in the loss of important commercial advantages, with a market of 50,000,000 people. Look at the possibilities of our trade with the Orient. The question of our wheat trade alone with Japan, where, during the last ten years, the consumption has increased by 800 per cent., should ever be borne in mind, not to speak of the many other articles which Canada can supply her with, such as oatmeal and oats, lumber and pulp, lead, copper, asbestos, aluminum, leather and hides, butter, cheese, fish, horses, cattle, canned milk, canned fruits, wool, bacon, agricultural implements and machinery of all kinds. We may

not as yet have derived from the treaty such advantages as were anticipated although our exports to Japan have arisen from nothing to the half-million-dollar mark in a very short time, but the completion of the Grand Trunk Pacific, the increase of transportation facilities, with cheaper rates than the existing ones, cannot fail, especially in the case of our cereal trade, to be productive of most satisfactory results."

Deprecates Poll Tax.

And then the Hon. Mr. Lemieux proceeds to say:

"On the other hand, would Canada impose upon the Japanese a poll tax of \$500? This is practically exclusion, and it is contrary to our policy, in so far as the Japanese are concerned. It would be resented, and rightly so, as a most unfriendly act by Japan, a great nation, which admittedly, during the last half century, has risen to a high level of civilization, and has become one of the world's greatest powers."

Mackenzie King Inquiry.

Now, Mr. Speaker, we had in Vancouver an enquiry into this whole question, presided over by a very able gentleman, Mr. Mackenzie King, and the result of that Commission has been brought down to the Dominion House, in the shape of an extensive report, in which he advises the Dominion Government to do certain things in connection with the matter of Japanese immigration, and seems to admit, as well as others who have come here, that, in view of the evidence submitted, a very wrong state of affairs has grown up in this Province on account of this very Asiatic immigration. (Hear, hear.)

Now, sir, we have seen what the views of Hon. Mr. Lemieux are on this subject, and we have always known what the views of Sir Wilfrid Laurier are as far as the Chinese are concerned, having been quite willing to meet the suggestions of the Commission and impose a tax of \$500 a head upon these people; but we have found that as far as the Japanese are concerned, he will do absolutely nothing (hear, hear); while we find Sir Wilfrid Laurier's declaration that it is unpatriotic for us to take the position we now take, and have long taken, upon this issue, applauded by the hon. member for Yale, and particularly in view of the fact as he pretends that he has settled it in a satisfactory manner.

Will They Take Advice?

Mr. Bowser then asked whether the Liberals of this Province intended to take the advice which had been recently tendered them by the repre-

sentative of Vancouver (Mr. Macpherson) in the Dominion House, and referring to the question of Imperial interests as being affected by the proposed action of this House, declared, in the most positive manner, that, as had been shown long ago, there was nothing whatever in this pretension, and the very fact that the Right Hon. Joseph Chamberlain had in his famous speech advised the passage of measures along the lines of the "Natal Act," clearly proved that there was nothing whatever in this claim. Moreover, the House would at once proceed to follow the excellent advice which had been given by the distinguished member for Birmingham. (Cheers.) And it was further clear, from the course pursued by the Imperial Government in regard to the passing of similar Acts in the other Colonies, that if the legislation which had been passed in this House had been assented to or permitted to come into force, the Imperial Government would never have in any way interfered with it. (Cheers.)

How Other Colonies Act.

The Legislature of Natal, thinking that their previous measure upon this subject had not been drastic enough, had brought down, at their last session, and passed a still severer measure, which had not been disallowed by the Imperial authorities. (Cheers.) New Zealand and Australia six months ago had taken similar effective action, and their legislation also had not been disallowed. (Cheers.) Again, General Botha, on the very first day of the session of the Transvaal Parliament, had brought down a Bill dealing with the question of Oriental immigration; nor had the Colonial Office interfered with this Legislature. (Cheers.) Hon. gentlemen opposite, as well as every other member of the House, well knew that the Imperial Government would not interfere in the slightest degree, even if they passed more drastic legislation than what was contemplated in the measure before the House. (Cheers.) And what right, in these circumstances, had the Dominion Government to prevent the constitutionality of this legislation, if this were questioned, being settled in the courts; and to take the position that Imperial interests were in danger. (Hear, hear.)

Australian Feeling.

In order to show the feeling on this question in Australia, I wish to read the following quotation from the Sydney Herald:

"Sydney, January 4.—Commenting on the London Times' editorial giving warning that Australia would be unable to exclude the Japanese without

British protection, the Herald agrees on the gravity of the problem, and appreciates the great difficulties which it causes the Imperial Government, but declares: 'It might as well be plainly understood in England once for all, that, at whatever cost, the Commonwealth will persistently adhere to the ideal of a white Australia. If the Mother Country's protection is withdrawn, Australia might or might not be able to assert herself, but we should make the attempt while Australia keeps one of the finest stretches of the world's surface for the British race, which is the greatest service whereof we can conceive ourselves capable. Representative citizens regard the controversy as enforcing urgent need of a sound system of self-defense in order that the Commonwealth may be able to assume responsibility for our own policy, should British rulers, misunderstanding Colonial motives, decline to support a white Australia.'"

Not So Extreme Here.

Now, no one thought of going to this extreme in this country, nor had there been any suggestion in public debate, or in the utterances of any public man in the way of threatening to leave the protection of the British flag on account of this or of any other question. (Cheers.) But they merely and calmly said this: that if the Dominion Government treated this legislation in the manner in which the Imperial Government treats similar legislation, when passed by other Colonies, the legislation of this House upon this subject should be allowed to become the law of the land. (Cheers.)

Respects to Duncan Ross.

Mr. Bowser then proceeded to notice certain statements made by Duncan Ross in the Dominion House in regard to himself. Mr. Oliver had charged him with having deceived the electorate through statements he had made in the Victoria Theatre, in this City, on the night prior to the last elections. He had, however, made these statements on the authority of a very prominent member of the Liberal party in Vancouver, and whose name he could not give, as this publicity would bring down upon his informant the concentrated and malignant enmity of, and ruin him for life among, his own political friends. (Hear, hear.)

Nor had he the vanity to think that his utterances on that occasion had resulted in an overwhelming victory for the Conservative party. The real fact was, the Hon. the Leader of the Opposition was well aware that the Liberals were thoroughly beaten from the

very first day on which they began their campaign. (Cheers.) Throughout the stress of that whole period the only question that remained to be decided was how large the majority of the Conservatives was going to be. (Cheers.)

G. T. P. and Japanese.

He now wished to refer to the report of Mr. Mackenzie King, and to correspondence which had passed in connection with the Grand Trunk Pacific Railway Company, and read the following letter:

"Grand Trunk Pacific Railway,
"Vancouver, December 10, 1906.

"Mr. S. Gotch, Japanese, Vancouver,
B. C.

"Dear Sir,—Making reply to your verbal inquiry of recent date upon the subject of Japanese labor for general and railway work in Northern British Columbia, I would say 5,000 men will undoubtedly be required should they apply in reasonable numbers, and there is no doubt that all such men can secure a remuneration of \$1.50 per day.

"There would not be any difficulty in securing 5,000 acres of land in British Columbia for cultivation at not to exceed \$12 per acre, and upon reasonable terms, but not for speculation.

"There could not be any objection to giving an exclusive right to supply Japanese labor required, so far as was legal, as soon as a company demonstrated its ability to perform such an undertaking, and so long as good labor and acceptable citizens in numbers required were furnished, and that you could control their actions as law-abiding people or remove them, and everything was done as required.

"Yours truly,

(Signed) "E. G. RUSSELL."

Ample Justification.

What more was required to show that he had been amply justified in making the statements in question, and the position which had been taken up by the hon. gentlemen opposite in respect to this matter, showed in the clearest possible manner to what dire straits they were driven? (Cheers.)

No Connection with C. P. R. Contract.

Then, in respect to the remarks in which D. Ross had recently reflected upon him in the House of Commons at Ottawa, he certainly thought that he had already denied their accuracy in a manner which could not be brought into question. He had had nothing whatever to do with drawing the C. P. R. contract, which had been instanced; and there was not the slightest foundation for the malicious

attacks that had been directed against him by this man—Duncan Ross. (Cheers.)

He had in his hands the original C. P. R. contract which was in question, and which it appeared had been copied from a contract entered into on the part of the Northern Pacific Railway Company in the State of Washington. And he now, as a public man, standing in this House of Parliament, and upon his word of honor, declared that on Saturday last he had seen this original contract for the first time in his life. (Cheers.) And his firm had had nothing in any way whatever to do with the draughting of it or the original from which it was copied.

And to show to what straits his opponents in this House had been driven, recourse had been had to the wires in order to have this man, 4,000 miles distant, make this scurrilous and wholly unwarranted attack upon him. (Hear, hear.)

Mr. Macdonald Disclaims.

Mr. Macdonald—We knew nothing about this statement of Duncan Ross until we saw it in this House. I believe that Hon. the Attorney-General knew of it before we did. I hope that he will withdraw the statement.

Hon. Mr. Bowser—I will accept the statement of the Hon. the Leader of the Opposition, and retract what I have said. But Duncan Ross was in the habit of making such statements in the House of Commons, and it was just such an attack on the hon. member for Kings, N.B., that had led to the celebrated speech about wine, women and graft, which had already driven one minister from office and threatened three others. (Hear, hear.)

Challenges Ross.

But, further, he challenged this man either to retract or prove his charges. (Cheers.) And he was prepared to meet him anywhere, whether in Vancouver or in Greenwood, or anywhere else. (Cheers.) And he would take especially good care to meet him on the same platform during the Dominion campaign, and see that he (Ross) either made a public and sufficient retraction or else made good his charges. (Cheers.) As a public man to whom his public reputation was most dear (cheers), he was not content to remain silent under these unwarranted and scurrilous attacks, and he would meet this gentleman face to face in public somewhere or other and force him to admit that his charges were without any warrant whatever in fact. (Cheers.)

Drawer of the Contract.

Mr. Bowser read the following communication:

"Vancouver, January 25, 1908.

"Hon. W. J. Bowser, Vancouver, B. C.

"Dear Sir,—In reference to your inquiry as to present whereabouts of Mr. S. Gotch, I may say that he is at present on his way to Japan, and I do not expect him back for some months.

"I may further state that so far as the contract or agreement entered into between our company and the Canadian Pacific Railway Company, dated June 1, 1907, for supply of certain workmen to the railway, I personally drew up this contract, and that neither you nor your firm have been in any way connected professionally with the Canadian Nippon Company, Limited.

(Signed)

"THE CANADIAN NIPPON SUPPLY COMPANY, LIMITED.

"Per W. W. Boulton,
"Secretary-Treasurer."

Question of Constitutionality.

Mr. Bowser then touched upon the question which had been raised in respect to the unconstitutionality of this legislation, and observed that if proper pressure was brought to bear upon the Dominion Government, as must finally be found to be absolutely necessary, it might well be that before the next general election the six months' notice might be given under Article 2 of the treaty with Japan, in which event this "Natal Act" would be in force and would become law. (Cheers.) Further, this Bill is aimed at other immigrants besides the Japanese. In this situation, he asked the House to pass this Bill, and he trusted that on this occasion the authorities at Ottawa would not attempt to interfere

with it in the way of disallowance, but would, if its unconstitutionality was seriously pressed on them, leave the matter to be determined by the courts. (Cheers.)

The unhappy occurrences which had taken place in this country during the past year, and which they all deeply deplored, showed, however, and very plainly, the strong feeling that existed in this Province, upon this great question, and he trusted that this fact would not be lost sight of at Ottawa. (Hear, hear.)

Promises to Enforce It.

If the proposed legislation were allowed to come into force, he promises faithfully, as far as he was concerned, that in his position as Attorney-General, he would do everything in his power to bring about its strict enforcement from the day on which assent was given to it. (Cheers.) And if it became law, this Province would remain the kind of country they so frequently wished it to remain—a white man's country—and be kept for the descendants of the Celt, the Anglo-Saxon and the Norman, which, as of old, welded together by intermarriage, formed the British people. (Cheers.)

Our hardy pioneers discovered and developed this country under most arduous difficulties, and we, their followers, are now enjoying the fruits of their labors, and to their offspring should it be left. We want one type, one race (not two), with one great National idea to become and remain as it is now, one of the brightest and fairest parts of the Illustrious Empire to which it is our good fortune to belong. (Great cheres.)

SPEECH

—OF—

HON. W. J. BOWSER, K. C.

On the Constitutional Question of the Lieutenant-Governor Reserving his Assent to the Immigration Act of 1907.

Mr. Bowser Speaks.

Hon. Wm. John Bowser, K.C., the Attorney-General, on rising to address the House, was heartily cheered by the supporters of the Government.

The hon. gentleman said: Mr. Speaker, it was not my intention originally to have taken part in this debate; in the first place, because the Speech from the Throne contains nothing of a controversial nature, and in the second place, because, as the Hon. the Leader of the Opposition pointed out, that were it not for the constitutional question which has been raised in regard to the reservation by His Honor the Lieutenant-Governor of his assent to the "Immigration Act" of last year, so far as the members of his party went, they would have allowed the motion for the adoption of a reply to the Speech from the Throne to have passed without calling for a vote to be taken by the members of this House.

However, sir, that question has arisen; and perhaps it is expedient that I, as the first law officer of the Crown, should present for the consideration of this House such views as I may have on this constitutional question.

But before I enter, sir, into the merits of this discussion, I wish to congratulate in the warmest possible manner both the hon. mover and the seconder of the motion now before the House for the very able exposition which they gave in their speeches on the various topics which are contained in the Speech from the Throne. (Hear, hear.) And I feel constrained to add that these two hon.

gentlemen do not speak as often as they should upon the affairs of this country. (Applause.) We well know their ability, and it would be better, perhaps, if the country and the state had more frequently the benefit of the full discussion of our public affairs by these hon. gentlemen on the different questions which from time to time come before this assembly. (Applause.) I am glad to acknowledge the kind congratulations of the hon. member for Yale on the honor done me, when the Hon. the First Minister asked me to accept the very responsible position which I now occupy, although I cannot be expected to agree with the remarks which that hon. gentleman made in regard to what he was pleased to term the difficulties in which he pretended that the cabinet were now involved. The hon. gentleman was also pleased to state, he thought that it might be better if the Hon. the Premier occupied a seat on the back benches of this House instead of occupying the important seat on the front benches, which the hon. gentleman (Hon. Mr. McBride) fills with such marked distinction and with such honor, both as far as he himself and this Parliament are concerned. (Cheers.) I have no doubt whatever, sir, that nothing would suit that captious hon. gentleman (Mr. Henderson) better if the Hon. the First Minister did not occupy the seat he fills on the front benches, and was relegated to a back seat, in so far as the political interests of hon. gentlemen opposite and their chances of controlling the affairs of this country go (hear, hear and cheers), and I am very

glad to add that there is not the slightest prospect of any such calamity befalling the splendid Province of British Columbia. (Cheers.)

Last Year's Mistake.

I would now, Mr. Speaker, like to refer for a moment to the unfortunate mistake which crept into the Immigration Bill of last session, although I do not know that in all the circumstances of the case I need do so.

Now, as has been already stated in the public press of this Province, the first draft of the "Immigration Act" of last year was quite correctly drawn, but when the Bill came back from the printer, the word "lawful" appeared in the Bill instead of the proper word, "unlawful." I cannot explain how that happened, but the alteration in the wording, according to the member for Yale, did not really affect the Bill at all, and if it had been assented to in the usual way, it could certainly have been enforced. (Applause.) It was peculiarly the duty of hon. gentlemen opposite, in the circumstances then existing, to have brought pressure upon their close friends, the members of the administration at Ottawa, in order to have this question settled, for after all the real responsibility for effective action in this case rests, as is now thoroughly understood, not here, but with the Liberal authorities at Ottawa. (Hear, hear, and applause.) We did, as an assembly, what we thought proper, after this whole matter had been amply and most fully discussed last session and just as soon as His Honor the Lieutenant-Governor reserved his assent to that Bill, on April 25, 1907, it was, as a matter of fact, perfectly in the power of the Dominion Government, as it was incumbent upon them to have given their assent to that Bill on the very next day, had they wished to do so, if the arguments of my hon. friends opposite and the authorities which they have quoted, are right in reference to that particular question. (Hear, hear.)

Trouble Over Reserves.

As regards the question of the Indian reserves, I do not consider that it is at all necessary at this time to make any lengthy explanatory remarks.

My hon. friend the Premier has already stated the trouble which has been experienced with the Dominion Government in respect to these Indian reserves. The Government at Ottawa showed by the manner of their procedure that they took no interest in the question at all, while we have not been able to bring before the courts any specific case. There are cases in which negotiations have been carried on with the Indian Department at Ot-

tawa in connection with our reverend interest, but no particular instance has yet arisen in which the Department over which I now preside has been able to take a case into the courts of this country. (Hear, hear.)

Will Enforce Fishery Claims.

As far as the fisheries of this Province are concerned, I can tell my hon. friend from Yale that the Government has decided to enforce our claim to jurisdiction over these fisheries, and as Commissioner of Fisheries, I will take steps during the present year to assert our provincial jurisdiction in the way of granting licenses, issued on behalf of this Government. The whole question may be brought before the courts, and we will perhaps then find out where the jurisdiction properly lies. But this question of the fisheries has been handled by the Liberals for political purposes and for the benefit of their political favorites, and their cruisers have simply become homes for old and broken-down partizans. (Hear, hear.)

But so far as I am concerned, as the head of the Fishery Department, I do not propose that the affairs of this most important Department shall be managed in that way (cheers), and I think that the members of this House will have no reason whatever for making any complaint in reference to the manner in which the Fisheries Department will be handled, and if the Dominion Government should interfere and should claim that we have no jurisdiction, the courts, even to the Privy Council, will be called upon to decide the true merits of the case, and whether it is this Province or the Dominion that has entire control over the affairs of this very important industry. (Applause.)

Constitutional Question.

Having made these few preliminary observations, I will proceed to deal for a short time with the constitutional question which has arisen. When the Hon. Leader of the Opposition moved his amendment, I was very much pleased to hear that hon. gentleman make his argument along the lines he did, as well as with the general argument which has been presented to this House upon the case in hand by the hon. member for Yale. The statements made by the Hon. Leader of the Opposition were clear and well-considered. His points were well taken. And although we may perhaps not agree with the position which was taken by that hon. gentleman, at the same time we must admit that, from the view he takes on this matter, he gave to this House a very clear, concise and logical argument on the question. But before I enter upon a

discussion of that question, let us try and discover where and how this constitutional question first arose in this Province. (Hear, hear.)

Following this, Mr. Bowser dealt at some length with the Liberal convention held in Vancouver last summer, at which John Oliver, M.P.P. for Delta, was elected president, after which he took up the constitutional aspect of the Lieutenant-Governor's refusal of assent to the "Natal Act" of last session, speaking as follows:

Minister's Responsibility.

Now, Mr. Speaker, I wish for a very short time to confine my remarks to a full and fair discussion of the constitutional question, considered in connection with the responsibility of the ministers of the Crown in this Province, in consequence of the action of His Honor the Lieutenant-Governor last year, in reserving his assent to the Bill known as the "Natal Act," the measure dealing with immigration into this country. If I understand the hon. member for Rossland properly, he has laid down in his argument three distinct propositions. In the first place, he holds that, generally speaking, His Honor the Lieutenant-Governor must accept the advice of his ministers as imparted by the First Minister of the Crown; and, in the second place, he maintains that His Honor the Lieutenant-Governor can in no case reserve his assent to any Bill which has been passed by this House, unless he is in possession of explicit instructions from the Administration at Ottawa, through His Excellency the Governor-General, directing him to withhold his assent from some particular Bill. (Hear, hear.) And, thirdly, if he acts without instructions the ministry must resign.

Lieutenant-Governor's Power.

Now, Mr. Speaker, in regard to the general question of a Lieutenant-Governor acting upon the advice of his ministers, as well as the question of a Lieutenant-Governor reserving his assent to any Bill, I think that the course it is proper to pursue in such circumstances is well and clearly laid down by the writers on constitutional questions, who state that if a Lieutenant-Governor reserves his assent, this must be done in one of two ways. The first of these is the way that the hon. member for Rossland has suggested through his having received explicit instructions upon this point from the Governor-General at Ottawa; while the second authorizes a reservation of assent made entirely on the judgment of the Lieutenant-Governor himself. (Hear, hear.)

As to Ottawa Instructions.

I will, sir, in the very first place,

deal with the first question: that the Lieutenant-Governor must have instructions from the Governor at Ottawa, or otherwise, in the event of his reserving his assent without such instructions and of persisting in that reservation, the ministry must resign.

Now, sir, I make bold to say that if this proposition, which sets out in the plainest possible manner that the Lieutenant-Governor must in such a case have first received his instructions to reserve his assent to any particular Bill, or otherwise he cannot be justified in that assent, is good constitutional law, then responsible government is altogether done away with. (Cheers.) And if the hon. members of this House will only follow my argument for a few moments I will show them why this result must inevitably flow from that proposition. At the present moment, Mr. Speaker, the Liberal party is in power at Ottawa while the Conservative party is in power in this Province. Now the Liberal party at Ottawa is certainly in possession of an abundance of material from which they can appoint governors of provinces, and were that pretension good constitutional law, they might appoint—mind, I do not say that they would do so—a man to fill the position of Lieutenant-Governor of this Province who would be a bitter and unscrupulous enemy of the men in power, of the members of the Conservative Government, which holds the reins of office in this City of Victoria. (Hear, hear.) And then if my hon. friend the Leader of the Opposition's constitutional argument is correct, all that this Governor would have to do would be to withhold his assent or to reserve it on the very simplest Bill passed in this Legislature, and at once the Conservative administration here would have to send in their resignations. (Hear, hear.)

Would Kill Responsible Government.

Why, sir, if that state of things could be brought about in that manner, it would do away with responsible government altogether. (Hear, hear.) It would not matter in the least if that were good constitutional law what majority the Conservative First Minister of the Crown had behind him on the right of the Speaker, if the man who was chosen by the authorities at Ottawa to fill the position of Lieutenant-Governor of this Province so prostituted his office as to withhold or reserve his assent to the simplest Bill passed by this Legislature, the First Minister must resign at once, and, what is more, the Governor might receive instructions to take such action, and in this manner bring about the resignation of the Conservative Government. Further instructions

might be secretly given to the Lieutenant-Governor from Ottawa. (Hear, hear.) Now, any man who knows anything about our constitution must at once see that if that were possible an issue is raised which goes entirely beyond the constitutional question which has been raised in this instance, and the direct effect would be that responsible government, which has been fought for so long and which has been advocated so effectively as a most inestimable privilege, not only in this Province, but in all the other Provinces of the Dominion, as well, would be altogether lost. (Hear, hear.) Take a simple case: When the hon. member for Yale introduced into this House his Wig Bill, which declared that the judges sitting on the Supreme Court Bench must not wear wigs, and which passed this Legislature, and in the ordinary course came before His Honor the Lieutenant-Governor for his assent, then, if my hon. friend the Leader of the Opposition is correct in the position which he has taken, and if His Honor the Lieutenant-Governor did not agree with the views of the majority of the members of this Legislature upon that subject, and in consequence refused to give his assent to the Wig Bill, the First Minister, my hon. friend from Victoria, would at once be obliged to send in his resignation.

Is It Reasonable?

Now I submit to the members of this House whether that is a reasonable and tenable proposition? (Cheers.) And I appeal to every member of this House, whether he be a lawyer or not, whether it is in any respect whatever a reasonable proposition that we, the members of this administration are really responsible for every single official act of His Honor the Lieutenant-Governor?

And I will go further, Mr. Speaker: I think I can show the members of this House, notwithstanding the array of authorities that have been quoted in support of their position by hon. gentlemen opposite. And just at this point I wish to make this observation with reference to one of the authorities in particular, which these gentlemen have quoted. I now refer to Todd. Undoubtedly Todd is an able authority, and can be listened to and quoted with profit in any legislative assembly. But, nevertheless, hon. gentlemen opposite have not been particularly happy in their references to Todd and his writings, because that author's remarks are almost wholly confined to the practices and experiences of Colonial Governors. (Hear, hear.) As a matter of fact, Mr. Speaker, there is absolutely no con-

stitution at all like our own in any other of the Colonies throughout the British Empire, and the practice of reserving assent to Bills, and of passing on of these Bills to the ministry at London, from the other Colonies, is entirely different from the practice which obtains under our constitution in the various Legislative Assemblies of the Dominion of Canada. (Hear, hear.)

Todd and Canada.

Mr. Macdonald—Is it not a fact that Todd deals with the constitutional governments of the different British Colonies, and also deals expressly and elaborately with the "British North America Act"?

Hon. Mr. Bowser—It is quite true that Todd deals with this Act, but the inferences which that author draws from the practices and experiences of Colonial Governors do not apply to our situation in Canada. And his comments in relation to such matters have been taken altogether too literally by hon. gentlemen opposite, because the practices of Colonial Governors in this respect do not apply in their entirety to our peculiar situation in Canada. (Hear, hear.) And I think I can safely lay down this proposition, and cite many cases which have happened in the constitutional history of the Dominion, in which the Lieutenant-Governors of the other Provinces have taken in similar instances exactly the same stand which was taken by His Honor the Lieutenant-Governor of this Province in connection with this particular Bill. It is well known that a Lieutenant-Governor can in some cases act in performing the duties of his high office on his personal initiative. He possesses certain important prerogatives, and he can either accept the advice of the members of the Cabinet, who at the time may be his advisers, or he can decline to accept that advice. (Hear, hear.)

Points Out Instances.

We know that in our own case, and only last session, that this course was taken. Then, in England, we could quote instances in which Mr. Gladstone, and Lord Aberdeen on the question of Preferential Trade in the Dominion House, as well as the case of Mr. Balfour, on submitting a new Cabinet to the King, when the Right Hon. Joseph Chamberlain left the Cabinet, in which this course was followed. And I am in a position to place today before this House other cases which clearly show that Lieutenant-Governors have acted in other Provinces exactly as His Honor the Lieutenant-Governor has acted in connection with this particular "Natal Act." (Hear, hear.)

For instance, in the Province of Nova Scotia, in the year 1869, the Lieutenant-Governor (Sir Adams G. Archibald) reserved his assent to a certain Bill contrary to the advice of his responsible ministers. And in another case, which occurred in 1874, in the Province of New Brunswick, in which Lieutenant-Governor Tilley did exactly the same thing. And as the circumstances are very applicable to our present situation, I will briefly give the particulars connected with the case of the Weduxnakik Boom Company, that led to this step being taken by the then Lieutenant-Governor of that Province, Sir Leonard Tilley. This particular company was incorporated in the Province of New Brunswick, and it turned out that the Government at Washington took the ground that the provisions contained in this Bill of Incorporation materially interfered with the rights of certain of the citizens in the State of Maine, as established under the clauses of the Ashburton Treaty.

Sir, the United States, that great nation to the south of us, took a strong exception to certain of the provisions contained in this Bill of Incorporation, and also took the further step of bringing this objection to the attention of the Government of the Province of New Brunswick.

Sir Leonard Tilley was at that time the Governor of that Province, and although the then Attorney-General of the Province, in a very able opinion which he submitted on this case, pointed out, in his capacity as the first law officer of the Crown, to Sir Leonard Tilley that this particular Bill did not interfere, in his opinion, with the rights of citizens of the United States, as guaranteed under the provisions of the Ashburton Treaty, nevertheless, sir, and acting in direct opposition to the advice of his first law officer, Sir Leonard Tilley expressly withheld his assent from that Bill and reserved it for the consideration of His Excellency the Governor-General and of the Government of the day at Ottawa. And the Provincial Government did not resign. (Cheers.)

Several Other Cases.

Again, in the Province of Prince Edward Island Bills were reserved; in that Province, Prince Edward Island, in the year 1878, when the Hon. Mr. Hodgson was Lieutenant-Governor, assent was reserved in respect to an Act connected with the Church of England, and in this particular case, it may be of interest to add that the Governor-General afterwards gave his assent. In the year 1879 the same Lieutenant-Governor reserved his assent to an

"Act Incorporating the Provincial Orange Grand Lodge of Prince Edward Island"; while in 1879 Lieutenant-Governor Archibald of Manitoba reserved his assent to a Bill in connection with the Independent Order of Odd Fellows.

Then, again, in the year 1890, Sir John C. Schultz, the then Lieutenant-Governor of the Province of Manitoba, reserved his assent to two Bills: (1) "An Act in Respect to the Sale of Land for Taxes"; (2) "An Act in Respect to Certain Arrears of Taxes in the City of Winnipeg." I think that in the case of these two Bills no action was afterwards taken by His Excellency the Governor-General at Ottawa, and by the Government of the day, so that the result of the action of the Lieutenant-Governor in Manitoba was that his assent was virtually withheld from these Bills.

In This Province Also.

Again, in 1897, and in our own Province, Lieutenant-Governor Dewdney reserved his assent to a Bill dealing with the employment of Chinese and Japanese on public works in this Province. The Hon. Mr. Turner was at that time the First Minister of this Province; and on the 14th of May, 1897, the Lieutenant-Governor notified His Excellency the Governor-General at Ottawa that he had deemed it advisable to reserve his assent to this particular measure. On the 15th of October, in the same year, Sir Oliver Mowat, who was then Minister of Justice, in his report to the Governor-General, expressly refers to the fact that Lieutenant-Governor Dewdney, without instructions from Ottawa, had thought it advisable to reserve this Bill for His Excellency's consideration; and says he does not think that in the circumstances it is wise to deal with it at all. And as a result, that measure did not become law. I understand from the constitutional authorities that the Governor-General and his advisers at Ottawa do not usually in such cases take the responsibility of dealing with this legislation, but that the course which is generally adopted in such cases is this: the Bill is either returned to the Provincial Government that may be in power at the time, for re-enactment, and the Lieutenant-Governor is instructed to accept the advice of his ministers; or no action is taken, and the Bill does not become the law of the land.

Question of Personal Interest.

Mr. Hawthornthwaite, of Nanaimo—Was it ever shown in such instances that any Lieutenant-Governor had any personal or private interest in any such Bill?

Hon. Mr. Bowser—There is nothing on record to show that such was the case, either in one way or the other. And, moreover, I do not see how such a fact could affect the constitutional argument in this case. Every Lieutenant-Governor is supposed to keep his oath of office. But we are at present discussing the constitutional question, whether this ministry was responsible for the action of the Lieutenant-Governor in April last in reserving his assent of this Bill for the pleasure of the Governor-General.

Question and Advice.

Mr. Macdonald—Is it not the fact that in all the cases which the hon. gentleman has just cited, in the Provinces of Manitoba and Nova Scotia, etc., the Lieutenant-Governor acted on the advice of their responsible ministers? Or, at all events, did not disregard their advice? Because you will find in Todd that the Lieutenant-Governor must always act on the advice of his ministers, unless, and only unless, he has express instructions in the matter.

Hon. Mr. Bowser—I will meet that question by citing Sir John A. Macdonald, who lays down the principle that a Lieutenant-Governor should not act on the advice of his ministers in reserving Bills; that a Lieutenant-Governor in reserving his assent acts purely as the executive officer of the administration at Ottawa, and, further, that Edward Blake lays it down that in certain exceptional cases the Lieutenant-Governor can act solely on his own judgment.

Mr. Macdonald—That refers to pardons.

Hon. Mr. Bowser—I further wish to say that the case I have cited from the Journals of the Province of New Brunswick forms the very strongest possible precedent, because the Attorney-General in that case actually advised against the stand taken by the Lieutenant-Governor, and declared that what the Government at Washington had stated in regard to interference with treaty rights was not true; but, notwithstanding this positive declaration on the part of the Attorney-General, Sir Leonard Tilley reserved his assent to the Bill in question, and, moreover, no suggestion came at the time from the Governor-General or from the Government at Ottawa, that he acted improperly, or that the ministry should resign. In the Lower Provinces constitutional questions are very well understood, indeed, Tilley and Archibald took part in framing the "British North America Act," and were sound constitutional Governors, to say nothing of the other Governors mentioned. Responsible government in this country, as a mat-

ter of fact, had its first recognition in Nova Scotia, so that any question relating to any unconstitutional stand on the part of a Lieutenant-Governor would at once be taken up in those Provinces. But in New Brunswick, on that occasion, we do not hear of even so much as a suggestion of resignation; and certainly if Sir Leonard Tilley had acted improperly in that instance, we would have heard of it. (Hear, hear.)

Mr. Dewdney Not Reprimanded.

We find later that Lieutenant-Governor Dewdney did not in the case mentioned accept the advice of his First Minister, Hon. Mr. Turner, and for taking this course he was not reprimanded from Ottawa. Nor was there in this case any suggestion of resignation. And the result was that this Bill did not become law. Then, in 1895, when Hon. Mr. Macintosh was the Lieutenant-Governor of the Northwest Territories, he reserved his assent to a certain Bill, which was, however, returned from Ottawa, as they took the stand that the matter in question was entirely within the powers of the Territorial Assembly which existed at that time. This Bill was the subject of further consideration between him and his ministers, and at the next session of the Assembly it received the Lieutenant-Governor's assent. No suggestion came from Ottawa at the time the Lieutenant-Governor had exceeded his powers; nor was it ever suggested that the Government should resign simply because the Lieutenant-Governor had seen fit to reserve his assent. (Cheers.)

Natal Act a Private Bill.

Furthermore, I have this to say: that the "Natal Act," now in question, stands on an entirely different basis. When this Bill was passed at the last session of this House it was a Private Bill, which was introduced by myself, then a private member. (Hear, hear.)

And it was brought in the ordinary way by the Hon. Mr. Tatlow, who was acting as Premier at the time, before the present Lieutenant-Governor for his pleasure. The acting Premier on that occasion merely served the purpose of a conduit pipe to place it before His Honor the Lieutenant-Governor. If, however, this Bill had been a Government measure a stronger situation would certainly have arisen.

Hon. David Mills' Opinion.

We find, sir, that later on, after Sir Oliver Mowat had given his opinion on the Bill concerning which Lieutenant-Governor Dewdney reserved his assent, it so happened that the Hon.

David Mills, who had in the meantime become the Minister of Justice, wrote a report upon this very Bill, and as that hon. gentleman was a very high authority, and in order to show exactly the position he took upon this question, I will read to the House his opinion upon the whole question:

"The Governor of a Province, when a Bill has passed the Legislature, and is presented to him for assent, may, in his discretion, subject to the provisions of 'The British North America Act,' and to his instructions, either assent thereto in the Queen's name or withhold the Queen's assent, or reserve the Bill for signification of Your Excellency's pleasure.

"In the present case the Lieutenant-Governor of British Columbia saw fit to adopt the latter course, and he reserved the Bill. The Bill, if it is to go into operation at all, must therefore have effect by force of Your Excellency's assent, but the advice tendered by the Committee of the Privy Council is that Your Excellency take no action with regard to the Bill."

If my hon. friend the Leader of the Opposition's argument is correct, the action which was taken by the Hon. Mr. Dewdney, who acted without special instructions from Ottawa, was unconstitutional and illegal. And had this been the case, the Hon. David Mills, who was a great constitutional lawyer, would have at once said that Lieutenant-Governor Dewdney had made a mistake and had exceeded his constitutional powers and rights when he reserved the Bill in question contrary to the advice of his responsible ministers and without instructions from Ottawa.

Rested With Ottawa.

But Hon. Mr. Mills says nothing of the kind and further goes on to say:

"It will remain for the Provincial Legislature to re-enact the measure if it should see fit to do so, and then if the Bill as re-enacted be assented to by the Lieutenant-Governor, the question as to the propriety of its disallowance may be considered by Your Excellency in Council. Without the assent of Your Excellency, however, the present Bill can never receive the force of law.

"Respectfully submitted.

"DAVID MILLS,

"Minister of Justice."

That, sir, was the constitutional practice which was followed in that particular case. (Applause.)

Terms of "B. N. A. Act" Apply.

I may say, sir, that this is not a matter in connection with our constitutional practice in Canada, that can be settled by reference to Todd and other constitutional writers.

We have the "British North America Act," which is peculiar to our own Dominion, and which is not to be found in any other Colony or British Dependency, and the only way in which we may settle any questions relating to constitutional practice, which may arise between a Lieutenant-Governor and the Governor-General, is by taking into account the experience of the past, and show what has been the constitutional practice which has been followed by Lieutenant-Governors in these cases. And I think, sir, I am perfectly safe in saying that as far as the principles of constitutional law can be applied, we have in this particular case done exactly what Hon. David Mills said should be done in such circumstances. (Cheers.) I may add that the Bill, which was then in question, was not assented to by His Excellency the Governor-General at Ottawa, and the result consequently was that it did not become law. (Hear, hear.)

Governor-General's Assent.

Mr. Oliver, Delta—Where is the authority for the statement that the Governor-General at Ottawa can give his assent to an Act passed by a Provincial Legislature?

Hon. Mr. Bowser—I have given such an instance in the Prince Edward Island case, in which the Lieutenant-Governor reserved his assent to a certain Bill, and it was afterwards assented to by the Governor-General.

Mr. Oliver—The Governor-General assented to the Act?

Hon. Mr. Bowser—Yes. That particular Bill concerned the Church of England. Our powers are limited under the "British North America Act," and the Governor-General under that Act can either allow or disallow any Bill which has been passed by a local Legislature. This power is given under Section 55 of the "British North America Act."

Have Taken Course Advised.

We have taken the exact course in this matter which is laid down in the state paper of the Hon. David Mills for submission to the Governor-General, from which I have quoted, (Hear, hear.) We have again introduced this measure, which is now submitted to the House, not on the responsibility of a private member, but as a Government measure, and when the time comes for sending it to His Honor the Lieutenant-Governor, it will then be his privilege to deal with it, and his action in such cases is entirely a matter between him and those at Ottawa who appointed him to this office.

We have no control over him at all (Hear, hear.)

Government's Resignation.

My hon. friend says that in such a case we must resign, and the logical conclusion of such a step would be to bring my hon. friend into power. But, sir, would that settle the question of the "Natal Act," and does my hon. friend venture to say that if he were in power tomorrow this "Natal Act" would become the law of the land? (Cheers.) And does my hon. friend dare to say that his friends at Ottawa would adopt a different policy upon this question, provided only that he held the reins of office? (Cheers.) We all know well, sir, the history of "Natal Acts," after they have come under the control of the Liberal authorities at Ottawa. We cannot forget, sir, that these "Natal Acts," which are so vitally important for the protection of our interests, have been disallowed no less than on four different occasions by the Liberal Government at Ottawa, of which Sir Wilfrid Laurier is Premier, and yet the hon. gentleman says that the wishes of the people are to be best served by driving this Conservative Government from power. (Hear, hear.)

Not Justifying Governor.

I am not here today to justify or criticize anything that His Honor the Lieutenant-Governor has done. I merely wish to show that he had the constitutional right to reserve his assent to this Bill.

New Question Raised.

I now come to the question raised by my hon. friend, that the Government should resign unless it can be shown that in this case the Lieutenant-Governor acted under special instructions from Ottawa; and I must just here remind my hon. friend that this is the first occasion in the constitutional history of this country when such a pretension has been raised. (Hear, hear.) And I challenge my hon. friend to produce a single case in connection with such a reservation of assent in which any suggestion was made that either the Government of the day or the Lieutenant-Governor should resign. This Legislative Assembly has nothing whatever to do with what has arisen between His Honor the Lieutenant-Governor and the Governor-General, and we have nothing whatever to do with the confidential instructions which His Honor may receive from the authorities at Ottawa.

As to Special Instructions.

Mr. Macdonald—But are these instructions private and confidential?

Hon. Mr. Bowser—I am referring to His Honor's ordinary instructions.

Mr. Macdonald—But has he received special instructions?

Hon. Mr. Bowser—The special instructions which I have now in mind are those which make him the chief executive officer of the Ottawa administration in this Province. I may be wrong, but that is my idea. But even supposing that his ordinary instructions are not confidential in this particular case, they have been treated as if they were confidential.

Telegrams That Passed.

In reference to the telegrams which passed between His Honor the Lieutenant-Governor and the Governor-General, these, as far as I am aware, were confidential. According to my hon. friend, His Honor the Lieutenant-Governor has done wrong, but if this is the case, that is a matter which rests entirely between him and the Government at Ottawa, which appointed him to the office he now holds. His instructions are received from the Governor-General. He is the officer of the Government at Ottawa, and, as Sir John A. Macdonald pointed out in 1882, a Lieutenant-Governor can only reserve his assent to a Bill in his capacity as an executive officer of the authorities at Ottawa. (Hear, hear.) And if a Lieutenant-Governor takes a wrong course, that is a matter which only concerns him and them. I have never suggested that His Honor has in this case acted unconstitutionally, but supposing, for the sake of argument, that my hon. friend is right, and that His Honor has taken a wrong course in this matter. I say even if that were so, it is a matter which must rest entirely between him and the Governor-General at Ottawa, who alone can, through his advisers, call him to account for having in this case exceeded his powers. (Hear, hear.) Now, in this particular case, the question arises, according to my hon. friend's contention, whether His Honor's action could be justified in the event of receipt by him of special instructions from Ottawa.

Hon. Mr. Scott's Action.

I have now to refer to a very peculiar circumstance, which has arisen in connection with an interview that took place between the First Minister (Hon. Mr. McBride) and the Secretary of State at Ottawa. Both gentlemen stand high in the councils of the country; both gentlemen hold office under the Crown. In one case the hon. gentleman has taken a Privy Councillor's oath of office, and the other hon. gentleman has taken the oath of office before the Lieutenant-Governor of this Province. And both of these hon. gentlemen are equally bound to preserve inviolate secrets of state. And

yet what do we find occur? Why, sir, we find that a certain private and confidential conversation, which took place in April last, has, for purely political purposes, been disclosed by Hon. R. W. Scott, the Secretary of State, because it is perfectly clear that it could have been disclosed by no one else, and published throughout the length and breadth of the Dominion. (Hear, hear.)

Telegrams That Passed.

I must premise that neither the First Minister nor I myself have received the telegrams which I am about to read from His Honor the Lieutenant-Governor; but in order to obtain a certain political advantage, the Government at Ottawa has communicated to the Liberal press of this Province certain confidential telegrams which passed between Ottawa and His Honor the Lieutenant-Governor, and these have perhaps been published for the purpose of attempting to throw upon the First Minister the responsibility of having advised the Lieutenant-Governor to reserve his assent to this Bill. And from the character of the communications which passed between the Lieutenant-Governor and Ottawa, it might well be asked whether His Honor did not receive instructions or, at least, a suggestion from that quarter to withhold his assent to this Bill. I will now read to the House the following telegram:

"Ottawa, April 23, 1907.

"Lieutenant-Governor of British Columbia.

"Your Premier, Mr. McBride, assured me that the Bill entitled an 'Act to Regulate Immigration into British Columbia' would not receive assent, but would be reserved for consideration of Government here. Can I rely on this assurance?

(Signed) "R. W. SCOTT,
"Sec'y of State."

"Can I Rely?"

Just notice, Mr. Speaker, the most significant words used by the Hon. the Secretary of State, "Can I rely on this assurance?" (Hear, hear.) And I will ask by hon. friend Mr. Macdonald what do these words really mean? Do they mean this, sir: If you, as the Lieutenant-Governor of British Columbia, do not reserve your assent, as the Hon. Mr. McBride tell me you intend to do, I will so instruct you from Ottawa? (Hear, hear, and cheers.) Is that the way, Mr. Speaker, in which this famous telegram should really be read? And are the words, "Can I rely upon this assurance?" in reality to be read as specific instructions from the

Secretary of State at Ottawa to His Honor the Lieutenant-Governor, that as far as the Government at Ottawa was concerned this Bill was not to be assented to? (Cheers.)

Mr. Macdonald—Do they not really mean, "Can I believe the Hon. the Premier of British Columbia?"

Hon. Mr. Bowser—Surely my hon. friend is not so badly cornered that he is in these circumstances forced to descend to the tactics of the hon. member for Yale! (Cheers.) I leave this whole matter with confidence to the calm and best judgment of the general public, and of the great body of the honest electorate of this country. (Cheers.) A very clever and perfectly unscrupulous attempt has been made by these hon. gentlemen and their friends to throw upon the First Minister the burden of having advised the Lieutenant-Governor to withhold his assent; but it has failed, and failed most completely. (Cheers.) The Hon. Mr. McBride was in Ottawa on the 16th and 17th of April last, and the celebrated interview which is now in question occurred on April 17, and the Hon. the Premier told us the other day exactly what passed on that occasion. Then, on the 23rd, when my hon. friend was already on the broad Atlantic, this now famous telegram was sent from Ottawa to His Honor the Lieutenant-Governor here.

In the meantime it is highly probable that a Cabinet meeting took place and that in those six days which elapsed between the interview mentioned and the date of this telegram, the policy was resolved upon of sending word through the Secretary of State to the Lieutenant-Governor. It was a peculiar coincidence that the Hon. Mr. Tatlow, who was then Acting Premier, knew nothing at all about His Honor's intention until on the very day when he had this intimation from the Lieutenant-Governor himself.

The facts as we have them, sir, are simply these: In the first place, on the morning of the 23rd of April, His Honor practically receives from Ottawa specific instructions not to give his assent to this Bill (cheers); and in the afternoon of the very same day the Acting Premier receives from the Lieutenant-Governor the following letter.

This communication runs as follows:

"The 23rd of April, 1907.

"At Government House, Victoria, B.C.
Personal.

"Dear Sir,—I notice that the Bill (No. 30) intitled 'An Act to Regulate Immigration into British Columbia' has passed its third reading.

"I would be glad if you would in-

struct the Clerk of the House to omit the same from the list of Bills to which I will give my assent at the prorogation of the Legislature.

"I have the honor to be, Sir,

"Your obedient servant,

(Signed) "JAMES DUNSMUIR,
"Lieutenant-Governor.

"The Hon. the Acting Premier."

Ottawa's Instructions.

All this shows clearly that no advice to withhold assent was given by the Acting Premier, and further, that His Honor in taking the course he did, evidently took his instructions from Ottawa, where it had been already decided that this measure should not become law. (Cheers.)

Need I further dwell on this most significant telegram containing the words, "Can I rely on this assurance?" And what, sir, was the answer sent back to Ottawa by the Lieutenant-Governor? Why, on the very next morning, April 24, we find that the following telegram was despatched to the Government at Ottawa:

"Victoria, B. C., April 24, 1907.

"Hon. R. W. Scott, Ottawa.

"Your telegram received. Bill referred to will not receive my assent.

(Signed) "JAMES DUNSMUIR."

A Fair Inference.

Is it not a fair inference from these communications that His Honor was really told not to assent to this Bill, and that his answer was to the effect that he would follow his instructions? (Cheers.)

Now, where, after all, does the responsibility in this case really lie? If the Bill had been passed in the ordinary way it would have been the duty of the authorities at Ottawa to have dealt with it eventually. Todd clearly lays down the principle that whenever a reservation of assent takes place on a Bill which is within the jurisdiction of a local Legislature, either it may not be dealt with at all, or it can be returned to the Lieutenant-Governor in order that he may accept the advice of his ministers. (Applause.) The responsibility must consequently be placed in this case where it really belongs, and that is with the administration at Ottawa. (Cheers.)

I will now, Mr. Speaker, read a letter which came to my Department, and which was not brought down to the House in the return, simply because it has nothing whatever to do with this reservation of assent. I, as Attorney-General, received the following letter from the Deputy Minister of Justice at Ottawa,

under date of October 19, 1907, some months later than the events I have been recounting:

"Ottawa, 19th October, 1907.

"Dear Sir,—In reviewing the legislation of British Columbia for 1907, for the purpose of reporting thereon to His Excellency in Council, I observe that the 'Act to Regulate Immigration into British Columbia,' Chapter 21a, has been re-enacted, with some provisions additional to those that were contained in the corresponding Acts which were a few years ago enacted and re-enacted, and as frequently disallowed, but there is this important difference in the text, that in the previous Acts the immigration of certain persons into the Province was declared to be unlawful, while by Section 4 of the present Act it is provided that the immigration of these persons into the Province shall be lawful. I cannot help thinking that this may have been a printer's mistake, and that the original roll uses the word unlawful, and as this would make a great difference in the effect of the Act, and possibly in the action which the Minister would advise the Government to take with regard to it, I would be much obliged if you would inform me whether the printed text is correct, or whether by the original roll it is provided that the immigration of these people shall be unlawful.

"Yours truly,

"E. L. NEWCOMBE,

"Deputy Minister of Justice.

"The Honourable Attorney-General of
British Columbia, Victoria, B. C."

This shows clearly that the responsibility of assenting has been taken from here to Ottawa, and they have accepted that responsibility and intend to advise His Excellency on this very Bill. This letter, as you see, is months after His Honor the Lieutenant-Governor reserved his assent.

Had Mandate From Ottawa.

Why, sir, in view of all these facts, I must say that it is as clear as noon-day to me, as well as it must be to all who are not blinded by party prejudices and by party leanings, that specific instructions not to assent to this Bill were received by His Honor in the telegram of the 23rd of April, while His Honor, on his part, promptly sent word back to Ottawa that he would adopt this course. (Cheers.) I will sum up my argument by saying that His Honor the Lieutenant-Governor had a perfect constituted right to withhold his assent from this Bill if he saw fit to do so, while if there

is anything in my hon. friend's contention, that non-assent can only be justified through the receipt of special instructions, it is quite clear that such an intimation was conveyed to His Honor the Lieutenant-Governor from the authorities at Ottawa, through the Secretary of State's telegram. And,

finally, I rest my case on the declaration that the entire responsibility must be placed where alone it properly belongs, upon the administration at Ottawa which in any event is the final and absolute court of appeal in this Dominion in respect to all such legislation. (Great cheering.)

