

THE
QUESTION OF ORIENTAL
IMMIGRATION

SPEECHES

(IN PART)

DELIVERED BY

R. L. BORDEN, M.P.

IN 1907 AND 1908.

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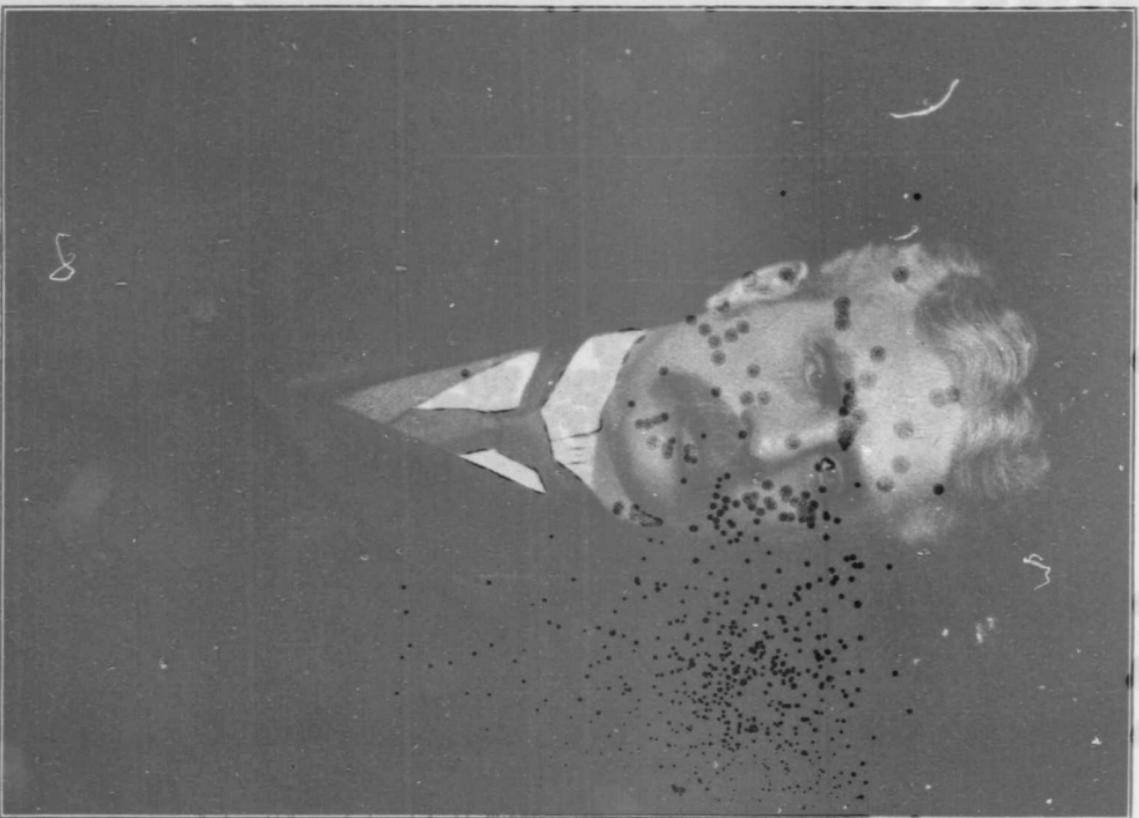
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Phil Baden.

SPEECH

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DELIVERED BY MR. R. L. BORDEN

AT VANCOUVER, 24th SEPTEMBER, 1907.

The Question of Immigration, a burning one all over Canada, and especially in British Columbia, Mr. Borden left for his closing remarks. He said:—

The important question of immigration is of special moment to the people of this Province under existing conditions. At Halifax I announced as part of our general policy:

IMMIGRATION. CAREFUL SELECTION. ABOLITION OF BONUS SYSTEM.

A more careful selection of the sources from which immigration shall be sought, a more rigid inspection of immigrants and the abolition of the bonus system except under very special circumstances and for the purpose of obtaining particularly desirable classes of settlers.

NATIONAL SPIRIT AND ASSIMILATION.

We must guard against any supposed divergence of interest and what is still more important any actual divergence of sentiment between the East and the West. Our conditions are more difficult than those of the United States because north of Lake Superior many hundred miles of almost uninhabited country will remain, for years to come, not as a link but a gap between the social and national life of the East and that of the West. So our widespread communities must be kept in touch, alien settlers must be assimilated and made acquainted with our institutions, a national spirit must be created and maintained.

QUALITY RATHER THAN QUANTITY.

Not only the prairie provinces, but this great province as well affords homes which should be offered as prizes to the best emigrating races of the world. The efforts of the Laurier Government have been directed toward quantity rather than quality.

ORIENTAL INFLUX.

No reasonable or effective effort has been made to bring settlers from European countries to British Columbia. But immigration has poured in from Asia in large volume. It had begun from China before 1896. In the campaign of that year Sir Wilfrid Laurier announced his policy with respect to Chinese immigration in a telegram published as a campaign document. In this he said: "The views of the Liberals of the West will prevail with me." Note well the expression; he proposed to be governed not by the will of the people, but by the will of the Liberals of this province. I adhere to the view which I expressed in 1902, that on this great question the views of the people of this great province as a whole should prevail.

After the present Government attained power the matter drifted for years until the report of the Commission on Immigration. That report made by men selected by Sir Wilfrid Laurier, one of whom he has since appointed to a position on the judicial bench, contained the following:—

"That there is probability of a great disturbance to the economic conditions in the province, and grave injury being caused to the working classes by the large influx of laborers from China, as the standard of living of the masses of the people in that country differs so widely from the standard prevailing in the province, thus enabling them to work for a much less wage.

"That it is in the interests of the Empire that the Pacific Province of the Dominion should be occupied by a large and thoroughly British population rather than by one in which the number of aliens would form a large proportion."

With respect to the Japanese the report contained the following pronouncement:—

"Their presence in large numbers delays the settlement of the country and keeps out intending settlers; and all that has

"been said in this regard with reference to the Chinese applies
"with equal if not greater force to the Japanese."

In 1903 the Government carried out the Commission's recommendation with regard to the Chinese, but explicitly refused to take action with regard to the Japanese. Sir Wilfrid Laurier declared that as to those the problem had been solved.

THE GOVERNMENT AND THE JAPANESE.

The resulting sequence of events has been very curious and gives rise to reasonable suspicion. In the same year, 1903, a Conservative member moved to insert in the Grand Trunk Pacific charter the following clause:—

"That no contractor or sub-contractor on the said railway shall employ any Asiatic labor or workmen in the construction of the said railway."

The Government voted down this motion and rejected the clause.

During the last session of Parliament the Government made Canada a party to the treaty of 1894 between Great Britain and Japan which contained the following provision:—

"The subjects of each of the two high contracting parties shall have full liberty to enter, travel or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their persons and property."

This treaty by its terms permits the unrestricted immigration into Canada of the entire population of Japan. But it was ratified by Parliament upon the most positive and explicit assurance by the Government as to the character and extent of that immigration.

HON. SIDNEY FISHER'S VISIT TO JAPAN.

Mr. Fisher, the Minister of Agriculture, visited Japan in 1903, and upon his return gave in Parliament an account of his mission. After he had dwelt upon the importance of his presence at special audiences with the Emperor and Empress of that great country, and the impression which he had created upon the people, and after he had emphasized the important

trade advantages which would accrue to Canada by reason of his visit;

I interposed this question:

"Before the honorable gentleman sits down, I would like to ask if he was able to make such observations of the social and economic conditions as would justify him in coming to a conclusion with respect to the effect that extensive emigration from Japan might have upon our conditions in Canada?"

I should say here that before I brought up this matter, the House had already been warned by Mr. Justice Morrison, then a member of Parliament, that Japanese immigration was beginning to invade British Columbia.

THE MINISTER OF AGRICULTURE REPLIED:

"I am satisfied in the first place *that there will be no such immigration* from Japan. The Japanese are a home-loving people, and they have abundant opportunity for progress and industry in their own country. The Japanese Government itself forbids the emigration of anybody from the country without a permit, and for several years past, they have refused to issue a permit to any Japanese to come to Canada who is a laborer or of the ordinary laboring class. Permits are issued only to merchants, students and travelers."

Mr. Clancy, M.P., asked "Did that extend to emigration to any other country than Canada?"

And the Hon. Mr. Fisher continued:

"The system extends to every country. No Japanese can leave his own country without a permit from his Government. The Government there, in accordance with negotiations with our Government, have issued orders, I think about two years ago, that for the future no permit should be given to a Japanese except the classes I have mentioned, to go to Canada, and that has been strictly maintained to the present time. I had the assurance of the Government there, personally and in writing, that that policy would be maintained. My honorable friend spoke about the possibilities of industrial invasion. I consider that there is no prospect of that."

After reciting the foregoing discussion from Hansard Mr. Borden resumed:

I cannot emphasize too much the importance of the statement thus made to Parliament. Mr. Fisher declared that as a minister of the Crown, and virtually an ambassador from Canada to Japan, he had the assurance of the Japanese Government that their policy restricting emigration to Canada to a mere nominal number, and to an entirely limited class, would be maintained. This declaration was before Parliament when the treaty of 1906 came up for ratification. Sir Wilfrid Laurier repeated in effect the assurance given by Mr. Fisher. The treaty was in fact accepted by Parliament upon the explicit representation of Sir Wilfrid Laurier that the Japanese Government had restricted emigration of its subjects to Canada to not more than four or five from each province annually. As Prime Minister, he gave Parliament and the Country clearly to understand that the arrangement in this respect made years ago between Canada and Japan would continue, and would not be altered or interfered with by the ratification of that treaty.

THE POSITION TO-DAY.

How is it that we hear nothing to-day of the assurances "personally and in writing" given by the Japanese Government and relied upon by Parliament in accepting this treaty. Either the Government has deceived Parliament or it is in a position to take immediate steps for the abrogation of this treaty.

PRESTON TO THE FRONT.

But an old actor appears on the scene, Mr. W. T. R. Preston had been Canadian Immigration Commissioner in London for many years. During that time a so-called Canadian Labor Bureau was founded in London by one Leopold or Lazarus, and he was permitted to establish his office in the Dominion Government building. Mr. Preston in his official capacity publicly repudiated all connection with or responsibility for this bureau. Secretly and privately he gave it his official sanction and encouragement. This fact was thoroughly established by letters from Preston produced by Alfred Jury, another government official, employed in the same department. The Canadian Labor Bureau did a large and profitable business. Jury testified on oath to his belief that Preston was interested in this as well as the North Atlantic Trading Company. We moved in Parliament

for Mr. Preston's dismissal. He was not dismissed, but suddenly transferred from London to Japan, and his arrival in Japan was followed a few months later by a large influx of Japanese laborers, who are certainly arriving under some organized system. Is it too much to assume that some unknown and undiscovered North Atlantic or North Pacific Trading Company, or Canadian Labor Bureau, is profiting from the very large number of Japanese laboring men who are thus disembarking upon our shores? This subject will bear investigation later on.

THE SITUATION.

Japan is a great nation, the renown of her soldiers as well as her statesmen is world-wide. She is the ally of Great Britain. The violence which has been offered to her subjects, peacefully residing in this country under treaty rights, is a matter of deepest regret to every loyal Canadian, and every possible reparation must be made.

The Government has unnecessarily created a difficult situation and they must accept the responsibility. Present conditions deter immigration to your Province from European countries, and will end in driving from the Pacific coast all laboring men of European races. And in truth the question is whether or no this great Pacific Province shall be dominated by a Canadian race or by men of oriental descent. If present conditions are permitted to continue, the question does not stop short of this point. The Laurier Government, notwithstanding its promises of the past, has created this condition. It did so knowingly and wantonly in face of the warning of its own Commission, and with full understanding of the consequences.

Complete information must have been in possession of the members who represent this great Province in the Commons of Canada. Did they withhold it from the Government? Is that conceivable? Why did every British Columbian representative reserve his protest until it was too late?

VIOLENCE DEPRECATED.

Let us have a due sense of Imperial as well as Canadian interests; let us appreciate the sanctity of treaty rights, which must always be observed, and the respect which must be paid to

a great nation like Japan, the ally and friend of Great Britain; let us remember the importance of trade relations with both China and Japan, but above all let us never forget that there are considerations greater and higher than those of trade or material progress.

The Conservative party, which brought this splendid province into our great confederation, will ever maintain one supreme consideration to which all material considerations must give way; and it is this: British Columbia must remain a British and Canadian province, inhabited and dominated by men in whose veins runs the blood of those great pioneering races which built up and developed not only Western, but Eastern Canada. And while we recognize our duty to the great Empire whose flag shall always float above us, we respectfully and loyally maintain that Canada in so vital an essential as this must be accorded a freedom of judgment as perfect and unfettered as that exercised not only by the other great dominions of the Empire, but by Great Britain herself.



SPEECH

(IN PART)

DELIVERED BY MR. R. L. BORDEN

In the House of Commons, January 28th, 1908.

After commenting upon the results of the visit of the Postmaster-General to Japan, Mr. Borden proceeded as follows:

Now, the question with which we are concerned to-day is a very important one. It is fraught with momentous issues to this country; it is a question which probably will confront Canada when all those who are within the sound of my voice to-day have passed off the scene. It is the great question of world politics which must be worked out on the Pacific ocean in the years to come; it is the great question of the influence, perhaps domination, that the mighty nations of the Orient, aroused to modern methods and organized as they have not been organized before, will exercise over the destinies of the world, especially on the Pacific. This question, while at the present moment within a rather narrow compass, is clearly a very great question; and we are only upon the fringe of it to-day in discussing the control of immigration from the great empire of Japan into the Dominion of Canada.

We all know that in 1894 treaties were negotiated by Japan with various countries. In 1894 a treaty was negotiated between Great Britain and Japan. That treaty did not bind the self-governing colonies of the empire but by article XIX it was competent for any of these self-governing dependencies to accede to the treaty, and so take advantage of it and be bound by its terms. I need hardly say that it was competent for any colony to decline

acceptance except upon terms protecting its own peculiar interests. In the same year the United States negotiated a treaty with Japan, but so far as the control of immigration is concerned there was a marked difference between the terms of the British treaty and those of the United States treaty. The United States reserved to itself the right to control the immigration of labourers into the United States from Japan, as has been shown to this House in a very lucid and exhaustive manner by my honorable friend from Naniamo (Mr. Ralph Smith). The British treaty with Japan made no such provision, because so far as Great Britain itself was concerned the possible danger which confronted the United States did not confront the British isles. The British isles, thickly populated and at a great distance from Japan were in no danger of any immigration from that country which could in any way affect their economic interests or their labouring population. In the United States the reverse was the case. Japan had awakened; the Pacific had become merely a magnificent highway between the Orient and this continent, and so the United States took the precaution, when they entered into a treaty with Japan, in 1894, to insert a stipulation as to immigration which is not to be found in the treaty negotiated between Great Britain and Japan that same year.

For the purpose of what I desire to submit to the House it is necessary to review to some extent the negotiations between the Government of Canada and the Colonial Office of Great Britain with respect to the terms of this treaty and with respect to the conditions upon which Canada was willing to accede to it. I have in my hand a copy of an order in council which was passed by the Conservative administration of the day, on August 3, 1895. The treaty, as the House will remember, was negotiated in 1894, and shortly afterwards it was submitted to all the self-governing colonies of the empire. In 1895 it came under the consideration of the Canadian government, and on the 3rd of August, 1895, the order in council to which I refer was passed. I shall read it so that the House and the country may clearly and thoroughly understand what was the attitude of the Conservative government of the day with respect to the vital question of controlling immigration to Canada from Japan. I do not know the precise official status of Mr. Wilkinson who is referred to in this order in council. The despatch to which it is an answer has not been

brought down by the Government, for the reason as stated by the Prime Minister, that it is of a confidential character. It is clear however, that Mr. Wilkinson was an official of either the colonial office or the foreign office, and that he had made representations to the government of Great Britain which were considered of moment, and which were forwarded to the government of Canada in 1895. This order in council was not brought down with the papers which accompanied the Japanese treaty when that treaty was laid upon the table of the House last session. I looked over the files of that return; I found allusion to this order in council, and the Prime Minister was good enough to send me a copy on Saturday last when for the first time I had an opportunity of perusing it. The order in council is in the following terms:

ORDER IN COUNCIL.

August 3, 1895.

The committee of the Privy Council have had under consideration a circular dispatch, hereto attached, dated May 7, 1895, from the Most Honourable the Marquis of Ripon, transmitting copies of two despatches from Her Majesty's minister at Tokio, Japan, on the subject of the emigration of Japanese labourers to the British Colonies; and also an article from the 'Japan Daily Mail' newspaper, with reference to the trade between Japan and Australia.

The Minister of Interior to whom the despatch and its enclosures were referred, states that the only portion of the reference which is of vital consequence to Canada, is that which relates to the former mentioned subject.

The minister observes from the memorandum of Mr. Wilkinson of January 10, that in the treaty lately concluded between Japan and the United States, there is the following proviso: 'It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, police and public security which are in force, *or may hereafter, be enacted in either of the two countries.*' The corresponding clause in the treaty between Great Britain and Japan merely reads:—'Subject always to the laws, ordinances and regulations of each country.'

The minister agrees with Mr. Wilkinson's observations that this proviso 'could scarcely be appealed to as justifying either

exclusion or restriction, without laying ourselves open to the charge of bad faith.'

The minister is further of the opinion that Mr. Wilkinson is justified in the conclusion that *'it might well happen that the government of the colonies would find themselves forced to take measures to restrict, suspend or even prohibit the immigration.'*

The minister submits that, in the interests of the Dominion of Canada, there should be a proviso in the treaty of Great Britain with Japan similar to that contained in the treaty between that country and the United States, and he recommends that, when the adhesion of Canada is being given to the treaty, an express stipulation of this kind should be made, and that some further definition should be required of the term 'labourers' so that it will definitely include artisans.

The committee advise that Your Excellency be moved to forward a certified copy of this minute to the Right Honourable Her Majesty's principal Secretary of State for the colonies.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

Up to that time there had been very little agitation in British Columbia or elsewhere in Canada with regard to the regulation, restriction, or prohibition of the entry of Japanese labourers, and the order in council which I have just read shows a very considerable degree of foresight on the part of the Conservative statesmen of that day in looking forward to the conditions which actually have prevailed in this country, to a greater or less extent, from 1900 up to the present time. On the 6th of August, 1895, that order in council was forwarded to His Majesty's principal Secretary of State for the Colonies by a despatch under the hand of the deputy Governor General, Sir Henry Strong.

On the 18th of October in the same year, 1895, the British ambassador at Tokio transmitted to the Japanese government the purport of that order in council and declared to them in the memo. which he delivered:

"The Canadian Government in adhering to this treaty would desire a stipulation with respect to Japanese immigration similar to that inserted in the treaty between Japan and the United

"States, and that they desire a further definition of the word
"labourers' by adding thereto the words 'including artisans.' "

And on the 7th of February, 1896, the Japanese Government acceded to that request except so far as the word 'artisans' was concerned. I will read that portion, which relates to this particular subject, of the despatch of the British ambassador at Tokio to the Marquis of Salisbury, then Foreign Minister for Great Britain. The despatch is under date February 7, 1906, at Tokio, and it contains the following:—

"His Excellency (that is, the Japanese Foreign Minister) produced a written memorandum, the terms of which were to the purpose that the Japanese Government were willing to agree that Canada, in signifying her adhesion to the treaty, might do so with a proviso that the stipulation of the treaty shall not in any way affect the laws of either country in regard to the immigration of labourers, and further, that the treaty should cease to be binding six months after notice to terminate it had been given by either side."

So there was a complete assent by the Japanese Government to the demand of the Canadian Government, except that at that time they did not consent that the word 'labourers' should be expanded by adding thereto the words 'including artisans.'

The British ambassador, on February 10, 1896, following the suggestion of Canada in that regard, inquired of the Government of Japan whether they were willing to make the same arrangement with other self-governing dependencies of the Empire. On the 19th of March, 1896, the Japanese Government, in reply to this inquiry, expressed its consent to the adhesion of all the other self-governing colonies on the same terms as Canada, but continued to object to the addition of the word 'artisans.'

On the 15th of July, 1896, Mr. Chamberlain, then Secretary of State for the Colonies, sent a despatch to the Governor General inquiring whether the Government of Canada would adhere to the Japanese treaty. The Conservative Government had just gone out of power and my right hon. friend (Sir Wilfrid Laurier) had assumed the reins of office. On the 29th of July Sir Richard Cartwright, then Minister of Trade and Commerce, submitted a report to the Privy Council. I will not read the whole of that report, but I will read a portion because it is rather im-

portant as indicating the reasons upon which this Government then declined to accede to the treaty with Japan. The report of the Minister of Trade and Commerce, in its preamble, refers to the treaty and to various confidential communications which had taken place with regard thereto, and continues as follows:

“ The Minister in reporting thereon has the honour to submit for the consideration of His Excellency the Governor General in Council, that while he fully approves of the general provisions of the treaty as modified, yet considering the interpretation put by Her Majesty’s Government as well as by those governments interested upon the intent and meaning of the ‘ most favoured nation clauses,’ as they appear in treaties between Great Britain and foreign countries, which interpretation under existing circumstances would be held to be binding upon the Dominion of Canada, and in view of the provisions contained in article V. of the said treaty, and of questions arising as to the exact meaning of provisions contained in articles VIII. IX. and XV., and considering that apparently under the provisions of these several articles the Dominion would be further hampered in any effort that might be made in connection with the negotiation of arrangements under which any concession made for special equivalents granted by reason thereof to or with other countries, he does not deem it advisable that the Dominion should become a party to or be bound by the provisions of the treaty in question. He therefore respectfully recommends that, if approved, His Excellency the Governor General be moved to communicate by cable to the Rt. Hon. the Secretary of State for the Colonies the substance of the minute of council founded hereon, in order that the Japanese Government may be advised thereof with as little delay as possible and within the time limit as per article XIX. of the said treaty.

R. J. CARTWRIGHT.”

The language of this recommendation is very confused. There seems to be an omission, one of the sentences being apparently incomplete; but the purport is easily to be understood. The Government were oppressed by the fear that the adhesion of Canada to that treaty might in some way hamper them in connection with preferential trade, which was then under discussion. For my part, I do not see what possible effect it could have in that respect,

because the Japanese treaty did not embody the provisions contained in the German and Belgian treaties. As every one acquainted with the subject knows, these treaties contained an express stipulation that any concession or advantage granted by Canada to the mother country must be granted also to Belgium and Germany. There was no such stipulation in the Japanese treaty, and for that reason no such difficulty could have arisen. Indeed, in the following year the Canadian Government itself passed an order in council declaring that Japan was entitled to the benefits of the reciprocal or preferential tariff. *The Minister of Trade and Commerce in his report did not take into consideration the labour question at all, but did have regard to a consideration which seems to me altogether fallacious, and which should not have interfered in the slightest degree with the adherence of Canada to this treaty. Nevertheless the Government adopted his recommendation and affirmed it by order in Council.*

On the 18th of September, 1896, Mr Chamberlain notified Canada that Queensland had refused to accept the treaty unless given freedom of action in respect to the immigration of Japanese artisans. A further order in council was passed by the Canadian Government on the 15th of October, 1896, refusing to accede to the treaty for the reasons already stated. On the 21st of October, 1896, Mr. Chamberlain communicated to the Governor General the information that the time for adhering to the treaty had been extended for one year, that is to the 25th of August, 1897.

On the 8th of October, 1896, the British ambassador, in a report to Lord Salisbury, declared that the Japanese Government had at last come to an understanding with him respecting the exact terms of the protocol, which reserved to the self-governing colonies acceding to this treaty the control over immigration. That report and the protocol itself are of importance in understanding the position which this government afterwards took. The dispatch, dated the 8th of October, 1896, contains the following language :

“ I have the honour to inclose copy of a draft protocol which, “ in pursuance of an understanding arrived at with Count Okuma “ on the 2nd inst, I placed to-day in His Excellency's hands. It “ provides for the reservation of the right to legislate with regard “ to trade, immigration of labourers and artisans, police and “ public security to all the colonies and foreign possessions of

“ the Crown mentioned in article XIX. of the new treaty, except Newfoundland and Natal, which have already signified their unconditional adhesion, and is reciprocal in form. It is framed on the model of the last paragraph of article II. of the new treaty between the United States and Japan.”

The last sentence of the British ambassador's report in referring to his communication to the Foreign Minister of Japan is as follows:

“ As, however, no legislation seemed to be in immediate contemplation in either Canada or Australia, it would appear that what the Governments of those colonies desired was to have the power of legislation in reserve so as to be able, in case of need, to satisfy public opinion.”

And a draft protocol was then agreed upon between the British ambassador and the Japanese Government, embodying the terms, provisions and stipulations to which the Government of Japan would consent. That protocol is in the following terms:

DRAFT PROTOCOL.

“ The undersigned duly authorized, &c.,
“ have agreed that the stipulations contained in the first and third
“ articles of the Treaty of Commerce and Navigation, between
“ Great Britain and Japan, signed in London on the 16th July,
“ 1804, shall not in any way affect the laws, ordinances and
“ regulations with regard to trade, *the immigration of labourers*
“ *and artisans*, police and public security *which are in force or may*
“ *hereafter be enacted in either of the colonies* and foreign posses-
“ sions of Her Britannic Majesty enumerated in article XIX. of
“ the said treaty, with the exception of Newfoundland and Natal,
“ or in Japan.

“ In witness thereof

“ Done at Tokio,

1896.”

It will be observed that by this protocol, the terms of which were thus settled and assented to by the British ambassador and the Japanese Government, Japan formally consented not only to the restriction already embodied in the treaty between Japan and the United States, but also to the original demand of Canada made in August, 1895, that the word ‘labourer,’ used in the

United States treaty, should be broadened by adding thereto the words 'and artisans.'

On the 23rd January, 1897, the matter again came up for the consideration of this Government, and by an order in council of that date the Government affirmed the same reasons as before for refusing to accede to the treaty. It will be observed that up to the time the Conservative Government went out of power, Japan—although it had acceded to the stipulation embodied in the treaty with the United States—had not acceded to the additional words, 'and artisans,' required by the order in council of 1895. It is, however, apparent that the Japanese Government in October, 1896, accepted in full the view which had been put forward by the Canadian Government in August, 1895, and therefore the treaty could have been acceded to by Canada in October, 1896, upon the exact terms laid down by the Conservative Administration in its order in council of 3rd August, 1895.

On the 30th July, 1897, the question of Japanese immigration into British Columbia had apparently become a somewhat serious one, because on that date the British Columbia Government and Legislature sent a memorial to the Governor General in which they respectfully requested that if the Dominion Government should decide to become a party to the treaty with Japan, they would secure such stipulations as would prevent the unrestricted immigration of Japanese into Canada. And in the year 1900, there was a petition of more than 2,000 residents of British Columbia to His Excellency the Governor General, in which it was set out that between the 1st January, 1900, and the 30th April, 1900, 4,669 Japanese had landed in Victoria and Vancouver and the province was being flooded with them.

So the matter stood until the 7th June, 1905, nearly ten years afterwards, when, by an order in council passed by the present Administration, it was declared that the previous obstacles to the accession of Canada to the treaty had been removed, and His Excellency the Governor General was moved to ascertain whether or not the Japanese Government was prepared to admit Canada to participation in the treaty. A despatch was sent to the Colonial Secretary in accordance with this order. The Colonial Secretary had before him the attitude of the Canadian Government in 1895. He had before him the express declaration made by Canada in 1895 that Canada would not accede to this treaty except

with stipulations which would enable Canada to restrict Japanese immigration if necessary. And he had before him, no doubt, the consent of the Japanese Government to the protocol which I have already read—the protocol containing an express proviso and stipulation with regard to the control of immigration. So he addressed to the Governor General of Canada the despatch which I have under my hand, and which is as follows:

“ London, July 14, 1905.

“ Referring to your confidential despatch of 7th June, should “ Japanese Government be informed that your Government wishes “ to adhere to treaty of 1894 and supplementary convention of “ 1895 under same terms and conditions as Queensland in 1897, “ which Japanese Government then agreed to extend to any other “ colonies adhering within prescribed period, namely (1) that “ stipulations contained in first and third articles of treaty shall “ not in any way affect laws, ordinances and regulations with “ regard to trade, *immigration of labourers, artisans*, police and “ public security, which are in force *or hereafter may be enacted “ in Japan or in colony*; (2) that treaty shall cease to be binding as “ between Japan and colony at expiration of twelve months after “ notice has been given on either side of desire to terminate same.

“ Or are your Government prepared to adhere absolutely and “ without reserve as would appear to be the case from speech of “ Minister of Agriculture in Canadian Parliament, June 22? “ Please telegraph reply.

LYTTLETON.”

The speech of the Minister of Agriculture (Mr. Fisher) delivered in this House on the 22nd June, 1905, is to be found at page 7912 of ‘Hansard.’ It declares in effect that the Government had absolutely abandoned any intention of discriminating in any way against Japanese labourers coming to Canada, and that consequently Canada was prepared to accede absolutely to the treaty without reserving control of immigration from Japan.

Therefore, the Government of this country had their attention directed by this despatch from the Colonial Secretary, Mr. Lyttleton, to the attitude which their predecessors, the Conservative Government, had taken in 1895—an attitude which eventually had commanded the assent and approval of Japan. Thus, this Government had before them the exact situation. They had

before them the option of absolute and unreserved adhesion, or of acceding to that treaty upon the terms already consented to by Japan, which would enable the Government of this country at all times to control the immigration of artisans and labourers from Japan. But the Government paid so little attention to the subject, they had this most important feature of the question so little in mind, that apparently they forgot all about the despatch of the Colonial Secretary. So that on the 5th September, 1905, nearly eight weeks afterwards, they sent a despatch through the Governor General to the Colonial Secretary to this effect:

“ My Prime Minister earnestly hopes that you will press the “ immediate entry of Canada into the Anglo-Japanese treaty.”

They deigned no word of reply to the warning addressed to them by the Colonial Secretary as to control of immigration, it apparently passed out of their recollection, and some seven or eight weeks afterwards they sent that further despatch requesting that the British Government would press the immediate entry of Canada into the Anglo-Japanese treaty.

Well, Sir, if they were forgetful and unmindful of Canada's interests, the Colonial Secretary was of a different type. On the next day, September 6, he sent in reply the following telegram:

“ London, September 6, 1905.

“ In reply to your telegram received to-day please inform your “ Prime Minister that before taking steps as regards adhesion of “ your Government to commercial treaty with Japan, His “ Majesty's Government awaiting reply to telegram of July 14.

“ LYTTLETON.”

A great deal is said sometimes—I think, on occasion, even by the Prime Minister himself—as to disregard by the Imperial Government of Canadian interests in the negotiation of treaties with foreign powers. Here was a case in which the British Government was endeavouring to preserve for Canada necessary control of immigration, and these gentlemen upon the treasury benches had so little regard to this subject, of transcendent importance, that they even forgot within six or seven weeks the warning which had been addressed to them on the subject by the Imperial Government.

They again called their cabinet together and took the subject into earnest consideration. And this is the result of their deliberations, as embodied in the order in council of September 25, 1905 :

“ Ottawa, September 25, 1905.

“ The undersigned, the Secretary of State, has had under
“ consideration the minute of council approved on June 7 last,
“ advising, on the recommendation of the Minister of Trade and
“ Commerce, that His Excellency be moved to ascertain whether
“ the Japanese Government would be prepared to admit Canada to
“ a participation in the existing treaty between Great Britain and
“ Japan, adopted in the year 1894 and supplementary convention
“ 1895, and has had also under consideration the cable despatch
“ from Mr. Lyttleton to Earl Grey of July 14 last, inquiring
“ whether the Government of Canada was prepared to adhere
“ absolutely and without reserve to the treaty of 1894 and 1895,
“ or whether Canada desired to limit the terms of the treaty to the
“ conditions made on behalf of Queensland when accepting the
“ Japanese treaty, which provided that the stipulations contained
“ in the 1st and 3rd articles of the treaty should not in any way
“ affect the laws, ordinances and regulations with regard to trade,
“ immigration of labourers, artisans, police and public security
“ which are in force or might hereafter be enacted in Japan or
“ Queensland; (2) limiting the treaty to a period of 12 months
“ after notice given on either side.

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

“ The undersigned therefore recommends that a cable des-
“ patch be sent to Mr. Lyttleton, advising him that the Govern-
“ ment of Canada is prepared to adhere absolutely and without
“ reserve to the treaty of commerce and navigation made between

" Great Britain and Japan in 1894 and supplementary convention
" signed at Tokio in July, 1895.

" All of which is respectfully submitted,

" R. W. SCOTT,
" Secretary of State."

So, on the following day, September 26, 1905, the deputy of
the Governor General addressed the following despatch to the
Colonial Secretary:

" Government House,
" Ottawa, September 26, 1905.

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

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

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

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

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

We observe in this order in council no mention of the
assurances that have been referred to so copiously by my
honourable friend the Postmaster General and Minister of
Labour (Mr. Lemieux). The reasons set forth are two: First,
that Japan has enacted a law limiting emigration to foreign
countries. Now, Japan could enact a law one day and repeal
it the next, just as the Parliament of Canada is at liberty
to repeal or alter or modify any of its acts; and the mere
enactment of a provision by the Parliament of Japan, sub-
ject to alteration or repeal the next day, was surely an entirely
insufficient ground for putting to one side all consideration of
that protocol which had been assented to by Japan, and which

would have reserved to Canada necessary control over immigration. The second reason assigned is as follows:

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

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

Now, we have heard a good deal about assurances, and we have had much oratory from my hon. friend the Postmaster General as to the spirit in which these assurances have been carried out by Japan. I do not desire to controvert these statements in the slightest degree. But I am prompted to observe that these assurances, as I understand the matter, were conveyed to the Government by the Consul General of Japan, Mr. Nossé, who formerly resided in Montreal and afterwards in Ottawa. I have yet to learn that a consul general has any diplomatic functions or status which could have justified our Government in accepting Mr. Nossé's assurances. Why, the very first duty of a new ambassador—and an ambassador has a high diplomatic status—upon his arrival in the country to which he is accredited, is to present his credentials, sometimes with a further statement of his powers. These powers are narrowly and closely examined, and no engagement made by him outside of his powers is accepted by the country to which he is accredited.

So far as Mr. Nossé is concerned, any elementary book on international law, all the standard authorities on international law lay it down as beyond question that a consul has no diplomatic status, he has no apparent authority to enter into an agreement of this kind. I could get no answer from the Postmaster General

as to whether the Japanese Government held itself bound by all the engagements made by Mr. Nossé on its behalf. My hon. friend contended that Japan was bound. He asserted that the official status of the consul general was sufficient to give credit to these assurances. He put forward in one part of his speech the remarkable reason that these assurances were given upon paper bearing the impress of the Imperial Government of Japan. That would be, indeed, a far reaching argument if it were carried to its legitimate conclusion, and I presume my hon. friend the Postmaster General would not be disposed to lay too much stress upon it. But if this Government were entitled to accept the assurance of Mr. Nossé, as the Postmaster General declares, I would like to point out that Mr. Nossé, in 1903, made a very important statement which would have justified the Government in concluding that Japan was then willing to accept the treaty subject to the stipulation to which it had agreed in 1896. On the 30th of March, 1903, Mr. Nossé addressed a communication to the Prime Minister. This communication was not brought down in 1906; it is included, however, in the further return which has been laid upon the table of the House during the present session. It reads as follows:

March 30th, 1903.

Rt. Hon. Sir Wilfrid Laurier,
Premier and President of the Council,
Ottawa.

In answer to my cablegram to the Imperial Japanese Government advising them to continue the policy of restricting their people emigrating in any large number into British Columbia, I have received a cable instruction to the effect that I have to give your Government the renewed assurances that the Japanese government are not desirous of forcing their people into British Columbia against the wish of the province, and that they are willing to enter into an agreement with your Government by which they may bind themselves, if their present policy of rigid restriction is not deemed satisfactory to your Government.

T. NOSSE,
Consul General of Japan.

If that means anything it means that the Government of Japan, in March, 1903, would have been perfectly willing to have

Canada accede to this treaty subject to that proviso and stipulation to which Japan did give its assent in October, 1896. With a communication expressed in such forcible terms, and of so recent a date, it does seem remarkable that the Government in 1906, saw fit to plunge this country into the difficulty with which it is now confronted, and so to alter the condition of affairs that we cannot maintain over immigration to this country that control which is eminently necessary in the public interest.

Now I come more particularly to the results of the mission to Japan of my hon. friend the Postmaster General. The real object of his mission was to induce Japan to exercise that control over immigration into Canada which we should be able to exercise ourselves. It is one of the attributes of the sovereign power of any State to restrict, or even altogether prohibit, the entrance of aliens within its territory. If we had preserved that right by the stipulation insisted on by the Conservative Government in August, 1895, there would have been no difficulty. We did not reserve that right; therefore, having passed over to the Japanese Government the control which should have been retained by Canada, it became necessary to ask the Japanese Government to exercise that control. That in short is the position which confronted this Government when the Postmaster General embarked on his mission to Japan. I am bound to say that the Japanese Government seems to have exercised a perfect courtesy and a most wonderful forbearance in agreeing not to insist, for the time being, upon its full treaty rights, which undoubtedly had been granted to Japan by the treaty of 1906, bringing into force the treaty of 1894. What has my hon. friend the Postmaster General brought back? He has brought back, outside of the information which he is not at liberty to disclose to this House, a letter from the Minister of Foreign Affairs of Japan, Viscount Hayashi. That letter has been read to this House, and appears on the pages of 'Hansard.' It is a very polite letter, it is couched in the most courteous terms. Let us see what there really is in it.

"Tokio, December 23, 1907.

"Monsieur le Ministre,—

"In reply to your note of even date, I have the honour to state that although the existing treaty between Japan and Canada absolutely guarantees to Japanese subjects full liberty

“to enter, travel and reside in any part of the Dominion of
“Canada, yet it is not the intention of the Imperial Govern-
“ment to insist upon the complete enjoyment of the rights
“and privileges guaranteed by those stipulations when that
“would involve disregard of special conditions which may prevail
“in Canada from time to time.

“Acting in this spirit, and having particular regard to cir-
“cumstances of recent occurrence in British Columbia, the
“Imperial Government have decided to take efficient means to
“restrict emigration to Canada. In carrying out this purpose,
“the Imperial Government, in pursuance of the policy above
“stated, will give careful consideration to local conditions pre-
“vailing in Canada with a view to meeting the desires of the
“Government of the Dominion as far as is compatible with the
“spirit of the treaty and the dignity of the state.

“Although, as stated in the note under reply, it was not
“possible for me to acquiesce in all of the proposals made by
“you on behalf of the Canadian Government, I trust that you
“will find in the statement herein made, proof of the earnest
“desire of the Imperial Government to promote, by every means
“within their power, the growth and stability of the cordial and
“mutually beneficial relations which exist between our coun-
“tries. I venture to believe, also, that this desirable result will
“be found to have been materially advanced by the full ex-
“change of views which has taken place between us, and it
“gives me special pleasure to acknowledge the obligation under
“which I have been placed by your frank and considerate ex-
“planations regarding the attitude and wishes of your Govern-
“ment.

“I avail myself, &c., &c.,

“(Sgd.) TADASU HAYASHI.

“The Honourable Rodolphe Lemieux,
“Postmaster General and Minister of Labour for Canada, Tokio.”

Well, let us analyse this letter and see what it really amounts to.

First, there is the assertion of the full right and liberty of Japanese subjects to enter, travel and reside in Canada.

Second, there is the statement that it is not the intention of the Japanese Government to insist upon the complete enjoyment of its rights when that would involve a disregard of the special conditions prevailing in Canada from time to time. Who is to be the judge of these special conditions? Is it the Government of Canada or the Government of Japan? We are absolutely in the dark as to that. Why should special conditions in Canada, which ought to be the subject of regulation by the Parliament and Government of Canada, be a subject of appeal from this Government to the Government of Japan? Yet, that is the condition to which the affairs of this country have been brought by the adoption of this treaty without proviso.

Third, there is the declaration that the Japanese Government has decided to take efficient means to restrict emigration to Canada so far as is compatible with the spirit of the treaty and the dignity of the state. Who is to be the judge of these matters? Is it the Government of Canada or the Government of Japan, and what are the efficient means by which it is proposed to restrict immigration? Are they to be efficient in the judgment of the Government of Canada, or in the judgment of the Government of Japan?

Fourth, there is the assurance that for this purpose the Japanese Government will give careful consideration to local conditions in Canada. So that our local conditions, which should be the subject of observation, consideration and enactment by our own Government and Parliament, have by means of this treaty been placed under the regulation of the Japanese Government, which graciously promises that it will in future, for the purposes alluded to, give careful consideration to local conditions in this country.

Now I repeat, Mr. Speaker, that, by the action of the Government in this regard, Canada has handed over to Japan that control of immigration which Canada herself ought to exercise; that the regulations governing immigration in future are to be Japanese regulations; that the control and policy are to be Japanese, and that in case of difficulty our remedy, and our only remedy outside of the abrogation of this treaty, is by appeal to the Japanese Government from time to time. The Government of Japan can change its policy to-morrow. A new Government

might come into power within three months in Japan, and that Government might repeal every law on the statute-book of Japan with respect to the restriction of emigration, it might abolish every limitation which has been enacted by the present Government of that country, and we might in three or four months be back in exactly the same position as before.

Of what avail after all are these assurances? Did we not have an abundance of assurances, according to the view of this Government, between 1900 and 1907? I have some of these in my hand. Let us look at them for a moment. In May, 1900, we were told that by an order of the Japanese Government emigration to Canada had been limited to five per month for each emigration agent, in cases of persons passing through the hands of emigration agents; and that the number of other immigrants had been limited to five per month for each prefecture. 'By a letter of the Japanese consul of the 7th August, 1900, it was declared that the Japanese Government had entirely forbidden, for the present, emigration from Japan to Canada or to the United States. It is perfectly obvious that that order must have been rescinded, otherwise we could not have had the immigration into this country which has prevailed during the past year. On the 3rd February, 1903, the Consul General for Japan, whose statements are regarded as official by this Government, declared in a letter to the Prime Minister that there is a total and absolute restriction of immigration from Japan to Canada by the Japanese Government; that the only Japanese allowed to leave Japan for Canada are: (1) Those holding old passports and certificates of Japanese consuls certifying that they are residents of and returning to Canada; (2) families of Japanese residing in Canada and coming out to them, and (3) merchants and students duly qualified. And so on all through the piece.

The assurances which my hon. friend the Postmaster General has brought back from Japan do not seem to be fuller or more conclusive or to offer any better security than those which have been given to us repeatedly from 1900 to 1907. I do not say in this regard that we are to find any fault with the Japanese Government. The Japanese Government has a perfect right to deal with emigration as a matter of internal regulation, just as Canada ought to have an absolute right to restrict immigration to her own shores from Japan. Both countries should

be entitled to exercise these rights to the full. The situation at present is that Japan, in respect of emigration from that country to Canada, may exercise control, and that Canada may not exercise any control even within her own boundaries.

My hon. friend has asked for a fair trial of the new regulations. I would not object to giving the new regulations a fair trial, and I trust that the assurances which the Postmaster General has been able to secure from the Government of Japan will answer all the expectations which he has announced to the House in his speech of a week ago. That, however, does not alter the situation, that does not affect the principle for which we must stand in this House. Canada ought not to enter into any treaty engagement which would prevent the necessary and effective control of immigration. Oriental immigration is a question of vital importance not only to British Columbia but to the whole of the Dominion, and is fraught with the gravest consequences not only to us of the present day, not only to the great wage-earning population of the country, but to all the people of Canada, and to those who will succeed us. So, I think it is fitting, Mr. Speaker, in view of what has taken place from 1895 down to the present time, that we should place our views before the country. Therefore I move:

That all the words after the word 'that' be left out and the following substituted therefor:

By order in council of 3rd August, 1895, the Ministry then in office in Canada called attention to the dangers of unrestricted immigration, and declared that Canada's adhesion to the treaty of 1894 with Japan should be accompanied by such a proviso or stipulation as would enable Parliament to control the immigration of labourers and artisans;

That Japan in 1896 consented that such a proviso and stipulation should accompany the adhesion of Canada to the treaty;

That notwithstanding such consent the present Government, in 1905, deliberately abandoned any such proviso or stipulation, although its great importance was twice called to their attention by the British Government during the course of the negotiations; and, having entered into the treaty of 1906 (which brought into force in Canada the treaty of 1894 absolutely and without reserve) the Government secured its ratification by Parliament in 1907.

That the ratification of the said treaty of 1906 was almost immediately followed by a great influx of Japanese labourers into Canada;

That in the opinion of this House, Canada should not enter into or accede to any treaty which deprives Parliament of the control of the immigration into this country;

That this House, while expressing its profound appreciation of the friendly intentions and courteous assurances of the Japanese Government, and while declaring its sincere desire for the most cordial relations with the Japanese people, desires nevertheless to record its strong protest against a policy under which our wage-earning population cannot be protected from destructive invading competition except by entreating the forbearance and aid of a foreign government.

THE
QUESTION OF ORIENTAL
IMMIGRATION

SPEECHES

(IN PART)

DELIVERED BY

R. L. BORDEN, M.P.

IN 1907 AND 1908.

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QUESTION OF ORIENTAL
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R. L. Borden.

SPEECH

(IN PART)

DELIVERED BY MR. R. L. BORDEN

AT VANCOUVER, 24th SEPTEMBER, 1907.

The Question of Immigration, a burning one all over Canada, and especially in British Columbia, Mr. Borden left for his closing remarks. He said:—

The important question of immigration is of special moment to the people of this Province under existing conditions. At Halifax I announced as part of our general policy:

IMMIGRATION. CAREFUL SELECTION.
ABOLITION OF BONUS SYSTEM.

A more careful selection of the sources from which immigration shall be sought, a more rigid inspection of immigrants and the abolition of the bonus system except under very special circumstances and for the purpose of obtaining particularly desirable classes of settlers.

NATIONAL SPIRIT AND ASSIMILATION.

We must guard against any supposed divergence of interest and what is still more important any actual divergence of sentiment between the East and the West. Our conditions are more difficult than those of the United States because north of Lake Superior many hundred miles of almost uninhabited country will remain, for years to come, not as a link but a gap between the social and national life of the East and that of the West. So our widespread communities must be kept in touch, alien settlers must be assimilated and made acquainted with our institutions, a national spirit must be created and maintained.

QUALITY RATHER THAN QUANTITY.

Not only the prairie provinces, but this great province as well affords homes which should be offered as prizes to the best emigrating races of the world. The efforts of the Laurier Government have been directed toward quantity rather than quality.

ORIENTAL INFLUX.

No reasonable or effective effort has been made to bring settlers from European countries to British Columbia. But immigration has poured in from Asia in large volume. It had begun from China before 1896. In the campaign of that year Sir Wilfrid Laurier announced his policy with respect to Chinese immigration in a telegram published as a campaign document. In this he said: "The views of the Liberals of the West will prevail with me." Note well the expression; he proposed to be governed not by the will of the people, but by the will of the Liberals of this province. I adhere to the view which I expressed in 1902, that on this great question the views of the people of this great province as a whole should prevail.

After the present Government attained power the matter drifted for years until the report of the Commission on Immigration. That report made by men selected by Sir Wilfrid Laurier, one of whom he has since appointed to a position on the judicial bench, contained the following:—

"That there is probability of a great disturbance to the economic conditions in the province, and grave injury being caused to the working classes by the large influx of laborers from China, as the standard of living of the masses of the people in that country differs so widely from the standard prevailing in the province, thus enabling them to work for a much less wage.

"That it is in the interests of the Empire that the Pacific Province of the Dominion should be occupied by a large and thoroughly British population rather than by one in which the number of aliens would form a large proportion."

With respect to the Japanese the report contained the following pronouncement:—

"Their presence in large numbers delays the settlement of the country and keeps out intending settlers; and all that has

" been said in this regard with reference to the Chinese applies
" with equal if not greater force to the Japanese."

In 1903 the Government carried out the Commission's recommendation with regard to the Chinese, but explicitly refused to take action with regard to the Japanese. Sir Wilfrid Laurier declared that as to those the problem had been solved.

THE GOVERNMENT AND THE JAPANESE.

The resulting sequence of events has been very curious and gives rise to reasonable suspicion. In the same year, 1903, a Conservative member moved to insert in the Grand Trunk Pacific charter the following clause:—

" That no contractor or sub-contractor on the said railway shall employ any Asiatic labor or workmen in the construction of the said railway."

The Government voted down this motion and rejected the clause.

During the last session of Parliament the Government made Canada a party to the treaty of 1894 between Great Britain and Japan which contained the following provision:—

" The subjects of each of the two high contracting parties shall have full liberty to enter, travel or reside in any part of the dominions and possessions of the other contracting party, and shall enjoy full and perfect protection for their persons and property."

This treaty by its terms permits the unrestricted immigration into Canada of the entire population of Japan. But it was ratified by Parliament upon the most positive and explicit assurance by the Government as to the character and extent of that immigration.

HON. SIDNEY FISHER'S VISIT TO JAPAN.

Mr. Fisher, the Minister of Agriculture, visited Japan in 1903, and upon his return gave in Parliament an account of his mission. After he had dwelt upon the importance of his presence at special audiences with the Emperor and Empress of that great country, and the impression which he had created upon the people, and after he had emphasized the important

trade advantages which would accrue to Canada by reason of his visit;

I interposed this question:

"Before the honorable gentleman sits down, I would like to ask if he was able to make such observations of the social and economic conditions as would justify him in coming to a conclusion with respect to the effect that extensive emigration from Japan might have upon our conditions in Canada?"

I should say here that before I brought up this matter, the House had already been warned by Mr. Justice Morrison, then a member of Parliament, that Japanese immigration was beginning to invade British Columbia.

THE MINISTER OF AGRICULTURE REPLIED:

"I am satisfied in the first place *that there will be no such immigration* from Japan. The Japanese are a home-loving people, and they have abundant opportunity for progress and industry in their own country. The Japanese Government itself forbids the emigration of anybody from the country without a permit, and for several years past, they have refused to issue a permit to any Japanese to come to Canada who is a laborer or of the ordinary laboring class. Permits are issued only to merchants, students and travelers."

Mr. Clancy, M.P., asked "Did that extend to emigration to any other country than Canada?"

And the Hon. Mr. Fisher continued:

"The system extends to every country. No Japanese can leave his own country without a permit from his Government. The Government there, in accordance with negotiations with our Government, have issued orders, I think about two years ago, that for the future no permit should be given to a Japanese except the classes I have mentioned, to go to Canada, and that has been strictly maintained to the present time. I had the assurance of the Government there, personally and in writing, that that policy would be maintained. My honorable friend spoke about the possibilities of industrial invasion. I consider that there is no prospect of that."

After reciting the foregoing discussion from Hansard Mr. Borden resumed:

I cannot emphasize too much the importance of the statement thus made to Parliament. Mr. Fisher declared that as a minister of the Crown, and virtually an ambassador from Canada to Japan, he had the assurance of the Japanese Government that their policy restricting emigration to Canada to a mere nominal number, and to an entirely limited class, would be maintained. This declaration was before Parliament when the treaty of 1906 came up for ratification. Sir Wilfrid Laurier repeated in effect the assurance given by Mr. Fisher. The treaty was in fact accepted by Parliament upon the explicit representation of Sir Wilfrid Laurier that the Japanese Government had restricted emigration of its subjects to Canada to not more than four or five from each province annually. As Prime Minister, he gave Parliament and the Country clearly to understand that the arrangement in this respect made years ago between Canada and Japan would continue, and would not be altered or interfered with by the ratification of that treaty.

THE POSITION TO-DAY.

How is it that we hear nothing to-day of the assurances "personally and in writing" given by the Japanese Government and relied upon by Parliament in accepting this treaty. Either the Government has deceived Parliament or it is in a position to take immediate steps for the abrogation of this treaty.

PRESTON TO THE FRONT.

But an old actor appears on the scene, Mr. W. T. R. Preston had been Canadian Immigration Commissioner in London for many years. During that time a so-called Canadian Labor Bureau was founded in London by one Leopold or Lazarus, and he was permitted to establish his office in the Dominion Government building. Mr. Preston in his official capacity publicly repudiated all connection with or responsibility for this bureau. Secretly and privately he gave it his official sanction and encouragement. This fact was thoroughly established by letters from Preston produced by Alfred Jury, another government official, employed in the same department. The Canadian Labor Bureau did a large and profitable business. Jury testified on oath to his belief that Preston was interested in this as well as the North Atlantic Trading Company. We moved in Parliament

for Mr. Preston's dismissal. He was not dismissed, but suddenly transferred from London to Japan, and his arrival in Japan was followed a few months later by a large influx of Japanese laborers, who are certainly arriving under some organized system. Is it too much to assume that some unknown and undiscovered North Atlantic or North Pacific Trading Company, or Canadian Labor Bureau, is profiting from the very large number of Japanese laboring men who are thus disembarking upon our shores? This subject will bear investigation later on.

THE SITUATION.

Japan is a great nation, the renown of her soldiers as well as her statesmen is world-wide. She is the ally of Great Britain. The violence which has been offered to her subjects, peacefully residing in this country under treaty rights, is a matter of deepest regret to every loyal Canadian, and every possible reparation must be made.

The Government has unnecessarily created a difficult situation and they must accept the responsibility. Present conditions deter immigration to your Province from European countries, and will end in driving from the Pacific coast all laboring men of European races. And in truth the question is whether or no this great Pacific Province shall be dominated by a Canadian race or by men of oriental descent. If present conditions are permitted to continue, the question does not stop short of this point. The Laurier Government, notwithstanding its promises of the past, has created this condition. It did so knowingly and wantonly in face of the warning of its own Commission, and with full understanding of the consequences.

Complete information must have been in possession of the members who represent this great Province in the Commons of Canada. Did they withhold it from the Government? Is that conceivable? Why did every British Columbian representative reserve his protest until it was too late?

VIOLENCE DEPRECATED.

Let us have a due sense of Imperial as well as Canadian interests; let us appreciate the sanctity of treaty rights, which must always be observed, and the respect which must be paid to

a great nation like Japan, the ally and friend of Great Britain; let us remember the importance of trade relations with both China and Japan, but above all let us never forget that there are considerations greater and higher than those of trade or material progress.

The Conservative party, which brought this splendid province into our great confederation, will ever maintain one supreme consideration to which all material considerations must give way; and it is this: British Columbia must remain a British and Canadian province, inhabited and dominated by men in whose veins runs the blood of those great pioneering races which built up and developed not only Western, but Eastern Canada. And while we recognize our duty to the great Empire whose flag shall always float above us, we respectfully and loyally maintain that Canada in so vital an essential as this must be accorded a freedom of judgment as perfect and unfettered as that exercised not only by the other great dominions of the Empire, but by Great Britain herself.





SPEECH

(IN PART)

DELIVERED BY MR. R. L. BORDEN

In the House of Commons, January 28th, 1908.

After commenting upon the results of the visit of the Postmaster-General to Japan, Mr. Borden proceeded as follows:

Now, the question with which we are concerned to-day is a very important one. It is fraught with momentous issues to this country; it is a question which probably will confront Canada when all those who are within the sound of my voice to-day have passed off the scene. It is the great question of world politics which must be worked out on the Pacific ocean in the years to come; it is the great question of the influence, perhaps domination, that the mighty nations of the Orient, aroused to modern methods and organized as they have not been organized before, will exercise over the destinies of the world, especially on the Pacific. This question, while at the present moment within a rather narrow compass, is clearly a very great question; and we are only upon the fringe of it to-day in discussing the control of immigration from the great empire of Japan into the Dominion of Canada.

We all know that in 1894 treaties were negotiated by Japan with various countries. In 1894 a treaty was negotiated between Great Britain and Japan. That treaty did not bind the self-governing colonies of the empire but by article XIX it was competent for any of these self-governing dependencies to accede to the treaty, and so take advantage of it and be bound by its terms. I need hardly say that it was competent for any colony to decline

acceptance except upon terms protecting its own peculiar interests. In the same year the United States negotiated a treaty with Japan, but so far as the control of immigration is concerned there was a marked difference between the terms of the British treaty and those of the United States treaty. The United States reserved to itself the right to control the immigration of labourers into the United States from Japan, as has been shown to this House in a very lucid and exhaustive manner by my honorable friend from Naniamo (Mr. Ralph Smith). The British treaty with Japan made no such provision, because so far as Great Britain itself was concerned the possible danger which confronted the United States did not confront the British isles. The British isles, thickly populated and at a great distance from Japan were in no danger of any immigration from that country which could in any way affect their economic interests or their labouring population. In the United States the reverse was the case. Japan had awakened; the Pacific had become merely a magnificent highway between the Orient and this continent, and so the United States took the precaution, when they entered into a treaty with Japan, in 1894, to insert a stipulation as to immigration which is not to be found in the treaty negotiated between Great Britain and Japan that same year.

For the purpose of what I desire to submit to the House it is necessary to review to some extent the negotiations between the Government of Canada and the Colonial Office of Great Britain with respect to the terms of this treaty and with respect to the conditions upon which Canada was willing to accede to it. I have in my hand a copy of an order in council which was passed by the Conservative administration of the day, on August 3, 1895. The treaty, as the House will remember, was negotiated in 1894, and shortly afterwards it was submitted to all the self-governing colonies of the empire. In 1895 it came under the consideration of the Canadian government, and on the 3rd of August, 1895, the order in council to which I refer was passed. I shall read it so that the House and the country may clearly and thoroughly understand what was the attitude of the Conservative government of the day with respect to the vital question of controlling immigration to Canada from Japan. I do not know the precise official status of Mr. Wilkinson who is referred to in this order in council. The despatch to which it is an answer has not been

brought down by the Government, for the reason as stated by the Prime Minister, that it is of a confidential character. It is clear however, that Mr. Wilkinson was an official of either the colonial office or the foreign office, and that he had made representations to the government of Great Britain which were considered of moment, and which were forwarded to the government of Canada in 1895. This order in council was not brought down with the papers which accompanied the Japanese treaty when that treaty was laid upon the table of the House last session. I looked over the files of that return; I found allusion to this order in council, and the Prime Minister was good enough to send me a copy on Saturday last when for the first time I had an opportunity of perusing it. The order in council is in the following terms:

ORDER IN COUNCIL.

August 3, 1895.

The committee of the Privy Council have had under consideration a circular dispatch, hereto attached, dated May 7, 1895, from the Most Honourable the Marquis of Ripon, transmitting copies of two despatches from Her Majesty's minister at Tokio, Japan, on the subject of the emigration of Japanese labourers to the British Colonies; and also an article from the 'Japan Daily Mail' newspaper, with reference to the trade between Japan and Australia.

The Minister of Interior to whom the despatch and its enclosures were referred, states that the only portion of the reference which is of vital consequence to Canada, is that which relates to the former mentioned subject.

The minister observes from the memorandum of Mr. Wilkinson of January 10, that in the treaty lately concluded between Japan and the United States, there is the following proviso: 'It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances and regulations with regard to trade, immigration of labourers, police and public security which are in force, *or may hereafter, be enacted in either of the two countries.*' The corresponding clause in the treaty between Great Britain and Japan merely reads:—'Subject always to the laws, ordinances and regulations of each country.'

The minister agrees with Mr. Wilkinson's observations that this proviso 'could scarcely be appealed to as justifying either

exclusion or restriction, without laying ourselves open to the charge of bad faith.'

The minister is further of the opinion that Mr. Wilkinson is justified in the conclusion that '*it might well happen that the government of the colonies would find themselves forced to take measures to restrict, suspend or even prohibit the immigration.*'

The minister submits that, in the interests of the Dominion of Canada, there should be a proviso in the treaty of Great Britain with Japan similar to that contained in the treaty between that country and the United States, and he recommends that, when the adhesion of Canada is being given to the treaty, an express stipulation of this kind should be made, and that some further definition should be required of the term 'labourers' so that it will definitely include artisans.

The committee advise that Your Excellency be moved to forward a certified copy of this minute to the Right Honourable Her Majesty's principal Secretary of State for the colonies.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Up to that time there had been very little agitation in British Columbia or elsewhere in Canada with regard to the regulation, restriction, or prohibition of the entry of Japanese labourers, and the order in council which I have just read shows a very considerable degree of foresight on the part of the Conservative statesmen of that day in looking forward to the conditions which actually have prevailed in this country, to a greater or less extent, from 1900 up to the present time. On the 6th of August, 1895, that order in council was forwarded to His Majesty's principal Secretary of State for the Colonies by a despatch under the hand of the deputy Governor General, Sir Henry Strong.

On the 18th of October in the same year, 1895, the British ambassador at Tokio transmitted to the Japanese government the purport of that order in council and declared to them in the memo. which he delivered:

"The Canadian Government in adhering to this treaty would desire a stipulation with respect to Japanese immigration similar to that inserted in the treaty between Japan and the United

“ States, and that they desire a further definition of the word
“ ‘labourers’ by adding thereto the words ‘ including artisans.’ ”

And on the 7th of February, 1896, the Japanese Government acceded to that request except so far as the word ‘ artisans ’ was concerned. I will read that portion, which relates to this particular subject, of the despatch of the British ambassador at Tokio to the Marquis of Salisbury, then Foreign Minister for Great Britain. The despatch is under date February 7, 1906, at Tokio, and it contains the following:—

“ His Excellency (that is, the Japanese Foreign Minister) produced a written memorandum, the terms of which were to “ the purpose that the Japanese Government were willing to agree “ that Canada, in signifying her adhesion to the treaty, might do “ so with a proviso that the stipulation of the treaty shall not in “ any way affect the laws of either country in regard to the “ immigration of labourers, and further, that the treaty should “ cease to be binding six months after notice to terminate it had “ been given by either side.”

So there was a complete assent by the Japanese Government to the demand of the Canadian Government, except that at that time they did not consent that the word ‘ labourers ’ should be expanded by adding thereto the words ‘ including artisans.’

The British ambassador, on February 10, 1896, following the suggestion of Canada in that regard, inquired of the Government of Japan whether they were willing to make the same arrangement with other self-governing dependencies of the Empire. On the 19th of March, 1896, the Japanese Government, in reply to this inquiry, expressed its consent to the adhesion of all the other self-governing colonies on the same terms as Canada, but continued to object to the addition of the word ‘ artisans.’

On the 15th of July, 1896, Mr. Chamberlain, then Secretary of State for the Colonies, sent a dispatch to the Governor General inquiring whether the Government of Canada would adhere to the Japanese treaty. The Conservative Government had just gone out of power and my right hon. friend (Sir Wilfrid Laurier) had assumed the reins of office. On the 29th of July Sir Richard Cartwright, then Minister of Trade and Commerce, submitted a report to the Privy Council. I will not read the whole of that report, but I will read a portion because it is rather im-

portant as indicating the reasons upon which this Government then declined to accede to the treaty with Japan. The report of the Minister of Trade and Commerce, in its preamble, refers to the treaty and to various confidential communications which had taken place with regard thereto, and continues as follows:

“The Minister in reporting thereon has the honour to submit for the consideration of His Excellency the Governor General in Council, that while he fully approves of the general provisions of the treaty as modified, yet considering the interpretation put by Her Majesty’s Government as well as by those governments interested upon the intent and meaning of the ‘most favoured nation clauses,’ as they appear in treaties between Great Britain and foreign countries, which interpretation under existing circumstances would be held to be binding upon the Dominion of Canada, and in view of the provisions contained in article V. of the said treaty, and of questions arising as to the exact meaning of provisions contained in articles VIII. IX, and XV., and considering that apparently under the provisions of these several articles the Dominion would be further hampered in any effort that might be made in connection with the negotiation of arrangements under which any concession made for special equivalents granted by reason thereof to or with other countries, he does not deem it advisable that the Dominion should become a party to or be bound by the provisions of the treaty in question. He therefore respectfully recommends that, if approved, His Excellency the Governor General be moved to communicate by cable to the Rt. Hon. the Secretary of State for the Colonies the substance of the minute of council founded hereon, in order that the Japanese Government may be advised thereof with as little delay as possible and within the time limit as per article XIX. of the said treaty.

R. J. CARTWRIGHT.”

The language of this recommendation is very confused. There seems to be an omission, one of the sentences being apparently incomplete; but the purport is easily to be understood. The Government were oppressed by the fear that the adherence of Canada to that treaty might in some way hamper them in connection with preferential trade, which was then under discussion. For my part, I do not see what possible effect it could have in that respect,

because the Japanese treaty did not embody the provisions contained in the German and Belgian treaties. As every one acquainted with the subject knows, these treaties contained an express stipulation that any concession or advantage granted by Canada to the other country must be granted also to Belgium and Germany. There was no such stipulation in the Japanese treaty, and for that reason no such difficulty could have arisen. Indeed, in the following year the Canadian Government itself passed an order in council declaring that Japan was entitled to the benefits of the reciprocal or preferential tariff. *The Minister of Trade and Commerce in his report did not take into consideration the labour question at all, but did have regard to a consideration which seems to me altogether fallacious, and which should not have interfered in the slightest degree with the adhesion of Canada to this treaty. Nevertheless the Government adopted his recommendation and affirmed it by order in Council.*

On the 18th of September, 1896, Mr Chamberlain notified Canada that Queensland had refused to accept the treaty unless given freedom of action in respect to the immigration of Japanese artisans. A further order in council was passed by the Canadian Government on the 15th of October, 1896, refusing to accede to the treaty for the reasons already stated. On the 21st of October, 1896, Mr. Chamberlain communicated to the Governor General the information that the time for adhering to the treaty had been extended for one year, that is to the 25th of August, 1897.

On the 8th of October, 1896, the British ambassador, in a report to Lord Salisbury, declared that the Japanese Government had at last come to an understanding with him respecting the exact terms of the protocol, which reserved to the self-governing colonies acceding to this treaty the control over immigration. That report and the protocol itself are of importance in understanding the position which this government afterwards took. The dispatch, dated the 8th of October, 1896, contains the following language :

“ I have the honour to inclose copy of a draft protocol which, in pursuance of an understanding arrived at with Count Okuma on the 2nd inst, I placed to-day in His Excellency's hands. It provides for the reservation of the right to legislate with regard to trade, immigration of labourers and artisans, police and public security to all the colonies and foreign possessions of

“ the Crown mentioned in article XIX. of the new treaty, except
“ Newfoundland and Natal, which have already signified their
“ unconditional adhesion, and is reciprocal in form. It is
“ framed on the model of the last paragraph of article II. of the
“ new treaty between the United States and Japan.”

The last sentence of the British ambassador's report in referring to his communication to the Foreign Minister of Japan is as follows:

“ As, however, no legislation seemed to be in immediate con-
“ templation in either Canada or Australia, it would appear that
“ what the Governments of those colonies desired was to have
“ the power of legislation in reserve so as to be able, in case of
“ need, to satisfy public opinion.”

And a draft protocol was then agreed upon between the British ambassador and the Japanese Government, embodying the terms, provisions and stipulations to which the Government of Japan would consent. That protocol is in the following terms:

DRAFT PROTOCOL.

“ The undersigned duly authorized, &c.,
“ have agreed that the stipulations contained in the first and third
“ articles of the Treaty of Commerce and Navigation, between
“ Great Britain and Japan, signed in London on the 16th July,
“ 1894, shall not in any way affect the laws, ordinances and
“ regulations with regard to trade, *the immigration of labourers*
“ *and artisans*, police and public security *which are in force or may*
“ *hereafter be enacted in either of the colonies* and foreign posses-
“ sions of Her Britannic Majesty enumerated in article XIX. of
“ the said treaty, with the exception of Newfoundland and Natal,
“ or in Japan.

“ In witness thereof

“ Done at Tokio,

1896.”

It will be observed that by this protocol, the terms of which were thus settled and assented to by the British ambassador and the Japanese Government, Japan formally consented not only to the restriction already embodied in the treaty between Japan and the United States, but also to the original demand of Canada made in August, 1895, that the word 'labourer,' used in the

United States treaty, should be broadened by adding thereto the words 'and artisans.'

On the 23rd January, 1897, the matter again came up for the consideration of this Government, and by an order in council of that date the Government affirmed the same reasons as before for refusing to accede to the treaty. It will be observed that up to the time the Conservative Government went out of power, Japan—although it had acceded to the stipulation embodied in the treaty with the United States—had not acceded to the additional words, 'and artisans,' required by the order in council of 1895. It is, however, apparent that the Japanese Government in October, 1896, accepted in full the view which had been put forward by the Canadian Government in August, 1895, and therefore the treaty could have been acceded to by Canada in October, 1896, upon the exact terms laid down by the Conservative Administration in its order in council of 3rd August, 1895.

On the 30th July, 1897, the question of Japanese immigration into British Columbia had apparently become a somewhat serious one, because on that date the British Columbia Government and Legislature sent a memorial to the Governor General in which they respectfully requested that if the Dominion Government should decide to become a party to the treaty with Japan, they would secure such stipulations as would prevent the unrestricted immigration of Japanese into Canada. And in the year 1900, there was a petition of more than 2,000 residents of British Columbia to His Excellency the Governor General, in which it was set out that between the 1st January, 1900, and the 30th April, 1900, 4,669 Japanese had landed in Victoria and Vancouver and the province was being flooded with them.

So the matter stood until the 7th June, 1905, nearly ten years afterwards, when, by an order in council passed by the present Administration, it was declared that the previous obstacles to the accession of Canada to the treaty had been removed, and His Excellency the Governor General was moved to ascertain whether or not the Japanese Government was prepared to admit Canada to participation in the treaty. A despatch was sent to the Colonial Secretary in accordance with this order. The Colonial Secretary had before him the attitude of the Canadian Government in 1895. He had before him the express declaration made by Canada in 1895 that Canada would not accede to this treaty except

with stipulations which would enable Canada to restrict Japanese immigration if necessary. And he had before him, no doubt, the consent of the Japanese Government to the protocol which I have already read—the protocol containing an express proviso and stipulation with regard to the control of immigration. So he addressed to the Governor General of Canada the despatch which I have under my hand, and which is as follows:

“ London, July 14, 1905.

“ Referring to your confidential despatch of 7th June, should “ Japanese Government be informed that your Government wishes “ to adhere to treaty of 1894 and supplementary convention of “ 1895 under same terms and conditions as Queensland in 1897, “ which Japanese Government then agreed to extend to any other “ colonies adhering within prescribed period, namely (1) that “ stipulations contained in first and third articles of treaty shall “ not in any way affect laws, ordinances and regulations with “ regard to trade, *immigration of labourers, artisans*, police and “ public security, which are in force or hereafter may be enacted “ in Japan or in colony; (2) that treaty shall cease to be binding as “ between Japan and colony at expiration of twelve months after “ notice has been given on either side of desire to terminate same.

“ Or are your Government prepared to adhere absolutely and “ without reserve as would appear to be the case from speech of “ Minister of Agriculture in Canadian Parliament, June 22? “ Please telegraph reply.

LYTTLETON.”

The speech of the Minister of Agriculture (Mr. Fisher) delivered in this House on the 22nd June, 1905, is to be found at page 7912 of ‘Hansard.’ It declares in effect that the Government had absolutely abandoned any intention of discriminating in any way against Japanese labourers coming to Canada, and that consequently Canada was prepared to accede absolutely to the treaty without reserving control of immigration from Japan.

Therefore, the Government of this country had their attention directed by this despatch from the Colonial Secretary, Mr. Lyttleton, to the attitude which their predecessors, the Conservative Government, had taken in 1895—an attitude which eventually had commanded the assent and approval of Japan. Thus, this Government had before them the exact situation. They had

before them the option of absolute and unreserved adhesion, or of acceding to that treaty upon the terms already consented to by Japan, which would enable the Government of this country at all times to control the immigration of artisans and labourers from Japan. But the Government paid so little attention to the subject, they had this most important feature of the question so little in mind, that apparently they forgot all about the despatch of the Colonial Secretary. So that on the 5th September, 1905, nearly eight weeks afterwards, they sent a despatch through the Governor General to the Colonial Secretary to this effect:

" My Prime Minister earnestly hopes that you will press the " immediate entry of Canada into the Anglo-Japanese treaty."

They deigned no word of reply to the warning addressed to them by the Colonial Secretary as to control of immigration, it apparently passed out of their recollection, and some seven or eight weeks afterwards they sent that further despatch requesting that the British Government would press the immediate entry of Canada into the Anglo-Japanese treaty.

Well, Sir, if they were forgetful and unmindful of Canada's interests, the Colonial Secretary was of a different type. On the next day, September 6, he sent in reply the following telegram:

" London, September 6, 1905.

" In reply to your telegram received to-day please inform your " Prime Minister that before taking steps as regards adhesion of " your Government to commercial treaty with Japan, His " Majesty's Government awaiting reply to telegram of July 14.

" LYTTLETON."

A great deal is said sometimes—I think, on occasion, even by the Prime Minister himself—as to disregard by the Imperial Government of Canadian interests in the negotiation of treaties with foreign powers. Here was a case in which the British Government was endeavouring to preserve for Canada necessary control of immigration, and these gentlemen upon the treasury benches had so little regard to this subject, of transcendent importance, that they even forgot within six or seven weeks the warning which had been addressed to them on the subject by the Imperial Government.

They again called their cabinet together and took the subject into earnest consideration. And this is the result of their deliberations, as embodied in the order in council of September 25, 1905 :

“ Ottawa, September 25, 1905.

“ The undersigned, the Secretary of State, has had under
“ consideration the minute of council approved on June 7 last,
“ advising, on the recommendation of the Minister of Trade and
“ Commerce, that His Excellency be moved to ascertain whether
“ the Japanese Government would be prepared to admit Canada to
“ a participation in the existing treaty between Great Britain and
“ Japan, adopted in the year 1894 and supplementary convention
“ 1895, and has had also under consideration the cable despatch
“ from Mr. Lyttleton to Earl Grey of July 14 last, inquiring
“ whether the Government of Canada was prepared to adhere
“ absolutely and without reserve to the treaty of 1894 and 1895,
“ or whether Canada desired to limit the terms of the treaty to the
“ conditions made on behalf of Queensland when accepting the
“ Japanese treaty, which provided that the stipulations contained
“ in the 1st and 3rd articles of the treaty should not in any way
“ affect the laws, ordinances and regulations with regard to trade,
“ immigration of labourers, artisans, police and public security
“ which are in force or might hereafter be enacted in Japan or
“ Queensland; (2) limiting the treaty to a period of 12 months
“ after notice given on either side.

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

“ The undersigned therefore recommends that a cable des-
“ patch be sent to Mr. Lyttleton, advising him that the Govern-
“ ment of Canada is prepared to adhere absolutely and without
“ reserve to the treaty of commerce and navigation made between

“ Great Britain and Japan in 1894 and supplementary convention
“ signed at Tokio in July, 1895.

“ All of which is respectfully submitted,

“ R. W. SCOTT,
“ Secretary of State.”

So, on the following day, September 26, 1905, the deputy of
the Governor General addressed the following despatch to the
Colonial Secretary:

“ Government House,
“ Ottawa, September 26, 1905.

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

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

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

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

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

We observe in this order in council no mention of the
assurances that have been referred to so copiously by my
honourable friend the Postmaster General and Minister of
Labour (Mr. Lemieux). The reasons set forth are two: First,
that Japan has enacted a law limiting emigration to foreign
countries. Now, Japan could enact a law one day and repeal
it the next, just as the Parliament of Canada is at liberty
to repeal or alter or modify any of its acts; and the mere
enactment of a provision by the Parliament of Japan, sub-
ject to alteration or repeal the next day, was surely an entirely
insufficient ground for putting to one side all consideration of
that protocol which had been assented to by Japan, and which

would have reserved to Canada necessary control over immigration. The second reason assigned is as follows:

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

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

Now, we have heard a good deal about assurances, and we have had much oratory from my hon. friend the Postmaster General as to the spirit in which these assurances have been carried out by Japan. I do not desire to controvert these statements in the slightest degree. But I am prompted to observe that these assurances, as I understand the matter, were conveyed to the Government by the Consul General of Japan, Mr. Nossé, who formerly resided in Montreal and afterwards in Ottawa. I have yet to learn that a consul general has any diplomatic functions or status which could have justified our Government in accepting Mr. Nossé's assurances. Why, the very first duty of a new ambassador—and an ambassador has a high diplomatic status—upon his arrival in the country to which he is accredited, is to present his credentials, sometimes with a further statement of his powers. These powers are narrowly and closely examined, and no engagement made by him outside of his powers is accepted by the country to which he is accredited.

So far as Mr. Nossé is concerned, any elementary book on international law, all the standard authorities on international law lay it down as beyond question that a consul has no diplomatic status, he has no apparent authority to enter into an agreement of this kind. I could get no answer from the Postmaster General

as to whether the Japanese Government held itself bound by all the engagements made by Mr. Nossé on its behalf. My hon. friend contended that Japan was bound. He asserted that the official status of the consul general was sufficient to give credit to these assurances. He put forward in one part of his speech the remarkable reason that these assurances were given upon paper bearing the impress of the Imperial Government of Japan. That would be, indeed, a far reaching argument if it were carried to its legitimate conclusion, and I presume my hon. friend the Postmaster General would not be disposed to lay too much stress upon it. But if this Government were entitled to accept the assurance of Mr. Nossé, as the Postmaster General declares, I would like to point out that Mr. Nossé, in 1903, made a very important statement which would have justified the Government in concluding that Japan was then willing to accept the treaty subject to the stipulation to which it had agreed in 1896. On the 30th of March, 1903, Mr. Nossé addressed a communication to the Prime Minister. This communication was not brought down in 1906; it is included, however, in the further return which has been laid upon the table of the House during the present session. It reads as follows:

March 30th, 1903.

Rt. Hon. Sir Wilfrid Laurier,
Premier and President of the Council,
Ottawa.

In answer to my cablegram to the Imperial Japanese Government advising them to continue the policy of restricting their people emigrating in any large number into British Columbia, I have received a cable instruction to the effect that I have to give your Government the renewed assurances that the Japanese government are not desirous of forcing their people into British Columbia against the wish of the province, and that they are willing to enter into an agreement with your Government by which they may bind themselves, if their present policy of rigid restriction is not deemed satisfactory to your Government.

T. NOSSE,
Consul General of Japan.

If that means anything it means that the Government of Japan, in March, 1903, would have been perfectly willing to have

Canada accede to this treaty subject to that proviso and stipulation to which Japan did give its assent in October, 1896. With a communication expressed in such forcible terms, and of so recent a date, it does seem remarkable that the Government in 1906, saw fit to plunge this country into the difficulty with which it is now confronted, and so to alter the condition of affairs that we cannot maintain over immigration to this country that control which is eminently necessary in the public interest.

Now I come more particularly to the results of the mission to Japan of my hon. friend the Postmaster General. The real object of his mission was to induce Japan to exercise that control over immigration into Canada which we should be able to exercise ourselves. It is one of the attributes of the sovereign power of any State to restrict, or even altogether prohibit, the entrance of aliens within its territory. If we had preserved that right by the stipulation insisted on by the Conservative Government in August, 1895, there would have been no difficulty. We did not reserve that right; therefore, having passed over to the Japanese Government the control which should have been retained by Canada, it became necessary to ask the Japanese Government to exercise that control. That in short is the position which confronted this Government when the Postmaster General embarked on his mission to Japan. I am bound to say that the Japanese Government seems to have exercised a perfect courtesy and a most wonderful forbearance in agreeing not to insist, for the time being, upon its full treaty rights, which undoubtedly had been granted to Japan by the treaty of 1906, bringing into force the treaty of 1894. What has my hon. friend the Postmaster General brought back? He has brought back, outside of the information which he is not at liberty to disclose to this House, a letter from the Minister of Foreign Affairs of Japan, Viscount Hayashi. That letter has been read to this House, and appears on the pages of 'Hansard.' It is a very polite letter, it is couched in the most courteous terms. Let us see what there really is in it.

"Tokio, December 23, 1907.

"Monsieur le Ministre,—

"In reply to your note of even date, I have the honour to state that although the existing treaty between Japan and Canada absolutely guarantees to Japanese subjects full liberty

“ to enter, travel and reside in any part of the Dominion of
“ Canada, yet it is not the intention of the Imperial Govern-
“ ment to insist upon the complete enjoyment of the rights
“ and privileges guaranteed by those stipulations when that
“ would involve disregard of special conditions which may prevail
“ in Canada from time to time.

“ Acting in this spirit, and having particular regard to cir-
“ cumstances of recent occurrence in British Columbia, the
“ Imperial Government have decided to take efficient means to
“ restrict emigration to Canada. In carrying out this purpose,
“ the Imperial Government, in pursuance of the policy above
“ stated, will give careful consideration to local conditions pre-
“ vailing in Canada with a view to meeting the desires of the
“ Government of the Dominion as far as is compatible with the
“ spirit of the treaty and the dignity of the state.

“ Although, as stated in the note under reply, it was not
“ possible for me to acquiesce in all of the proposals made by
“ you on behalf of the Canadian Government, I trust that you
“ will find in the statement herein made, proof of the earnest
“ desire of the Imperial Government to promote, by every means
“ within their power, the growth and stability of the cordial and
“ mutually beneficial relations which exist between our coun-
“ tries. I venture to believe, also, that this desirable result will
“ be found to have been materially advanced by the full ex-
“ change of views which has taken place between us, and it
“ gives me special pleasure to acknowledge the obligation under
“ which I have been placed by your frank and considerate ex-
“ planations regarding the attitude and wishes of your Govern-
“ ment.

“ I avail myself, &c., &c.,

“ (Sgd.) TADASU HAYASHI.

“ The Honourable Rodolphe Lemieux,
“ Postmaster General and Minister of Labour for Canada, Tokio.”

Well, let us analyse this letter and see what it really amounts to.

First, there is the assertion of the full right and liberty of Japanese subjects to enter, travel and reside in Canada.

Second, there is the statement that it is not the intention of the Japanese Government to insist upon the complete enjoyment of its rights when that would involve a disregard of the special conditions prevailing in Canada from time to time. Who is to be the judge of these special conditions? Is it the Government of Canada or the Government of Japan? We are absolutely in the dark as to that. Why should special conditions in Canada, which ought to be the subject of regulation by the Parliament and Government of Canada, be a subject of appeal from this Government to the Government of Japan? Yet, that is the condition to which the affairs of this country have been brought by the adoption of this treaty without proviso.

Third, there is the declaration that the Japanese Government has decided to take efficient means to restrict emigration to Canada so far as is compatible with the spirit of the treaty and the dignity of the state. Who is to be the judge of these matters? Is it the Government of Canada or the Government of Japan, and what are the efficient means by which it is proposed to restrict immigration? Are they to be efficient in the judgment of the Government of Canada, or in the judgment of the Government of Japan?

Fourth, there is the assurance that for this purpose the Japanese Government will give careful consideration to local conditions in Canada. So that our local conditions, which should be the subject of observation, consideration and enactment by our own Government and Parliament, have by means of this treaty been placed under the regulation of the Japanese Government, which graciously promises that it will in future, for the purposes alluded to, give careful consideration to local conditions in this country.

Now I repeat, Mr. Speaker, that, by the action of the Government in this regard, Canada has handed over to Japan that control of immigration which Canada herself ought to exercise; that the regulations governing immigration in future are to be Japanese regulations; that the control and policy are to be Japanese, and that in case of difficulty our remedy, and our only remedy outside of the abrogation of this treaty, is by appeal to the Japanese Government from time to time. The Government of Japan can change its policy to-morrow. A new Government

might come into power within three months in Japan, and that Government might repeal every law on the statute-book of Japan with respect to the restriction of emigration, it might abolish every limitation which has been enacted by the present Government of that country, and we might in three or four months be back in exactly the same position as before.

Of what avail after all are these assurances? Did we not have an abundance of assurances, according to the view of this Government, between 1900 and 1907? I have some of these in my hand. Let us look at them for a moment. In May, 1900, we were told that by an order of the Japanese Government emigration to Canada had been limited to five per month for each emigration agent, in cases of persons passing through the hands of emigration agents; and that the number of other immigrants had been limited to five per month for each prefecture. By a letter of the Japanese consul of the 7th August, 1900, it was declared that the Japanese Government had entirely forbidden, for the present, emigration from Japan to Canada or to the United States. It is perfectly obvious that that order must have been rescinded, otherwise we could not have had the immigration into this country which has prevailed during the past year. On the 3rd February, 1903, the Consul General for Japan, whose statements are regarded as official by this Government, declared in a letter to the Prime Minister that there is a total and absolute restriction of immigration from Japan to Canada by the Japanese Government; that the only Japanese allowed to leave Japan for Canada are: (1) Those holding old passports and certificates of Japanese consuls certifying that they are residents of and returning to Canada; (2) families of Japanese residing in Canada and coming out to them, and (3) merchants and students duly qualified. And so on all through the piece.

The assurances which my hon. friend the Postmaster General has brought back from Japan do not seem to be fuller or more conclusive or to offer any better security than those which have been given to us repeatedly from 1900 to 1907. I do not say in this regard that we are to find any fault with the Japanese Government. The Japanese Government has a perfect right to deal with emigration as a matter of internal regulation, just as Canada ought to have an absolute right to restrict immigration to her own shores from Japan. Both countries should

be entitled to exercise these rights to the full. The situation at present is that Japan, in respect of emigration from that country to Canada, may exercise control, and that Canada may not exercise any control even within her own boundaries.

My hon. friend has asked for a fair trial of the new regulations. I would not object to giving the new regulations a fair trial, and I trust that the assurances which the Postmaster General has been able to secure from the Government of Japan will answer all the expectations which he has announced to the House in his speech of a week ago. That, however, does not alter the situation, that does not affect the principle for which we must stand in this House. Canada ought not to enter into any treaty engagement which would prevent the necessary and effective control of immigration. Oriental immigration is a question of vital importance not only to British Columbia but to the whole of the Dominion, and is fraught with the gravest consequences not only to us of the present day, not only to the great wage-earning population of the country, but to all the people of Canada, and to those who will succeed us. So, I think it is fitting, Mr. Speaker, in view of what has taken place from 1895 down to the present time, that we should place our views before the country. Therefore I move:

That all the words after the word ' that ' be left out and the following substituted therefor:

By order in council of 3rd August, 1895, the Ministry then in office in Canada called attention to the dangers of unrestricted immigration, and declared that Canada's adherence to the treaty of 1894 with Japan should be accompanied by such a proviso or stipulation as would enable Parliament to control the immigration of labourers and artisans;

That Japan in 1896 consented that such a proviso and stipulation should accompany the adherence of Canada to the treaty;

That notwithstanding such consent the present Government, in 1905, deliberately abandoned any such proviso or stipulation, although its great importance was twice called to their attention by the British Government during the course of the negotiations; and, having entered into the treaty of 1906 (which brought into force in Canada the treaty of 1894 absolutely and without reserve) the Government secured its ratification by Parliament in 1907.

That the ratification of the said treaty of 1906 was almost immediately followed by a great influx of Japanese labourers into Canada;

That in the opinion of this House, Canada should not enter into or accede to any treaty which deprives Parliament of the control of the immigration into this country;

That this House, while expressing its profound appreciation of the friendly intentions and courteous assurances of the Japanese Government, and while declaring its sincere desire for the most cordial relations with the Japanese people, desires nevertheless to record its strong protest against a policy under which our wage-earning population cannot be protected from destructive invading competition except by entreating the forbearance and aid of a foreign government.