
RETURN

To an humble Address presented to His Honour the Lieutenant-Governor, requesting him to cause to be laid before this Honourable House all reports made by a member of the Provincial Government to His Honour the Lieutenant-Governor, and any report made by any member of the Dominion Government, upon the Statutes passed by the Legislature of this Province at the last Session, together with all correspondence relating to all of the reports.

By Command.

J. D. PRENTICE,

Provincial Secretary.

Provincial Secretary's Office,

16th April, 1901.

GOVERNMENT HOUSE,

VICTORIA, B. C., 19th October, 1900.

SIR,—I beg to enclose copy of a communication received this day from the Secretary of State of Canada, dated the 12th instant, enclosing copies of four despatches from His Imperial Majesty's Japanese Consul at Vancouver, respecting certain Acts passed by the Legislature of British Columbia, and to request that you will draw the attention of the Cabinet to these important matters, in order that they may report upon the objections urged by the Japanese Consul to the legislation in question.

I have, etc.,

(Signed) HENRI G. JOLY DE LOTBINIERE,

Lieutenant-Governor.

*The Hon. the Provincial Secretary,
Victoria, B. C.*

[Acknowledged on the 18th December, 1900.]

OTTAWA, 12th October, 1900.

SIR,—I am commanded to transmit to you herewith copies of four despatches from His Imperial Majesty's Japanese Consul at Vancouver, British Columbia, respecting certain Acts passed by the Legislature of your Province, and to request that you will be good enough to ask your Government to report upon the objections urged by the Japanese Consul to the legislation in question.

I have, etc.,

(Signed) JOSEPH POPE,

Under Secretary of State.

*His Honour
The Lieutenant-Governor of British Columbia,
Victoria, B. C.*

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 9th October, 1900.

The Committee of the Privy Council have had under consideration copies of the following despatches from His Imperial Majesty's Japanese Consul, viz. :—

(1.) Despatch, dated the 15th February, 1900, referring to an Act passed by the British Columbia Legislature, No. 59, entitled "An Act to amend the Tramway Incorporation Act."

(2.) Despatch, dated 1st September, 1900, calling attention to four Acts, (1) Liquor Licence, (2) Vancouver Incorporation Amendment, (3) Labour Regulations, and (4) Immigration.

(3.) Despatch, dated 1st September, 1900, calling attention to Acts Nos. 5, 19, 42 and 46.

(4.) Despatch, dated 5th September, 1900, calling attention to his despatch of 1st September, 1900, which referred to Acts Nos. 5, 19, 42, and 46, and enclosing copy of a communication, dated 4th September, 1900, received by him from the Attorney-General of British Columbia.

The Committee, on the recommendation of the Minister of Justice, to whom the despatches in question were referred, advise that copies of the same, which are hereto attached, be transmitted to the Lieutenant-Governor of British Columbia for the report of his Government upon the objections urged by the Japanese Consul to the legislation in question.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

*His Honour the Lieutenant-Governor of
the Province of British Columbia.*

Japanese Consul for Canada to Lord Minto.

VANCOUVER, B. C., 15th February, 1900.

YOUR EXCELLENCY,—In the name of His Imperial Japanese Majesty's Government, I have the honour of calling your attention to the fact that in the Legislative Assembly of British Columbia are introduced a Bill entitled "An Act to amend the Tramway Incorporation Act" and various private Bills, all of which contain sections prohibiting the employment of Japanese in works authorised by such Acts. As will be observed in the copy herewith enclosed, the wording of the Bill first named is exactly the same as that of the Act bearing the same name that was disallowed by Your Excellency's Government on the 5th June, last year.

In another Bill entitled "An Act to amend the Coal Mines Regulation Act," introduced by Hon. the President of the Council, Your Excellency will observe that an educational test has seemingly been set up in the section three of the Bill for any person to be employed underground in coal mines. But it is openly declared on the floor by the Honourable Member of the Provincial Government that "there was no use disguising the fact that the Bill aimed at the exclusion of one certain class—the Orientals," the last word evidently including Japanese. It is clearly elucidated by some members (especially Mr. A. E. McPhillips and Colonel Baker) that the proposer of the Bill intended to do indirectly what was vetoed directly by the highest Court of Appeal. Your Excellency will see full account of the debate on this Bill in the copies of the press herewith enclosed. Two sample copies of the Private Bills are also enclosed.

And urging the same objections to those Bills as I had the honour of urging against legislation of the same nature passed at the last Session, I most respectfully request you to extend to the present instance the same enlightened and vigorous policy that was pursued in regard to the legislation of late years, and that, if those Bills should be passed here, Your Excellency will give that legislation such consideration as will lead to the disallowance of the same.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

(Signed) S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

*To His Excellency
The Governor-General of Canada, Ottawa.*

* [ENCLOSURES.]

Copy of the Bill No. 15.

Copy of the Bill No. 14.

† Sample copies of Private Bills.

Vancouver "World," 1st and 2nd February.

Vancouver "News-Advertiser," 2nd and 3rd February.

Victoria "Colonist," 13th and 14th February.

[TELEGRAM.]

Imperial Japanese Consul to Lord Minto.

VANCOUVER, B. C., 1st September, 1900.

Your Excellency's attention is respectfully called to the Acts respecting—first, Liquor Licences; second, Vancouver Incorporation amendment; third, Labour Regulation; fourth, Immigration; all of which passed Legislature of British Columbia and assent just given by Lieutenant-Governor of that Province, the two Bills last named directed mainly against Japanese, while the rest affect interests of Japanese residents more or less injuriously.

In the name of Imperial Japanese Government, may I respectfully request Your Excellency's best consideration in the matter. Am writing.

(Signed)

S. SHIMIZU,

Imperial Japanese Consul.

Imperial Japanese Consul, Vancouver, B. C., to Governor-General.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,

VANCOUVER, B. C., 1st September, 1900.

YOUR EXCELLENCY,—In the name of His Imperial Japanese Majesty's Government, I have the honour of calling your attention to the following Bills that were passed by the Legislative Assembly of British Columbia, and to which assent was given yesterday by His Honour the Lieutenant-Governor of the Province, namely:—

(1.) Bill No. 42, "An Act relating to the employment on works carried on under franchises granted by Private Acts."

The provisions embodied in the section 4 of this Bill will wholly deprive those Japanese residents in this Province, who are unable to read in any language of Europe, of the opportunity of employment on works specified in the section. It will be readily seen that the regulation is not intended as an educational test; first, because an exception is made to be exempt from the reading test for certain class, as provided in the section 3; and secondly, because the Japanese language is not admitted for the test, in spite of the fact that Japanese may be educated to the highest degree in their own tongue.

Nor is it a test of the vernacular language of this Province, because other European languages than the English are admitted for the test. But judging from the debates on the floor, as reported in the press, this Bill is obviously and solely directed against Asiatics, including Japanese. Some clippings from the local press containing reports of the debates on this Bill are herewith enclosed for your information.

(2.) Bill No. 46, "An Act to regulate Immigration into British Columbia."

It is scarcely necessary to point out that the object of this Bill is to prohibit immigration of Japanese into this Province, as Chinese are made to be exempted from the application of this Act.

* All the enclosures, of which only one copy of each was received, have been forwarded to the Colonial Office.

† Copies enclosed of Bill No. 17, "An Act to incorporate the Lake Bennett and Atlin Railway and Navigation Co"; Bill No. —, "An Act to incorporate the North Kootenay Water Power and Light Company, Ltd"

My objection, as stated in the foregoing paragraph, will apply to this instance with even stronger force. Should this Bill come into force, not merely immigration of labourers, but movement of Japanese merchants and travellers will also be injuriously interfered with.

Your Excellency is no doubt aware that the Imperial Government, which I have the honour to represent, entirely forbade emigration of Japanese labourers into Canada for the present. And it will continue to do so as long as it is deemed advisable. Under the circumstances, I fail to see the reason why the Government of this Province should pass such a legislation.

Some clippings from the local press containing reports of the debates on this Bill are also enclosed.

May I trust that this Bill will be disallowed before it shall come into force on the 1st day of January next?

(3.) Bill No. 19, "An Act to revise and Consolidate the Vancouver Incorporation Act."

The section 7 of this Bill deprives the Japanese residents in the City of Vancouver of the franchise of voting in any Municipal election.

For your information, I may state that there are many Japanese residents in this city—merchants of good standing, missionaries, myself and others—who would thus be deprived of the privileges at present enjoyed.

This enactment, therefore, cannot but be considered as an unfriendly action. In addition, I beg to remind you that the annual Municipal election of the City is to be held in January

(4.) Bill No. 5, "An Act respecting Liquor Licences."

In section 2 of this Bill, "Mongolians" are excluded from the expressions "householder" and "inhabitants." The consequences of these provisions will be seen in the sections 22, 28 and 44 of the Bill. The Hon. the Attorney-General of this Province, who introduced the Bill, and by whose motion the word "Mongolians" was substituted for the original words "Chinese and Japanese," has, seemingly, evaded to answer my enquiry, officially made in writing, as to whether the word in question is meant to include Japanese. But some of his colleagues in the Cabinet answered me in the affirmative in his presence. Here I beg to add that, though I was informed by a proper authority of the Provincial Government that this Bill, together with the others passed, received assent of the Lieutenant-Governor of the Province, it does not appear in the list of Acts to which assent was given that is published in the Provincial Parliamentary Paper. Now, urging the same objections to these bills as I had the honour of urging against legislation of similar nature passed at the late sessions, I would most respectfully request Your Excellency to extend to the present instance the same enlightened and vigorous policy that was pursued by your Government in regard to the legislation of late years, and to give that consideration as will lead to the prompt disallowance of the same.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

To His Excellency

*The Right Honourable Gilbert John Elliot,
Earl of Minto, Governor-General of Canada,
Ottawa.*

Extract from the "Victoria Daily Colonist," 22nd August, 1900.

Extract from the "Vancouver Daily Colonist," 31st August, 1900.

Extract from the "Vancouver Daily Colonist," 31st August, 1900.

[The extracts referred to were not furnished by the Secretary of State.]

Imperial Japanese Consul to Lord Minto.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE FOR CANADA,
VANCOUVER, B. C., 5th September, 1900.

YOUR EXCELLENCY,—With reference to my representations, dated the 1st instant, in regard to certain legislation of British Columbia, I have the honour to inform you that yesterday I have received an answer from the Attorney-General of the Province, regarding certain word of the "Liquor Licence Act," copy of which is herewith enclosed. I beg also to state that I have found that, to that Act, assent was given by the Lieutenant-Governor on the 10th August, last.

I have, etc.,
(Signed) S. SHIMIZU,
His Imperial Japanese Majesty's Consul.

To His Excellency
The Right Honourable Gilbert John Elliot,
Earl of Minto, Governor-General of Canada,
Ottawa.

[COPY OF TELEGRAM.]

VICTORIA, B. C., 4th September, 1900.

S. Shimizu, Japanese Consul,
Vancouver.

I must beg most respectfully to decline to express an opinion regarding the intention that resulted in introduction of word "Mongolians" into "Liquor Licence Act, 1900," or as to construction to be placed thereon.

(Signed) D. M. EBERTS,
Attorney-General.

PROVINCIAL SECRETARY'S OFFICE,
VICTORIA, 18th December, 1900.

SIR,—Referring to your communications of the 19th October and 8th December, the former covering a copy of a despatch of the 12th of October, with enclosures referred to therein from the Under Secretary of State, and the latter a copy of a despatch, dated the 30th November, from the Under Secretary of State, I have the honour to forward herewith, for transmission to the Honourable the Secretary of State, copy of an approved Minute of this date, with a Report of the Attorney-General upon four Acts passed at the last Session of the Provincial Legislature, to the provisions of which Acts objection has been taken by the Japanese Consul at Vancouver.

Inasmuch as the "British Columbia Immigration Act, 1900," will come into force on the first day of January next, it is very desirable that the said Report should reach the Secretary of State as soon as possible.

I am, etc.,
(Signed) J. D. PRENTICE,
Provincial Secretary.

His Honour the Lieutenant-Governor.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 18th day of December, 1900.

The Committee of Council have had before them a Report, dated the 14th December, 1900, from the Attorney-General, upon the undermentioned Acts, namely:—

"Labour Regulation Act, 1900,"
"An Act to regulate Immigration into British Columbia,"

“An Act to revise and consolidate the ‘Vancouver Incorporation Act,’
“Liquor Licence Act, 1900,”

passed by the Legislature of British Columbia, to certain provisions of which Acts objections are urged by His Imperial Japanese Majesty's Consul at Vancouver.

The Committee concur in this Report, and advise that a copy of the same be transmitted to the Honourable the Secretary of State.

The Committee submit the aforesaid for Your Honour's approval.

A. CAMPBELL REDDIE,
Deputy Clerk, Executive Council.

To His Honour the Lieutenant-Governor in Council:

The undersigned, to whom has been referred a despatch from the office of the Secretary of State to His Honour the Lieutenant-Governor, enclosing copies of four despatches from His Imperial Japanese Majesty's Consul at Vancouver, respecting certain Acts passed by the Legislature of the Province of British Columbia at its last Session, has the honour to make the following Report upon the said legislation:—

In the despatch bearing date the 15th day of February, 1900, from His Imperial Japanese Majesty's Consul to His Excellency the Governor-General, exception is taken to the provisions of certain Bills which were submitted to the Legislature of British Columbia at the Session held in January and February of this year. As none of these Bills became law, it is unnecessary for the undersigned to deal with the subject-matter of this despatch.

In his despatch of the 1st day of September, 1900, to His Excellency the Governor-General, His Imperial Japanese Majesty's Consul complains of the provisions of the following four Acts passed at the Session of the Legislature of British Columbia held in July and August of this year:—

1. “An Act relating to the employment on works carried on under franchises granted by Private Acts.”

This Act, of which the short title is the “Labour Regulation Act, 1900,” is now chapter 14 of the Statutes of 1900. It provides that employers of labour who are carrying on works under franchises granted by the Legislature of British Columbia shall be liable to a penalty for employment on said works of workmen who are unable to read the said Act in a language of Europe.

The undersigned submits that this legislation is quite as much within the competence of a Provincial Legislature as an Act which provides that pupils shall not be admitted to any High School until they have attained a certain proficiency in Latin or in some of the living languages of Europe.

Complaint is made that the operation of this Act may be to exclude Japanese from certain employment. Even should it have this effect, it is submitted that the Legislature of this Province has a right to attach any conditions, of the kind specified in this Act, it deems proper to the grant of a franchise, and that its will should not be overridden by the Dominion Government. His Imperial Japanese Majesty's Consul urges that this regulation is not intended as an educational test on account of the provisions of section 3 of the Act, which is as follows:—

“3. This Act shall not apply to any person possessed of a certificate in the form set out in Schedule A to this Act annexed, and signed by the Provincial Secretary or any officer appointed by the Lieutenant-Governor in Council for the purposes of this Act.

“SCHEDULE A.

“Province of British Columbia.

“This is to certify that _____, of _____, aged _____, by trade or calling a _____, is a fit and proper person to be employed as a workman under the provisions of the ‘Labour Regulation Act, 1900.’

“Dated at _____ this _____ day of _____, 19 _____.”

“Signature_____.”

This section may be construed to mean that a person who has been examined by the Provincial Secretary, or some other officer appointed for the purposes of the Act, who has satisfied the educational test provided by the Act, and who has obtained the certificate set out in the Schedule A, shall not thereafter be subject to any further examination, and his employment will not expose his employer to the penalties mentioned in the Act.

Another view of the section is that it authorises the issue of certificates to persons who may not be able to satisfy the test, in order to obviate the hardship that might, under certain circumstances, be entailed upon employers by a strict enforcement of it.

If, for example, a contractor were unable to secure the services of workmen who could read the Act in a language of Europe, on this being made to appear to the satisfaction of the Provincial Secretary, he might, under the section in question, issue certificates to workmen unable to satisfy the test. Whatever view is taken of section 3, it is submitted that it affords no ground for attacking either the legality or the propriety of the Act.

2. "An Act to regulate Immigration into British Columbia."

This Act, of which the short title is the "British Columbia Immigration Act, 1900," is now chapter 11 of the Statutes of 1900. It prohibits the immigration into British Columbia of persons who are unable to satisfy a prescribed educational test. Ample discretionary power is conferred upon the Provincial Secretary to issue certificates exempting certain persons from the operation of the Act. There is, therefore, no danger of the movements of Japanese merchants and travellers being interfered with as is feared by His Imperial Japanese Majesty's Consul. It should be assumed that the power conferred will be intelligently exercised. The framer of the Act was very careful not to trespass upon the Dominion domain, as sub-section (*f*) of section 2 provides that this legislation shall not apply to any persons, the terms of whose entry into Canada have been fixed, or whose exclusion from Canada has been ordered by any Act of the Parliament of Canada.

The Act, therefore, seems clearly within the powers conferred upon the Provinces relative to immigration by section 95 of the "British North America Act." The Legislature of this Province, it is submitted, is the best judge of the policy of such legislation. The members of the Legislature have an intimate knowledge of the conditions obtaining in this Province, and their views, which have found expression in this Act, should not lightly be disregarded.

3. "An Act to Revise and Consolidate the Vancouver Incorporation Act."

This Act, which is chapter 54 of the Statutes of 1900, constitutes the charter under which the municipal affairs of the City of Vancouver are now carried on. The objection of His Imperial Japanese Majesty's Consul to this Act is, that section 7 provides that no Chinaman, Japanese or Indian shall be entitled to vote at any municipal election for the election of Mayor or Alderman.

Hitherto the privilege of voting at Provincial or Municipal elections has been given to, or withheld from, individuals and classes according to the views that have, from time to time, prevailed in the Legislature. The undersigned is unable to think of any species of legislation, interference with which, by the Dominion authorities, will be more deeply resented than legislation conferring this franchise. At the present time the Legislature withholds from women the privilege of voting at Provincial elections.

There is no doubt that this large class of British subjects can be legally treated in this way, and yet it is held in some quarters that, because some Chinamen and Japanese have become British subjects by naturalization, a Provincial Legislature cannot withhold from them the voting franchise. In other words it is contended that the Legislature of British Columbia is powerless, legally, to prevent Asiatics who are British subjects or British citizens in no true sense of those terms, from exercising the electoral franchise, although the Legislature may legally refuse to confer this right upon British women, or any other class of British subjects, except persons who have been naturalized.

The undersigned has no doubt that such a proposition is not law, and that the Legislature of this Province has the right to confer or withhold the electoral franchise in any way it deems fit.

4. "An Act respecting Liquor Licences."

This Act, the short title of which is the "Liquor Licence Act, 1900," is now chapter 18 of the Statutes of 1900. Section 22 of this Act provides that no licence to sell intoxicating liquor shall be granted in any locality unless a petition in favour of the granting of a licence, signed by at least two-thirds of the householders of the locality, be presented to the proper Board of Licence Commissioners. Sub-section (*g*) of section 2 enacts that the term "householder" does not include Mongolians or Indians; and sub-section (*h*) of the same section has a similar provision with respect to the word "inhabitants."

The effect of this legislation is, that Mongolians and Indians are not consulted about the granting of licences, and they are not counted as inhabitants in determining, under section 44

of the Act, the amount of the fee to be paid by the applicant. There is nothing in the Act to prevent Japanese from obtaining licences.

His Imperial Japanese Majesty's Consul appears to think that some wrong will be done to his race should the word "Mongolian," in the above section, be held to include Japanese. The undersigned observes that the interpretation to be placed upon the term "Mongolian" should be left to the Courts, and that even in the event of the Courts holding that the term includes Japanese there is, in this case, no necessity for the exercise of the power to disallow legislation of this Province.

Dated this 14th day of December, 1900.

D. M. EBERTS,
Attorney-General.

VICTORIA, B. C.:

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