

IMMIGRATION PROBLEM

DEALT WITH AT QUEEN'S ALUMNI CONFERENCE

By Archibald McGoun, K. C., Montreal, on Thursday Evening—The Conference Closed on Friday Morning.

Archibald McGoun, K. C., Montreal, addressed Queen's Theological Alumni Conference in Convocation Hall Thursday evening on "The Immigration Question."

After a reference to the protection given by the Jewish system to the stranger within the gates; to the failure of Sparta to head an empire by reason of her exclusion laws; to the glory of Athens attributed by Pericles to the absence of such laws, the speaker referred to the principles under which our nation has become great, embodied in Magna Charta, which declares the right of alien merchants to trade in London, and guarantees personal liberty to every freeman.

Applying this to the exclusion law passed in British Columbia, it was shown that many of these were disallowed by the ministers of Sir John MacDonal, Alexander Mackenzie and even as late as Sir Wilfrid Laurier, on the recommendation of many Ministers of Justice. Two despatches were received from Mr. Chamberlain, Colonial Secretary, deprecating such laws and recommending their disallowance as offensive to friendly persons and contrary to the principles of equality which are the guiding principle of British rule throughout the Empire." This was acted on, upon report of Hon. David Mills in 1899.

Of late there has appeared a tendency to abandon the old Liberal doctrine of every individual's right to have liberty and to substitute for it the right of a local majority in a small community to exercise unbridled authority over any unprotected minority in their midst. For this reason Government neglects and refuses to exercise the power conferred by law to disallow offensive local laws. Up to 1896 the right was freely exercised, but a new doctrine has been put forward by Sir John Thompson, Sir Oliver Mowat and Mr. Aylesworth, against which Sir Richard Cartwright had the manliness to protest, that disallowance should not be exercised unless laws and ultra vires and against general Canadian interests. The old doctrine that righteousness and justice should be considered has disappeared.

This reproach lies not only against Ottawa but against the Imperial Government, which has ignored the principles contained in Mr. Chamberlain's despatch and has permitted offensive laws to go into effect: such as the amendment of 1910 to the Canadian Immigration Act, and the Constitution of South Africa perpetually excluding African natives from political rights in their own country.

The courts have also set aside some laws as ultra vires, and offensive. In Lac Singh Magulor the Supreme Court of British Columbia set aside an act requiring Chinamen to take out a monthly license to be allowed to work.

The Chinese head tax was imposed in 1885 after a report of a commission of Mr. Chaplin. John Hamilton Gray had found that Oriental labor was useful and sometimes necessary; that there was no more vice among them than among other white men, and what there was could be met by police regulation. But illogically the tax was imposed as a concession to local prejudice.

The speaker thought he recalled that the Liberals had opposed this. But they had woefully lapsed by the time they had power. It was under Laurier that the tax was increased to \$100 and then to \$500.

The amendments in 1910 to the Immigration Act gave the Minister power to exclude certain classes. Orders-in-council including Asiatics were then passed, but set aside as illegal by Chief Justice Hunter. New orders were passed in 1913, which were invoked when the Komagata Maru arrived at Vancouver with a shipload of Sikhs from northern India. The first of these gave the right to exclude any immigrant who had not come by a continuous journey from his native place on a through ticket.

It is claimed that this is unconstitutional, as the jurisdiction of the Canadian Parliament is confined to Canada, and this contemplates an act done by a British subject beyond the limits of Canada. Between such a person and a person in Canada, this is merely municipal law, and therefore extra-territorial.

The second order excludes persons of Asiatic race. This is attacked as vague and uncertain. There is no such thing as an Asiatic race, unless it includes 99 per cent. of our own people. We all belong to the Caucasian race, which is Asiatic, and to the Arigan or Indo-European race, from which we get our language, and in any case includes all Syrians, Armenians and Jews.

The third order was upheld on false grounds, as there was no proof contradicting that given that the petition for Habeas Corpus was not a laborer or artizan excluded by the third order-in-council.

These objections were overruled in the case of Munshi Singh in 1914, and the parties were too poor to appeal to the Supreme Court of Canada or to the Privy Council.

We have a treaty with Japan acceded to by the Canadian Parliament in 1914, granting their people the right to travel and reside here as freely as our own people. This puts Japanese on a higher level than our fellow subjects from India.

On the economic side, the objections come chiefly from labor unions dominated by alien agitators. But appeal is also made to the doctrine that we have the right to make this a White Man's Country. The Sikhs are in all respects equal to the best of our own people. Surgeon-General Sir G. Evatt declared that the handsomest women in the world are in a valley in the Himalayas, and the recruits from North Punjab are Apollos in bronze. We cannot be an imperial race if we persist in these race prejudices. The religion of these people is pure, and they do not practise polygamy.

But the extreme issue must be faced. The doctrine of a White Man's country cannot be defended.

The farthest we can do is to provide against too rapid influx; and to restrict the franchise, withholding the vote till the people are imbued with the spirit of our laws. Our own people have an advantage at the start to most positions of authority will long remain in our hands. The existence of two or more races in a state are an advantage, not an evil, and does not cause deterioration. Our people who go to India are equal to those who stay at home. The soldier for overseas service is not inferior to the home guard. Homogeneity is apt to cause mediocrity. Diversity is necessary to produce the highest type.

Our Ministers are responsible for much of the immorality charged against the Orientals. We refuse even the Hindus the right to bring in their wives.

The doctrine of a white man's country must back up the British Empire. We have forced ourselves on China, have intruded into India and South Africa and taken Australia, part of which is not fit for white settlement. The King owes protection to all his subjects and should not allow exclusion from any of his dominions.

There could be no relief or annexation to the United States, as amendments 14 and 15 to this constitution guarantees equality to all races by law, and if this is observed in good faith exclusion must soon come.

If we seek relief in independence, we choose a lower instead of a higher rating; we lose our share in controlling the destiny and policy of the British Empire. If we present this alternation to the people of British Columbia: that they must respect the rights of all British subjects, not one in a thousand would declare for independence so as to give them right to persecute other races.

Practical endeavors are: A law providing that "every British subject by birth or naturalization shall have in Canada, in all matters within the authority of Parliament of Canada, all the rights and privileges enjoyed by the most favored aliens; and, immediate permission to the Hindus already here to bring in their wives and families."

A vote of thanks to Mr. McGoun was moved by Principal Gordon and seconded by Rev. Dr. McDougall.

After the address a very interesting debate took place on the question of Oriental immigration between several of those present, including Prof. A. S. Ferguson, Queen's University, Rev. D. C. Ramsay, Camrose; Rev. W. T. Wilkinson, Trenton; Rev. Mr. Barton, Prescott; Rev. James Cumberland, Amherst Island, and Prof. Gwillim, Queen's University.

The conference closed on Friday morning when Prof. A. L. Clark gave his final address in the Chancellor's Lecturship series, his subject being "Color Phenomena."