

# “A brake upon the wheel”: Frank Oliver and the Creation of the Immigration Act of 1906

*K. Tony Hollihan*

**ABSTRACT:** As Minister of the Interior from 1905 to 1911, Frank Oliver held a fundamentally different philosophy of immigration to that of his predecessor. While previous immigration legislation had been open door, and focused on economic criteria, Oliver believed in the effectiveness of a closed door policy based primarily on cultural criteria. The Immigration Act of 1906, resting on the twin pillars of selection and restriction, was designed to establish and implement that criteria. The immigration bill was well received by the public, engendered minimal legislative debate, and was passed substantially as it had first been introduced. Oliver had responded to what Canadians perceived was a national need.

Frank Oliver was Minister of the Interior from April, 1905 until the defeat of the Laurier Liberal Government in September, 1911. In that period he guided through Parliament two Immigration Bills (1906, 1910), and his department was responsible for various orders in council affecting immigrants. The Immigration Act of 1906 and the ensuing changes are relatively uncharted territory for scholars. Investigation demonstrates that, for the most part, Oliver was given a free hand to construct the framework necessary to implement many of the views he had propounded while a private Member of Parliament. The result was first evident in the Immigration Act of 1906, which had a significantly different focus than previous immigration legislation. Whereas the motivation for prior Liberal policy was economic, Oliver's policy was driven by cultural considerations. Oliver believed that the institutional structure of the young country, with its western provinces still in infancy, was of primary importance. If that structure did not remain secured to British traditions, the nation's future was in doubt. In an attempt to attract immigrants who would facilitate the development and maintenance of that connection, Oliver implemented more selective and restrictive immigration legislation.

Carried along in the wave of British Canadians to western Canada in the years following Confederation, Frank Oliver arrived in Edmonton in 1876. He became an inveterate booster both of Edmonton, and western Canada, using his paper, the *Edmonton Bulletin*, to proclaim his

views on the range of issues that affected the development of the west.<sup>1</sup> His election to North-west Council in 1883, and again in 1888, and ultimately to the House of Commons in 1896 suggest not only that he effectively utilized the *Bulletin*, but also that his views were consistently supported by the people of Edmonton and district. Politically independent until the early 1900s, Oliver persistently criticized the policies of the federal Conservative, and later, Liberal, governments when they deviated from what he believed to be best for the west. Nowhere was this criticism more evident than on issues of immigration, issues which Oliver believed to be of the utmost importance for Canada. Of the Conservatives' efforts, he wrote:

What a farce has our so called immigration policy been in the past! If the curtain were only drawn aside and the doings of the late government fully exposed the country would marvel that anything remains of the country worth saving.<sup>2</sup>

His comments on the Liberal immigration policy were no less acidic:

We did not go out to that country [western Canada] simply to produce wheat. We went to build up a nation, a civilization, a social system that we could enjoy, be proud of and transmit to our children; and we resent the idea of having the millstone of the [undesirable] population hung round our necks in our efforts to build up, beautify and improve that country, and so improve the whole of Canada.<sup>3</sup>

Generally, Oliver believed that those emigrants from other than Britain, northwestern Europe or the United States were undesirable. He vocally maintained that such individuals could not easily, if at all, be woven into the social fabric of western Canada. Oliver, and those who thought like him, feared that the small, homogeneous, ethnically British population of the North-west Territories could not assimilate the growing numbers of culturally alien immigrants primarily from southeastern Europe. Ultimately, Oliver's concerns would be the basis for his immigration policy.

Remarkably, historians have virtually neglected Oliver's impact upon immigration.<sup>4</sup> Occasionally, he receives a paragraph or two in an overview of the immigration policy of the period that usually focuses on Clifford Sifton, Minister of the Interior from 1897 to 1905. Consequently, Oliver's role and impact have been diminished, underestimated, and confused.<sup>5</sup> Mabel Timlin, in "Canada's Immigration Policy,

1896-1910," presents a concise overview of the period. However, in arguing that changing political, social, and economic circumstances determined and directed immigration policy during Oliver's tenure, she underestimates his impact.<sup>6</sup> In *Patterns of Prejudice: A History of Nativism in Alberta*, Howard Palmer notes that, after Oliver's appointment as Minister of the Interior, "some concessions were made to nativists in the form of tightened immigration regulations governing central and eastern Europeans." There is, however, little discussion of either the specifics of these concessions or Oliver's role in achieving them.<sup>7</sup> Donald Avery, in "*Dangerous Foreigners*" *European Immigrant Workers and Labour Radicalism in Canada, 1896-1932*, asserts that "in many ways Clifford Sifton established the pattern followed by his successors." His discussion of immigration policy from 1896 to 1914 suggests that major initiatives of the period were both directly attributable to, and consistent with, Sifton's philosophy.<sup>8</sup>

Harold Troper's limited discussion of Oliver and his immigration policy, in *Only Farmers Need Apply*, is perhaps one of the better analyses. Comparing Oliver's policy to Sifton's, Troper notes that Oliver made certain tangible modifications that did not reflect earlier policy.<sup>9</sup> Gerald Friesen, in *The Canadian Prairies: A History*, also acknowledges Oliver's impact, noting that "immigration policy changed course slightly when Sifton was replaced by Frank Oliver in 1905." Oliver's cultural concerns are alluded to in Friesen's skeletal outline of the major revisions in immigration legislation.<sup>10</sup> Despite the increased accuracy of the more recent examinations of Oliver's immigration legislation, his policy remains cloudy. Certainly his bullish nature and his outspoken views, which were arguably the antithesis of Sifton's, suggest some significant shift in policy from 1904 to 1911. Such murkiness necessitates further study.

During the first nine years of the Liberal's fifteen year tenure as the federal government, immigration policy was directed by Manitoban Clifford Sifton. Sifton quickly invigorated the Conservative immigration policy, and within a few years settlers began flooding into the west.<sup>11</sup> His immigration philosophy was based strictly on material considerations. Economic prosperity depended upon an expanding domestic market, spurred on by agricultural immigration and settlement.<sup>12</sup> For this reason Sifton neither encouraged nor assisted general labourers or artisans. Culturally, he pursued an open door policy.<sup>13</sup> While immigration promotion in Great Britain was a political necessity, Sifton was pessimistic that such efforts would bear fruit. He was also concerned that British immigrants would be of dubious agricultural value and, thus, of suspect quality. He considered the affluent and agricultural immigrant from the United States to be the most desirable.

Sifton also enjoyed great success in attracting immigrants from Europe, especially farmers from the southeastern countries.<sup>14</sup>

Oliver judged an immigrant's worth by his cultural value, and not by his economic potential. He was not of the opinion that Canada primarily needed farmers. He was sceptical that the prairie experience would erase the immigrant's ethnic heritage, thereby laying a common foundation on which to build national greatness.<sup>15</sup> It was Oliver's opinion that an immigrant's heritage was brought to Canada as cultural baggage, and that it was not likely to be discarded quickly or easily, if at all. Principally upon this basis, Oliver consistently argued that an immigrant's agricultural contributions were secondary to his social impact. As Oliver later stated, "[t]he successful growing of oats and wheat where they had never been grown before was a great achievement. But the main purpose was not to grow more and better oats from year to year but to create conditions of progressive well-being of the people of the locality and of the nation."<sup>16</sup> Oliver continually hammered this point home. "We want citizens as well as tillers of the soil," he asserted.<sup>17</sup> As citizenship implied the acceptance of British institutions and values, Oliver believed his philosophy necessitated a closed door immigration policy based on cultural attributes. In the late nineteenth century the collective mind of English Canada was characterised by an unflinching support for the imperial connection, and an acceptance of Canada's filial relationship in that family.<sup>18</sup> Given Oliver's view on the relationship between immigration and citizenship, it is not surprising that he would argue:

I think that in this part of the British domain it is only fair and reasonable that, other things being equal, we should look to the British immigrant as being the most desirable, and when we can secure them we are doing our duty to our country.<sup>19</sup>

This was an opinion expressed often by Oliver, and it was to find expression in the immigration policies created during his ministry.

By 1905 Canada was witnessing dramatic increases in immigration. The energetic policies of Clifford Sifton had fulfilled his promises of quantity and general economic and western agricultural growth. The number of immigrants had swelled over four and a half times in a mere seven years, from 31,900 in 1898 to 146,266 in 1905.<sup>20</sup> There were also some significant changes in the background of those immigrating. In the year ending December 31, 1898, 45.1% of the immigrants were British and French, while 28.8% were from the United States. Only 17.8% were from outside Britain, America or Northern Europe. Some

41.8% of the immigrants were male. Of these, 28.3% stated their intentions to work on the land. Mechanics, or skilled labour composed 8.2%, while general labourers made up 38.0%. During the year 4,848 homestead entries were reported.<sup>21</sup>

While, similar statistics for the year ending June 30, 1905, indicate little change in overall proportions, they reveal a large increase in the number of various immigrant groups. Thus, there were some significant differences.<sup>22</sup> British and French made up 46.4% of the immigrants, while 29.8% were from the United States. The percentage of those from outside Britain, the United States or northern Europe had increased to 19.6 based significantly on dramatic increases in the numbers of certain groups, including over 10,000 Austro-Hungarians, and just under 8,000 Italians. The percentage of male immigrants increased slightly to 43.6, and, of these, 38.9% desired to work on the land; 17.8% were skilled labourers, and 16.3% were general labourers. There were 30,819 homestead entries reported.

The population change was especially dramatic for certain regions and places within the country. Edmonton district and Alberta were two such cases. There were noticeable changes in the numbers and ethnicities of minority groups, magnifying population shifts. Over 8,000 immigrants from Southeastern Europe settling in Edmonton and district within the seven years substantially altered the composition of the area. The following chart on place of birth gives some indication of the changes in population in Edmonton and District and Alberta. The first column for each census year shows the number of residents born in the stated location and residing in Edmonton and District or Alberta. The second column for each census year shows the first number as a percentage of the total population of the area.

| Edmonton and District |             |       |             |       |
|-----------------------|-------------|-------|-------------|-------|
| Place of birth        | Census 1885 |       | Census 1905 |       |
| Canada                | 827         | 14.7% | 8,796       | 22.0% |
| Great Britain         | 160         | 2.8%  | 3,451       | 8.6%  |
| Southeastern Europe   | —           | —     | 8,731       | 21.8% |

  

| Alberta             |             |       |             |       |
|---------------------|-------------|-------|-------------|-------|
| Place of Birth      | Census 1885 |       | Census 1906 |       |
| Canada              | 2,363       | 15.2% | 86,818      | 46.8% |
| Great Britain       | 1,164       | 7.5%  | 23,809      | 12.8% |
| Southeastern Europe | 33          | 0.2%  | 17,663      | 9.5%  |

Source: Canada, Department of Agriculture, *Census of the Three Provisional Districts of the North-West Territories, 1884-1885* (Ottawa, 1886); Canada, *Sessional Papers*, 1907, no. 17a, "Parliament, Census of the Population and Agriculture of the Northwest Provinces"

When Oliver became Minister of the Interior, then, the general trend for immigration was firmly set. Approximately 75% of the nation's immigrants were, by Oliver's standards, desirable. However, it was the other 25% -- and more importantly, the fact that a large portion of these were going into western Canada -- that alarmed Oliver and a significant number of western Canadians.<sup>23</sup> Many were convinced that it was an impossible task for the region's disproportionately small minority of Canadians to assimilate successfully large numbers of foreigners. To combat this problem Oliver set out to implement the ideas he had so often voiced.

In 1905 the legal basis of Canadian immigration policy was scattered throughout a wide variety of laws and orders-in-council. The out-dated Immigration Act (*Statutes*, 1869, Cap. 10, 32-33 Victoria) had been passed thirty-five years previously, and subsequently modified by amendments and orders-in-council over the years. Oliver's first tasks as Minister were the consolidation and the recasting of this hodge-podge, so as to deal effectively with the rapidly changing needs of Canada as he saw them. The labour of filling the North-west was successfully underway, and, with 74,676 immigrants destined for the Prairie provinces in 1905, the continued flow of immigrants seemed assured.<sup>24</sup> As the need of quantity was no longer pressing, Oliver believed it was time to ensure that greater emphasis be placed on the quality of the immigrant. The task at hand was to make immigration policy reflect this need.

Although Oliver desired that a bill respecting immigration be introduced in 1905, its drafting was not completed in time, and he was forced to delay until the following year. In April, 1906, in the *Bulletin*, unfettered by the restraints of Parliament, Oliver gave advance notice of his intention to introduce a comprehensive immigration bill, and of his reasons why. Editorial comment stressed the concept of the immigrant as a future citizen, and the necessity of assuring that all immigrants be able to discharge the full obligations of citizenship. With this in mind, and noting that Canada had "[never] hesitated to decline admission to those who appeared likely to menace society," Oliver assured his readers that the measures to be taken were "extensions of a practice rather than the inception of a policy."<sup>25</sup> Furthermore, the *Bulletin* emphasised that Canada must learn from the United States, which it portrayed as a Mecca for the dissatisfied of Europe. Clearly, the American experience demonstrated there was "a limit beyond which it is not safe to pursue the policy of the 'open door.'" It was imperative that Canada "give some attention to the general character of those who desire to secure the powers and privileges of citizenship, and to thus leave their impression on the future of a country yet in the plastic stage

of development."<sup>26</sup> As institutions and values, particularly those of western Canada, were not sufficiently established to resist undesirable influences, protection against those immigrants who would not be likely to share the necessary pro-British sentiment was essential.<sup>27</sup>

Commenting on both Canada's future and the immigrant's influence upon it, the *Bulletin* added:

[t]he ideal of Canadians should be a country rich both in material possessions and in a civilization unsurpassed in either the past or the present ... But the rapidity with which this ideal will be accomplished depends in a very great degree on the character of those who shall lay the foundations of material prosperity and shall give tone to the national civilization in the earlier stages of our national life.<sup>28</sup>

It is very significant that the *Bulletin* argued that the only way to secure that ideal was to give

heed to the characteristics of those who seek to become citizens, by endeavouring to secure the preponderance of immigrants from those races which have given the most pronounced and consistent evidence of these desirable qualities, and, if necessary, by refusing to admit those who do not measure up to this standard.<sup>29</sup>

The standard of which the *Bulletin* spoke was measured on a cultural scale, based on what was evident from the successes and failures of various peoples, primarily in relation to the British.<sup>30</sup> This was a significant departure from the economic scale employed by Sifton. The editorial concluded that the problems of guaranteeing the future of Canada were no longer to be solved by answering the question "Who can be secured?" but rather "Who can best be secured?"<sup>31</sup> Oliver would agree that Sifton had answered the former question. It had long been Oliver's desire to answer the latter, and he declared that it would be the focus of future immigration policy. His distinctive stamp would be placed on the Department and its practice.

Oliver wanted his philosophy in matters of immigration expressed in a vigorous policy, tempered "with due regard to the ultimate effect upon our country of the people whom we induce to settle in it . . ."<sup>32</sup> While he recognized the pragmatic necessity of inducing as many settlers as possible to immigrate, he also realized the more urgent need of procuring as culturally desirable an immigrant as feasible. He promised that "the effort of the department will be to attain both objects so far

as possible.”<sup>33</sup> In certain areas policy had been very successful, and needed no alteration. However, he continued, “it has never been a part of the settled policy of the Government to induce indiscriminate immigration, and it will not be the policy of the Government to induce indiscriminate immigration or to deal with immigration indiscriminately.” Canada would continue her aggressive campaign but would redirect her efforts to centre on selection by means of more carefully and narrowly focused publicity.<sup>34</sup> Oliver’s strategy was clear. While Canada would continue to send out invitations, it would take much greater care in respect to whom it asked to become a Canadian.

In one of his first major speeches in the House of Commons as Minister of the Interior Oliver outlined the primacy of this new Canadian requirement, and foreshadowed the imminent changes in immigration policy.

In regard to the character of immigration and a possible change of direction of immigration effort, I think it is reasonable to say that as conditions change the direction of the effort may very well be changed as well. In the days when the Northwest Territories of Canada did not attract even the attention of Canadians for settlement, it may have been necessary to look further afield for settlers than is necessary today, when the Northwest is attracting the attention of people all over the world, the best people in the world, and it is admitted universally that we have the best things to offer, the best field in the world. Under these circumstances, it is quite proper to consider the desirability of adapting our future efforts to the changed conditions; and while the same energy may be necessary in attempting to secure the best class of immigrants, the effort may very well take a different direction from what it did when the country was not so well known.<sup>35</sup>

As the quantity of immigrants was no longer a prominent issue, Oliver was increasingly in a position to alter the Department’s strategy.<sup>36</sup> The philosophies of cultural restriction and careful selection were to characterize that new strategy.

On May 21, 1906, Oliver introduced Bill 170 “To Amend the Immigration Act” to Parliament. He accompanied it with a blunt statement of its purpose: “to give the department in control of immigration greater authority to deal with immigrants who, for one reason or another, may be properly subjected to restriction on their landing in Canada or deportation.”<sup>37</sup> He believed such a move was necessary because the existing law was old, having been passed when immigration



was a responsibility of the Department of Agriculture, outdated, and "not adapted to existing conditions and existing requirements." Increasingly the west was settled, and economically Canada was enjoying virtually unknown prosperity. There appeared to be no obstacles to more careful selection of immigrants. A further explanation came on June 13, when the bill was read for the second time and sent to committee. Oliver pointed out that it was a "continuation of the existing law, with certain small amendments and with certain additions also, which are intended to make it suit modern requirements."<sup>38</sup> He placed great stress on the changing nature of conditions in Canada, and how the bill was meant to respond to such changes.

Oliver informed the House that the bill represented his ideas pertaining to the general control of immigration, and in particular to the control of undesirable immigration. Its overarching purpose was regulation of these efforts. "This is, as it were, a brake upon the wheel, and is in a different position from the other branch of the immigration effort, which is to bring in immigrants."<sup>39</sup> In effect, it was the implementation of his concerns that quality, in the form of greater selection and restriction, replace quantity as the focus of immigration policy. Oliver contended that this significant departure from previous legislation should be the essence of the bill. The broadness of various clauses, and the power extended to the Minister therefrom, reflected Oliver's assertion that it was essential, for the bill's effectiveness, that the final say on matters of selection and rejection rest with the Minister. This would enable him to exercise "instant effective action in preventing the introduction of undesirables."<sup>40</sup> Oliver was aware of the potential criticism that might be voiced on this point. Nevertheless, he implored members to leave intact the bill insofar as its general direction and those clauses regarding restriction were involved. He suggested that clauses not directly related to this need could be struck down and dealt with later.<sup>41</sup> His unusual willingness to be flexible indicates that Oliver believed he was responding to a virtual national crisis. The limited debate over the bill suggests that the country agreed, and that Oliver did indeed have his finger on the pulse of the nation.<sup>42</sup>

Oliver's bill became the Immigration Act of 1906 (officially, "An Act respecting Immigration and Immigrants"). The significant changes provided in the Act can be grouped into four general categories: the greater protection of immigrants; in some cases stiffer, and in others, weaker, penalties for breaking the law; the greater restriction of immigrants; and the greater power given to the Minister of the Department. The greater protection offered immigrants is interesting, in that it may appear somewhat contradictory to a policy geared to restrict immigration. However, it may well reflect Oliver's desire to attract a better class

of immigrants to Canada. Immigrants were, among other things, to be guaranteed a more comfortable voyage to Canada, assured that job opportunities advertised in Canada actually existed, and promised that they would be justly compensated for any wrongs done them.<sup>43</sup> There was obviously a need, unquestioned in the ensuing debates, to protect the immigrant from unscrupulous individuals who were quite willing to take advantage of their situation. The debate that did occur in Parliament focused on a small number of issues. There were often heated discussions on the definition of an immigrant, the duty to be placed on an immigrant, the deportation of immigrants, their effect on labour, and on a blanket prohibitory clause. And, as Oliver predicted, the broadness of the powers granted to the Minister sparked concern.

To Canadians of the period, the word "immigrant" connoted not only a place of origin, but a social class. There were no concerns among members of Parliament as to the relative positions of first-class and steerage passengers to Canada. A first-class passenger was clearly not an immigrant, while one travelling in steerage (third-class) was. The debate coalesced around whether or not a second-class passenger was an immigrant.<sup>44</sup> This was important because passengers who were not immigrants did not fall under the dictates of the Act. The concern voiced by Conservatives was that, in such a case, an undesirable immigrant could easily, and illegally, slip by immigration officials. There was also some anxiety that naturalized and native Canadians and British subjects were not explicitly exempt from the reach of this law, and could thus be considered immigrants. The solution offered by Oliver was that the Act would state that Canadians and British would not be immigrants, and that all classes of passengers, except Canadians, were to be inspected. Any found undesirable in this process -- including, somewhat confusingly, British passengers -- would then be considered immigrants under the Act. Both these amendments were found acceptable.<sup>45</sup> They were also probably much to the liking of Oliver, himself. The Senate further amended the definition to bring under the operation of the Act those who arrived by train.<sup>46</sup> This no doubt reflected the concern over the increased immigration from the United States. The Senate's amendment was accepted by the House of Commons.

One of the most controversial issues was the clause which put in place a duty on immigrants. Despite the fact that the clause, as presented, was essentially section 2 of the 1869 Act, it stirred swarms of opposition in debate. Although the duty was to be no more than \$2 per immigrant, as it had been previously, various Conservatives voiced anxiety. Some simply opposed the idea of a head tax. Others feared the possibility that British subjects might be so taxed. Still others worried that such a duty

might inhibit immigration. The most vigorous criticism was that any policy which both offered a bonus for immigration, for which the bill provided, and charged for admission was foolish and contradictory.<sup>47</sup> The Conservatives were split on the issue. The majority was for any alterations in policy which would lead to greater selection and restriction. A duty would possibly do just that, and it was supported by some Conservatives on that basis. However, it was also argued by a number of the Opposition that a \$2 charge was insufficient to stop anyone from immigrating. Uriah Wilson (Cons., Lennox and Addington, Ont.) maintained that a minimum of \$5, in accordance with American policy, would be much more effective.<sup>48</sup>

Through the press it became obvious that public opinion was against any such duty. The Conservative Vancouver *Daily Province* called such a move absurd in light of the bonus the Government was paying out, and expressed its doubt that a \$2 charge would keep out any undesirables. It added, "it is ridiculous, now that the right kind of immigrants [British, French, and German] are headed for the country, that they should be subjected to a toll which will discourage them without benefitting our resources to any material extent."<sup>49</sup> The equally Conservative *Montreal Gazette* echoed these sentiments, demanding a wide open door policy. It deplored the restriction of any immigrants, if they were willing to work, and were free of disease.<sup>50</sup> Even the Liberal Toronto *Globe* could find little justification for a clause empowering Government to place a duty on immigrants. It reasoned that it "would certainly be out of harmony with Canadian ideals of the treatment to be given to foreigners" and expressed what it saw to be the absurdity of paying an immigrant to come on the one hand and of taking money from him upon his arrival with the other.<sup>51</sup>

However, Oliver did receive some press support on the issue. Perhaps reflecting the regional nature of the immigration debate, the Conservative *Calgary Herald* called for greater restrictions and suggested the need for greater scrutiny of the immigrant upon arrival in Canada. Referring primarily to the issue of the bonus and the motives of those groups or individuals collecting it, the *Herald* added that, although all immigrants were of value to the transportation companies as fares, "the question that the people who are already here should consider is whether a large per centage [*sic*] of these people are of any benefit to Canada."<sup>52</sup>

Oliver could not appreciate the criticism of the duty clause, and believed the Conservatives to be quite hypocritical in denouncing it. The *Bulletin* expressed Oliver's scepticism as to their motives, describing how easily the Conservatives attacked the proposed Canadian duty clause, while yet pointing to the American system, which incorporated a duty, as the proper model for the Canadian policy. The *Bulletin*

defended the clause as necessary on occasion to prevent or discourage immigrants, who might pass all the other requirements of the Act, from entering Canada.<sup>53</sup> Given the fact that the prohibitory nature of section 30 adequately took care of this problem, Oliver hardly needed to express worry about the debate.<sup>54</sup> He was probably simply venting his exasperation at what he no doubt considered to be the stubbornness of the Opposition.

In Parliament Oliver made it clear that it was not his desire to implement a head tax, but only to have the option of doing so. He argued that this was not a retrogressive measure, but that as efforts were increased to bring in more desirable immigrants, more undesirable immigrants would naturally be carried along in the flow. It was to be "a weapon of defence" used to limit undesirables in case of an emergency, such as if Parliament could not be recalled, or if a number of the undesirable immigrants rejected by the United States increasingly continued to be diverted to Canada.<sup>55</sup> Swift action was often the only solution, and it was essential that the Government be able to take that preventative measure, presumably by raising the duty. Eventually, due to opposition both in and out of Parliament, and to his desire to "facilitate the passage of the Bill," Oliver drew in his horns, and with scarcely hidden contempt for the House, moved to strike the clause.<sup>56</sup>

There was also limited debate concerning the bill's impact on labour. The resultant resolutions somewhat reflect Oliver's sympathy with the workers of Canada. In the bill as presented, section 12 stated that if an emigrant received any money from a sponsor to defray emigration expenses, he would be required to repay it in Canada. Ralph Smith (Lib.-Lab., Nanaimo, B.C.) suggested that one interpretation of this clause would permit immigrants to be brought into Canada, and, having to repay their employers by law, they could be forced with or without their knowledge to work as strikebreakers. Smith recommended that it be removed. Oliver stated that it was merely a section from the old Act, and that he would place the suggestion under consideration.<sup>57</sup> The section was later dropped.<sup>58</sup> Section 35 empowered the Minister to deport an immigrant on the basis of crime, sickness, or injury. Once again, Smith jumped to the defense of Labour, and objected to the portion of the section that stated "or becomes incapacitated through sickness or accident to earn a livelihood." He saw this as a tremendous hardship and argued that it would force *bona fide* immigrants to leave Canada, as the possible result of an accident or sickness, through no fault of their own. Oliver agreed and, noting that the objectionable phrase should never have been placed in the amended clause, had it struck out.<sup>59</sup> These actions by Oliver also further demonstrate his concern for the immigrant's welfare.

Some members were not overly pleased that the bill proposed to concentrate more power in the hands of the Minister. Sections 3, 4, and 5, involving the appointment of agents, and their location, were cited, though the general broadening of Ministerial power permeated the bill. George Foster (Cons., North Toronto, Ont.) raged that "you [Oliver] give the Minister a personal power which is as wide as the world," and he wondered aloud at what had become of the principle of Parliamentary responsibility.<sup>60</sup> Oliver defended the use of "Minister" by noting that the purpose of the bill was to put within the power and under the responsibility of the Government, as far as possible, the prevention of undesirable immigrants from entering Canada. It was therefore important that power be vested in the Minister to establish his authority so that he could, at any time, and instantly if required, take effective action as he deemed necessary.<sup>61</sup> Oliver later stated that the bill must perforce be broad enough to enable the Government to deal with unforeseen circumstances as they arose. He respected Parliament; it was not his desire to give anyone undue power. It was his opinion that the principle of Ministerial responsibility would be a sufficient safeguard against abuse.<sup>62</sup> Oliver had firm, definite convictions on the high standards of duty the position required. Conciliatorily, however, he offered to change "Minister" in the offending clauses to "Governor in Council", and though this was certainly not a significant restraint upon the Minister's power, it was enough to appease, and was ultimately adopted.

The most striking clause in the 1906 Immigration Act, but one that raised significantly minor debate, was section 30 (section 32 in the original bill). It is important enough to be transcribed in full.

30. The Governor in Council may, by proclamation or order, whenever he considers it necessary or expedient, prohibit the landing in Canada of any specified class of immigrants, of which due notice shall be given to the transportation companies.

2. The Governor in Council may make such regulations as are necessary to prohibit the entry into Canada of any greater number of persons from any foreign country than the laws of such country permit to emigrate to Canada.<sup>63</sup>

Oliver admitted it was a drastic new clause. His justification for the measure was that there had been "an immigration of gypsies lately and it is thought that such people are not desirable under any circumstances although they are physically and mentally fit, and that it would be quite proper to take power to say: You can not come in."<sup>64</sup> Here was another

example which demonstrates that Canadians believed there was obviously more to be considered when rating potential citizens than their physical and mental state. Oliver's reasoning demonstrates the difficulty of putting those cultural concerns and requirements into words and legislation. Haughton Lennox (Cons., South Simcoe, Ont.) argued that the section put too much power in the hands of the Government, allowing it to dictate the number of classes to be excluded. The Conservatives had earlier criticised the bill on the grounds it did not give the Government sufficient power to deal with immigration. The division in the opposition over this issue was evident. The result was a relatively feeble attack against this bill which the majority of Conservatives, on the whole, desired.

Thomas Sproule (Cons., East Grey, Ont.) attempted to start a debate on the definition of a gypsy which quickly stalled. Most Members of Parliament agreed with Oliver that the gypsies' wandering and supposedly morally loose life-style made them among the least desirable European immigrants.<sup>65</sup> Oliver's awareness that he would have a consensus on the issue of restricting gypsy immigration raises the question as to whether or not he deliberately chose to get this potentially explosive clause through the House on the backs of the gypsies. He was certainly pragmatic and shrewd enough to achieve its passage in this way. Given that the various powers were to be used to enable the Minister to respond immediately and effectively, Oliver expected unforeseen problems for which it would be impossible to wait for the recall of Parliament. He assumed there would be further need for the clause. Whether or not he had particular groups in mind against which he wished to act remains unanswerable. Though the future presented numerous opportunities to use this section, Oliver never employed it.<sup>66</sup>

The bill was speedily passed by the House of Commons on June 19, 1906, less than a month after its introduction. This speedy passage, in itself, is significant. The minimal debate suggests that the majority of the members of the House wanted just such an Act, and that this probably reflected the desires of most Canadians. Certainly the mood of the nation was for greater restriction and more careful selection. The press of the country displayed this attitude. Although the press criticised certain clauses, often very reminiscent of objections raised in Parliament, the ideas of tightening and putting into place selective measures went unscathed. To facilitate the passing of the bill, the clause that received the greatest wrath — the \$2 duty — was eventually dropped.

Despite the desire for the bill, immigration statistics from the following two years draw a rather confusing picture. While the years 1906 to 1908 witnessed an increase in British immigrants from 86,796 to 120,182, immigration from the southeastern European countries,

which Oliver had so opposed, nearly doubled, leaping from 23,309 to 44,612. The increase in Asiatic immigration was even more spectacular, rising from 2,327 to 12,108.<sup>67</sup> A further examination of the type of immigrant is enlightening. The percentage of males increased from 46.6 to 58.6. The number of agriculturalists decreased by 10%, while the number of general labourers increased by 8%. These statistics, and their reflection upon the 1906 Immigration Act, must be seen in the economic and political context of the period. The years 1906-07 were the most prosperous in an already booming decade. Industry demanded workers, none moreso than the railway, "the outstanding spokesman for an open door immigration policy."<sup>68</sup> The most desirable workers for this industry were the recent immigrants from southeastern Europe and Asia. As Prime Minister Laurier was obsessed with the creation of the Grand Trunk Pacific Railway, and the laurels it would bring him, he ensured a ready supply of such labour.<sup>69</sup> Oliver could only watch the circumvention of his Act. Selective immigration was sacrificed on the cold iron tracks of the railway.

Oliver's attempts to pass amendments to the 1906 Immigration Act in 1908, 1909, and 1910 (dealing primarily with the restriction of Asian immigration and aid to charity-assisted immigration) reflect its limited effectiveness and suggest that it was an incomplete implementation of his philosophy. A recession in 1907-08 and correspondingly less demand for labourers allowed Oliver to realize his vision more fully. Oliver introduced bill 102, which became the Immigration Act of 1910, in January of that year, and defended it on the need for further selection and restriction. Essentially, this was a tighter, more thorough expression of Oliver's philosophy. Oliver argued that an increase in immigrants had resulted in an increase in those culturally, economically, physically or morally unfit. Thus, there was an unparalleled need for a process which would "weed out and send back the undesirable[s] . . ."<sup>70</sup> Debate on the bill demonstrated a desire for even tighter restrictions than those Oliver proposed, though it is difficult to imagine a more restrictive clause than section 38(c), which permitted the Minister to prohibit the admission of races to be specified when the occasion required it. There was virtually no parliamentary opposition to the measure, and the bill itself was passed after only two days of debate.<sup>71</sup> Once again, Oliver demonstrated his uncanny knack for knowing and responding to the mood of the nation.

The Immigration Act of 1906 is a benchmark in Canadian history. It sheds light on how contemporary Canadians viewed themselves, and their relationship with the world. It demonstrates how Canadians perceived their country's future. It is a recognition of the important role the North-west Territories would play in that future. By officially

basing entrance to Canada on cultural and not economic criteria, the 1906 legislation was specifically designed to stem the flood of Sifton's numerically successful open door immigration policy. By 1908, once the demands of the seemingly insatiable economy lessened, immigration policy was increasingly directed by such criteria.<sup>72</sup> By 1910, Frank Oliver had created and implemented immigration legislation based on his philosophy of restriction and selection. In so doing, he helped establish the historical pattern of an immigration policy vacillating between Canada's economic and cultural needs.



## NOTES

<sup>1</sup> Oliver established the *Edmonton Bulletin* in 1880 and thereafter acted as publisher and editor. During his tenure as Minister of the Interior, Oliver wrote fewer editorials but retained editorial control.

<sup>2</sup> *Bulletin*, 28 Dec. 1896

<sup>3</sup> House of Commons, *Debates*, 12 April 1901, 2939

<sup>4</sup> For further information on Oliver, his philosophy on immigration, and his political contributions in that sphere, see K. Tony Hollihan, "'We want not your money, but your citizenship.' The Immigration Policy of Frank Oliver" (MA thesis, University of Alberta, 1989).

<sup>5</sup> For example, Karel Bicha, in his one comment on Frank Oliver, erroneously states: "His [Sifton's] successor as Minister, Frank Oliver of Alberta, had long been his loyal lieutenant and Deputy Minister, and Oliver had failed to make a single important change in the [bonus] program..." ("Canadian Immigration Policy and the American Farmer, 1896-1914" [Ph.D. dissertation, University of Minnesota, 1963], p.176). Oliver, neither a lieutenant nor a deputy, was a long-standing critic of the bonus program and significantly changed it (see n47 below). The works on immigration and policy herein discussed are some of the more valuable contributions.

<sup>6</sup> Mabel Timlin, "Canada's Immigration Policy, 1896-1910," *Canadian Journal of Economics and Political Science* 26:4 (Nov. 1960), 517-532

<sup>7</sup> Howard Palmer, *Patterns of Prejudice: A History of Nativism in Alberta* (Toronto, 1982), 45

<sup>8</sup> Donald Avery, *"Dangerous Foreigners" European Immigrant Workers and Labour Radicalism in Canada, 1896-1932* (Toronto, 1979), 16-25

<sup>9</sup> Harold Troper, *Only Farmers Need Apply: Official Canadian Government Encouragement of Immigration from the United States, 1896-1911* (Toronto, 1972), 21-24

<sup>10</sup> Gerald Friesen, *The Canadian Prairies: A History* (Toronto, 1984), 246-7

<sup>11</sup> D.J. Hall, *Clifford Sifton: The Young Napoleon, 1861-1900* (Vancouver, 1981), 230, 263, 283

<sup>12</sup> The following comments on Sifton's immigration policy are from D.J. Hall, "Clifford Sifton: Immigration and Settlement Policy," in *The Prairie West: Historical Readings*, eds. R. Douglas Francis and Howard Palmer (Edmonton, 1985), 281-308.

<sup>13</sup> Sifton opposed only Oriental immigration, "mainly . . . on the ground that they would not readily assimilate and were unlikely to become prairie farmers" (Ibid., 296). Sifton's policy provided bonuses for immigrants who claimed an agricultural background (see n47 below).

<sup>14</sup> The emigration and settlement of individuals from the countries of southeastern Europe peaked Oliver's ire. When Sifton was Minister, from 1897 to 1899 more emigrants from southeastern Europe homesteaded than either those from Britain or the United States. During these years, Oliver's criticism of Sifton was most vitriolic. Homesteaders from southeastern Europe consistently ranked third when Oliver was Minister. Canada, *Sessional Papers*, 1896-1912

<sup>15</sup> Hall, *Clifford Sifton*, 269

<sup>16</sup> City of Edmonton Archives, Frank Oliver File, 'Address at Clover Bar celebration,' 17 Aug. 1931

<sup>17</sup> *Bulletin*, 10 Jan. 1900, 10 Aug. 1900; House of Commons, *Debates*, 14 June 1900, 10187; 4 July 1903, 6566

<sup>18</sup> "This 'new imperialism' had a direct impact upon Canada. That spirit of Anglo-Saxon superiority and mission, celebrated wherever the members of that 'race' lived, naturally influenced English Canadians. It made them part of a great enterprise . . ." R. Craig Brown and Ramsay Cook, *Canada 1896-1921: A Nation Transformed* (Toronto, 1974), 27. See also Carl Berger, *The Sense of Power* (Toronto, 1970), introduction.

<sup>19</sup> House of Commons, *Debates*, 9 Apr. 1907, 6168. The *Bulletin* forcefully asserted that "the ideal of the west is not only greatness, but greatness achieved under the British flag and stamped and moulded by the genius of race" (10 Jan. 1906).

<sup>20</sup> Canada, Department of the Interior, *Immigration Facts and Figures* (Ottawa, 1917), 8. The latter figure is for the fiscal year ending June 30, 1905.

<sup>21</sup> Canada, Department of the Interior, *Annual Report of the Department of the Interior, 1898* (Ottawa, 1899)

<sup>22</sup> The following statistics for 1905 are from *Immigration Facts and Figures*, 2, 19-21.

<sup>23</sup> Palmer, *Patterns of Prejudice*, 28-31

<sup>24</sup> From 1901 to 1905 the population of the North-west increased from 158,958 to 443,175, the latter figure representing only Alberta and Saskatchewan (*Immigration Facts and Figures*, 4). Canada, *Fourth Census of Canada, 1901* (Ottawa, 1905); *Sessional Papers*, 1907, no.17a, "Census of Population and Agriculture of the Northwest Provinces 1906"

<sup>25</sup> *Bulletin*, 11 Apr. 1906

<sup>26</sup> *Ibid.*

<sup>27</sup> Friesen discusses the importance of immigration at this time in the history of the North-west Territories. He suggests that in the three decades after the 1890's "prairie society changed almost as drastically as it had in the preceding three generations" (*The Canadian Prairies*, 242). Significant change in such a condensed period was the source of much consternation in Oliver and those who thought like him.

<sup>28</sup> *Bulletin*, 11 Apr. 1906

<sup>29</sup> *Ibid.*

<sup>30</sup> Palmer succinctly describes this ethnic pecking order: "The desirability to Canada of particular immigrant groups varied almost directly with their physical and cultural distance from London, England, and the degree to which their skin pigmentation conformed to Anglo-Saxon white" (*Patterns of Prejudice*, 23). Oliver focused on the former of these criteria. Friesen notes that "Some of the newcomers accepted voluntarily and with few apparent reservations the principle that they should accommodate themselves to the standards and customs of the dominant English-Canadian culture" (*The Canadian Prairies*, 261). These immigrants, such as the Icelandic, Oliver considered most desirable.

<sup>31</sup> *Bulletin*, 11 Apr. 1906

<sup>32</sup> House of Commons, *Debates*, 19 June 1906, 7690

<sup>33</sup> *Ibid.*, 19 June 1906, 7691

<sup>34</sup> *Ibid.*, 19 June 1906, 7690

<sup>35</sup> *Ibid.*, 12 July 1906, 9315

<sup>36</sup> *Ibid.*, 19 June 1906, 7690

<sup>37</sup> *Ibid.*, 21 May 1906, 3712

<sup>38</sup> *Ibid.*, 13 June 1906, 5159. In some of his introductory comments, Oliver characterized these amendments as small, probably to avoid confusion, heated debate, or concern among those who may not have desired a more closed door immigration policy. Whether referred to as small or not, they were not without major implications for Canadian immigration policy.

<sup>39</sup> *Ibid.*, 13 June 1906, 5205

<sup>40</sup> *Ibid.*, 13 June 1906, 5198, 5201, 5215

<sup>41</sup> *Ibid.*, 15 June 1906, 5409

<sup>42</sup> The assertion of the existence of a national crisis is based upon the views of various influential Canadians. Religious leaders, such as Rev. James S. Woodsworth, in *Strangers within Our Gates* (1909), and Rev. C.W. Gordon (Ralph Connor), in novels such as *The Foreigner* (1909), wrote about their consternation. Newspapers, such as the *Toronto Mail and Empire* and the *Toronto Globe*, expressed apprehension (see Avery "Dangerous Forigners," 41). The influential Canada Firsters (imperialists) were quite concerned. "They believed that the non-northern European immigrants were largely responsible for political corruption and social turmoil in the United States and that they posed a fundamental threat to the Anglo-Saxon leadership of the republic." Might the same happen in Canada? (Berger, *The Sense of Power*, 147-152) Trepidation also coloured the views of various politicians, as noted in this article.

<sup>43</sup> For example, immigrants were guaranteed more space on the vessel than in the previous Act. *Statutes of Canada*, 1906, 6 Edward VII, c. 93, s. 11, 45, 70

<sup>44</sup> House of Common, *Debates*, 13 June 1906, 5198

<sup>45</sup> *Ibid.*, 15 June 1906, 5407 and 19 June 1906, 5563

<sup>46</sup> *Ibid.*, 5 July 1906, 7116

<sup>47</sup> *Ibid.*, 13 June 1906, 5218, 5231; 15 June 1906, 5408. Bonuses were based on the principal of payment by result. As Oliver envisioned it, bonuses would be paid to booking agents (individuals licensed by the Government of the country in which they operated), who sold tickets of transportation to emigrants directed to Canada. The bonus was one pound per adult (over eighteen years) who could prove employment for the previous twelve months as either a farmer, farm labourer, stableman, carter, railway serviceman, navy, miner, or female domestic servant. Oliver believed that such evidence would more adequately indicate what an intending immigrant would do once in Canada. Under Sifton, no tangible evidence was required, as immigrants simply had to declare their intention of pursuing a specific trade. The bonus was ten shillings for those between one and eighteen years of age. This plan applied to Britain, Scandinavia, Holland, Germany, Austria-Hungary, Prussia, France, Belgium, and Switzerland. *Ibid.*, 15 Dec. 1909, 1566; 3 Dec. 1906, 478, 479; 13 Mar. 1908, 5021

<sup>48</sup> *Ibid.*, 15 June 1906, 5408, 5409

<sup>49</sup> Vancouver *Daily Province*, 21 June 1906

<sup>50</sup> *Montreal Gazette*, 15 June 1906

<sup>51</sup> *Toronto Globe*, 16 June 1906

<sup>52</sup> *Calgary Herald*, 31 May 1906

<sup>53</sup> *Bulletin*, 18 June 1906

<sup>54</sup> Section 30 permitted the Governor in Council to "prohibit the landing in Canada of any specified class of immigrants" after due notice had been given to the transportation companies (*Revised Statutes of Canada*, 1906, 6 Edward VII, c. 19, s. 30). The section is the subject of further examination later in this article.

<sup>55</sup> House of Commons, *Debates*, 13 June 1906, 5231

<sup>56</sup> *Ibid.*, 13 June 1906, 5408, 5409

<sup>57</sup> *Ibid.*, 13 June 1906, 5241

<sup>58</sup> *Ibid.*, 15 June 1906, 5409

<sup>59</sup> *Ibid.*, 13 June 1906, 5255

<sup>60</sup> *Ibid.*, 13 June 1906, 5204

<sup>61</sup> *Ibid.*, 13 June 1906, 5205

<sup>62</sup> *Ibid.*, 13 June 1906, 5215

<sup>63</sup> *Revised Statutes of Canada*, 1906, 6 Edward VII, c. 93, s. 30

<sup>64</sup> House of Commons, *Debates*, 13 June 1906, 5252

<sup>65</sup> Howard Palmer, "Responses to Foreign Immigration: Nativism and Ethnic Tolerance in Alberta, 1880-1920" (MA thesis, University of Alberta, 1971), 128

<sup>66</sup> This begs the question of whether or not the section was included in the Act simply to appease public opinion. Although Oliver was a populist in many ways, this conclusion is unlikely. From his other comments in the House, it is obvious that he would have used the section's restrictive powers if left without an alternative. He could also point to section 30 as proof of the spirit of the 1906 Immigration Act: restriction and selection.

<sup>67</sup> Over the same period American immigration remained virtually stagnant, increasing from 57,796 to 58,312. *Immigration Facts and Figures*, 2

<sup>68</sup> Avery, "Dangerous Foreigners", 28

<sup>69</sup> R.M. Coutts, "The Railway Policy of Sir Wilfrid Laurier" (MA thesis, University of Toronto, 1968), 70

<sup>70</sup> *Bulletin*, 7 Feb. 1910

<sup>71</sup> House of Commons, *Debates*, 21-22 Mar. 1910

<sup>72</sup> See Hollihan, "We want not your money, but your citizenship," especially chapter 4.