

Sir Richard Cartwright's Severe Arraignment of Government's Coercion Policy.

**Many Good Reasons why Parliament
Should Refuse to Pass the
Remedial Bill.**

by these non-gentlemen. I understand what is the plain duty in the premises supposing that at long last, they are going to adopt the policy advocated by my hon. friend (Mr. Laurier) and that they have done before they pressed the remedial order. I held a conference with the government of Manitoba and hope to arrive at a satisfactory understanding with the government of Manitoba in the premises. Their plain duty is this: If they desire to conciliate the government of Manitoba, they must have done so long ago. This debate until such time as they have had their conference, and until such time as they were able to come down to us with a satisfactory understanding, is a waste of time for the attention of this question with the good will of the people of Manitoba. Now if they refuse to take this course, what must the house conclude? We are not here to discuss the intentions or the past acts,

tections by their past acts. They are now conspiring against somebody now or then, that some part of them must be conspired against some other part of them. Treachery is afoot, whether it is intended against the prime minister, which I believe, has ben-honestly endeavoring to prevent, that they may not know whether they are endeavoring to delude their supporters from Ontario, who they are leading like sheep—and they know it—or whether they are attempting to delude their followers from the province of Quebec, because this bill, as I have said, is a mockery and a sham, so far as it is likely to afford any genuine or substantial relief to the Catholic minority in Manitoba. Which of these objects they have in view I cannot say. Possibly they have not made up their minds which it would be safest to attempt, and are in a quandary of decision. Or is it that these gentlemen in their cowardice and incapacity, are unable to decide upon any policy at all. Have they arrived at the state described by the great Florentine where there is "plafest to God and to the enemies of God, or to the friends of the world, or to the displeasure of that very grand sovereign who has just returned from his tour into the west with the scalps of the delinquent brothers in his belt" (Laughter) or peradventure—because they are glad that these gentlemen the beneficiaries of Government doubt, and are awakened up to a realizing sense of the grave difficulties which attend a settlement of this question?

Knowing something of the hon gentleman, I am not disposed to disregard entirely that hypothesis. I think I know their limitations. I admit the skill in the conduct of the gerrymander. I admit very frankly that they are to carry out a fiscal policy which in yore four hundred years ago, wh piracy was an honorable profession (laughter)—but I have my doubts whether they understand over deep understand—not even excepting the father of confederation, as he called himself, the hon. secretary of state, S. Charles Tupper—a real important constitutional question (laughter) and being so, I can well apprehend how

discussion that has taken place on this question has been a revelation to these hon. gentlemen, and they have at last waked up to what they might well have known, that in the work they have undertaken in attempting to settle this question, they have taken one of the most difficult problems that it is possible for a federal legislature to address itself to. There is one statement of these hon. gentlemen in which I am bound to agree, in very great part, I consider, gentlemen, and that is, that it is the most important question—at least a most important question—that we are called upon to decide. Why if they had used their greatest ingenuity to find an argument to justify the bill, they would have found it. (Mr. Laurier) that is the very argument I would have liked them to address.

The more important the question, the more time it requires; the more important the question, the more need of investigation; the more important and the more irrevocable the step proposed, the more reason why we should go slowly in dealing with a matter of such gravity. So far, I am sorry to say, that the arguments which the government have used appear to me to be utterly shallow and entirely beside the question. The hon. secretary of state has not enough time to devote to the subject, and he has not enough time to devote to the study of the history of the country. He has not enough time to devote to the study of the history of the country. He has not enough time to devote to the study of the history of the country.

haps be hardly worth while. The third question would be, is this bill as we have it, fit to pass in any case, is it not so faulty as to be utterly incapable of amendment? Is not the kindest and most humane thing that its fathers can do for it to withdraw it and strangle it without more ado? (Laughter.)

Now, I am not going to deal with the innumerable legal technicalities of this measure. When it gets into committee these, no doubt, will be fully dealt with. I am going to deal with the more important matters of principle and of men of affairs, which all business men in Canada know and can perfectly appreciate, quite irrespective of the legal considerations involved in this measure. This is a subject which in the very nature of things is bound to be a very contentious, is in the very highest degree a matter of controversy. Every human being who has had anything to do with questions in which the religious element enters, knows perfectly well that it is a subject which is bound to be a subject as to which there will be more hard feeling elicited, as to which there will be more occasion of continual dispute and controversy. Then, do we not know, is not every one in this house, and every business man, able to tell the government that which is one thing more than another, which is certain to breed an endless train of litigation, is just these questions of joint jurisdiction, the very one of which, I repeat under the most favorable circumstances, even supposing you were acting with the government of Manitoba and

tant a parliamentary scarecrow. (Laughter.) This bill is simply an imposture. There is no motive power in this bill whatever. It threatens what it cannot perform, and promises what it cannot implement. It may be, and very likely will be, a bonanza for the last years of Manitoba and elsewhere; but it assuredly will be a very Pandora's box to the public mind. It is a bill of no value, and it is placed on the statute book in its present shape. This is a bill, in one word, for the purpose of distributing everything and settling nothing; this is a bill which promises everything; this is a bill which threatens everything; this is a bill which those very persons whose instance it is brought in do not pretend to accept as final or complete. The best word they can say for it is that it is an imposture, the best word they can say for it is that it is a meddling of the wedge; that the best they can offer to us is that if we pass the bill and establish the principle, I verily believe we will be opening an era of litigation and of bloodshed, and that we will die in die, but in secula seculorum. (Laughter.)

In my opinion there is but one argument which could, under any conceivable circumstances, justify the bill as at this moment, and that would be, if it were possible by this measure to get rid of this question once and for all. But this bill itself, in its present terms, absolutely negates the idea, by the very nature of the act, of the question. The very last clause in so many words declares that this question is to be

yes, if the greater the difficulty will appear; that is to say, if the province intended to be coerced is adverse. Now it appears to me, and it has appeared to me all through, that there were but two ways of dealing with this kind of thing, being done for the Catholic minority. One of these is the remedy afforded by the constitution, by the ordinary courts of law wherever the province has exercised its legitimate authority in passing laws of this kind. The other is the veto power which is vested in the government of Canada with respect to all acts of provincial legislatures. Now, I want to call the attention of the house to the fact that the ordinary courts of the courts of law, so far as it has gone chiefly, I do not say altogether, in favor of Manitoba, which has been declared by the supreme tribunal of the empire to have acted *intra vires* in passing laws of this kind. The other is to which I shall have something to say presently—is a power which the government dared not use. They may or they may not be blame-worthy—that is an open question—for having declined to exercise that power. But I think, and it is well that their supporters should understand in this house, and the country should understand this, they had the opportunity, and for reasons best known to themselves, they refused to let that opportunity pass away forever.

Now, I desire to review the circumstances which have led up to the situa-



COLLAPSE OF THE TUPPER BOOM.

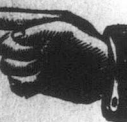
plied even a longer time in arriving at that we had the power to legislate upon the question. Well, sir, I never heard that anybody disputed that, certainly not any of the gentlemen who have spoken on this side disputed our right to legislate upon the subject, but they maintain conditions. The minister of the interior, whom I do not see in his place at present, spent twice as long as both of the other gentlemen put together in discussing the subject of the bill for Winnipeg (Mr. Martin) I do not feel disposed at the present moment to notice his remarks more fully (Laughter). But these hon. gentlemen have raised the real points of the question. What we wanted to decide? What is the object of this bill? The questions which are proposed for the consideration of this house and of Canada, as I understand the people of this country, are:—What are the terms of the matter without hearing the people in the parliament of Manitoba; and next, what has this house, under the existing circumstances at this stage of our own history, right to do with this matter at all without an appeal to the people from whom alone they can derive the right to act. Perhaps I might add a third, but in view of the fact that a sufficient number of hon. members have after the second reading it may be

not against the government of Manitoba, would be elicited by a proposal to pass a school act regulating the mode in which education should be administered in any province of this Dominion. I am quite certain that the parties who are agreed, what we likely will see when we know from the very outset that the rival authorities are utterly right and bitterly opposed? Why, I know they have paid for my knowledge something like \$700,000; so far as I have not the honor of being a lawyer, I have had the honor of paying very heavy law fees in my time—I know this is a case in which a single careless word might cost me dear—therefore in this act, may well produce a dozen years of costly litigation. If ever there was a bill submitted to parliament which needed the most careful drafting it certainly needs the most careful consideration; if ever there was a bill in which it was necessary that every word should be weighed before it is put on the statute book, it is the bill which is submitted for our consideration to-day. Now, do you think I can afford to take much chance this bill has of receiving the mature consideration, what chance this bill has of being weighed, of being considered as such a measure should be considered—as itself as it stands, and I can defend its merits?

kept open, and that the government arrogates to itself—whether legally or not, I am not prepared to say—the right to tinker and meddle with this legislation again and again if they are called upon to do so. Now, we know perfectly that both the government and parliament of Manitoba refuse to accept this bill. They have already informed us that this measure as it stands is one to which they refuse concurrence. It does appear to me under these circumstances that the government is in the inexpedient of meddling with this question grow more and more manifested with every step; and I may add also the conviction that the government never took the trouble to think this measure through to its logical conclusion. If the government have been utterly unsuccessful in making any other point plain, I think they have made this plain—the almost insuperable difficulty of interfering with any effect, as I will venture to say, with the operation of a house who sits down calmly and deliberately to study this problem will contribute to the conclusion that the mere hub con-

tion in which we and ourselves placed today. I propose, in the first place, to review the conduct of the government. I propose, in the second place, to review the acts of this house; and I want to call the attention of every man in this country who desires to see this question settled quickly and definitely to the effect that certain proceedings of the government are likely to have upon the province of Manitoba. Now, with respect to the conduct of the government, it is impossible for me to say that I must admit that it is a hopelessly contradictory. Under what conditions, and what conditions alone, could their action in passing the remedial order have been justified? Recall, at a remedial order is an extreme measure. It is a thing of last resort—a thing which every constitutional lawyer and every statesman will admit should under no circumstances be done. I believe that the action of the government in this case has resulted in a collision between provincial and federal authorities. That, I believe, every man in this house on either side will admit to be the truth. Now, if I am correct in my definition of a remedial order, I believe that such a measure should never be passed except after the fullest possible investigation in the first

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place—should never be passed up. Every effort at conciliation and negotiation had been exhausted—and, in the last place, only after proof adduced

grievous wrong. What were the conditions under which the remedial order was passed by the present government? In the first place, they would have absolutely no investigation. They refused to proceed with any investigation.

when asked by the government of Manitoba to do so. The Manitoba government were hauled like a culprit before the bar. The commonest court which might have been expected to exist as between a provincial and a fed-

government was refused to that government. I can only say, with respect to the mode in which the remedial order was passed, that it displayed on the part of the government of Canada desperate and indecent haste, and

terms of peremptory command which it was conceived were of the unfortunate possible character. To what followed? Why, what follow might have been expected. What this government do? Mind, w

Manitoba appealed for delay, when counsel pleaded that they should wait any rate until the provincial legislature had closed its session and the government of Manitoba could appear before them, the government of Canada refused to grant them the common courtesy.

ed to grant them the common courtesy of three weeks' delay and issued the remedial order. But the government of Canada, which could not grant the three weeks' delay to investigate the case, found it convenient to wait a year before introducing an act in

surance of the remedial order. (Hear.) We have been told—I do not know whether by the secretary of state (Sir Charles Tupner) or by some of my colleagues—that the government of Canada issued the remedial order under

sternest sense of duty to their country (Ironical hear, hear.) But under a sterner sense of duty to themselves three months afterwards they found necessary practically to abandon it to beg for any concessions which

government of Manitoba would make
only they would enable them to re

from their remedial
dilemma of the govern-
ment has never yet seen.
If the Manitoba gov-
ernment was as aware
of the real situation
as so plain and glari-
ngly contended, so that
they of even three we
to their just and cor-
rect way did they not im-
agine years ago? If
the matter was, as I think
it was, why did they
not admit a man of
ability and complexity, in
the rights of the majority
party were hard to de-
termine a case on which
the highest rank differed
knowing they differed—
and thus haste in passing
the law. Now, those who know
of the government know
an answer to that ques-
tion, not used in 1890
and, if the government
were to the general elec-
tion and they had trouble
with the return of state-
ment in the general elec-
tion, not without import-
ing Manitoba into it. What
bill passed in the Mani-
toba? That I have to
admit. Hence there is equal
closure. The bill was
passed a year ago in the
assembly they then ex-
pected they then expected
they then expected the
action was immaterial
purposed to deceive the
people. It is known
of public works (Mr.
to the electors of
know that they were
bill would be instant
would be identical. We
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of Halimand when the
state was seeking to
that plot was a frustra-
useless muddle in w
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tion, hence the dis-
with which the dis-
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the man who had
carry out the state
government when w
who, to do him just
estly attempting to
pledge.

Now, I wish to t
and to call your at-
tention to the ques-
vital questions conne-
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have in a bill of 40
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for our adoption. If
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to work this schem
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money? Before we
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the hon. minister
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to carry this out
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territory of their own
constitution, we sh
follows: If you s
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you make now, wh
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adv. You will do
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of water. Is this
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that what the gov
province of Quebe
granted them? Is
right? Is it in the
lie? And yet I we
you can possibly g
of Manitoba, but
you have now sub
It cannot be too
that this business
is an absurdity on
that it will not
for immediate str
My hon. friend,
pointed out to you
Let us look to the
two great provinces
separate schools ar
either in Quebec
but it to my friend
the Protestant mind
and finally to the
majority of that pr
to my friends in th
whether the Cathol
taken is not fairly s
ed in that province
and instances we
ought to be done
left to their own d
small matter in
this question, I
which I ought to
considerable well
house, that one of
statesmen, my es
Mr. McWatt, has
recorded his opin
on the remedial
ment propose to p
free ill-considered
(Cheers.) I have a