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# House of Commons Debates

SIXTH SESSION—SEVENTH PARLIAMENT

## SPEECH

OF

SIR CHARLES TUPPER, M.P.

ON THE

## WINNIPEG NEGOTIATIONS

OTTAWA, TUESDAY, 14<sup>TH</sup> APRIL, 1896

SIR CHARLES TUPPER. I have not taken up an undue portion of the time of the committee, as I think hon. members on both sides of the House will admit, and I propose to occupy a very short period at the present time; but it seems, under the circumstances, hardly respectful to the committee that I should not take some opportunity, anxious as I have been not to do anything that could possibly interrupt the proceedings on this Bill, to briefly refer to the statements made at great length and reiterated by hon. gentlemen opposite. It has been stated by hon. gentlemen opposite, throughout this debate, that the Government of this Dominion have treated the government of Manitoba as an enemy. Well, Sir, I am very glad at last that we have evidence to show how utterly unfounded that assertion is. The hon. gentleman who has just taken his seat, after paying me the very great compliment of extending on the pages of "Hansard" the Nova Scotia School Act, which I had the honour of introducing and passing through that legislature, and all other hon. gentlemen in this House seem entirely to forget the position we occupy. They seem to imagine that this Parliament is engaged in constructing a school law, that we have carte blanche to make it as perfect and complete a school law as possible. I submit that is an entire misapprehension. That is not the position at all. If it were, the action of many hon. members on both sides of

the House would be very different to the opinions they have expressed on this question in the position in which it stands, and, therefore, I wish briefly to draw the attention of the House to the fact that this very important conference which took place at Winnipeg on this question has, in my judgment, been of very great service in its consideration. The leader of the Opposition has taken the ground for a very long period that it was the duty of this Government to issue a commission to ascertain the facts, and he has spent a great deal of time and ability in endeavouring to convince the House and the country that it was impossible to deal with this question without first having a commission to ascertain the facts. That delusion has been swept to the winds.

Some hon. MEMBERS. Oh, oh.

SIR CHARLES TUPPER. Yes; I say that delusion has been completely swept to the winds by the conference at Winnipeg. I am, however, anticipating a little. The position the Government finds itself in is not one of constructing a law, but of carrying out a decision given by the Judicial Committee of the Privy Council. I cannot do better, in view of the position in which we stand on this question, than to draw the attention of the committee to what the constitution of the country is with regard to the position of the Manitoba and the Dominion Government. The Manitoba Act says:

In and for the province, the said legislature may exclusively make laws in relation to education, subject and according to the following provisions:

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

2. An appeal shall lie to the Governor General in Council from any Act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

3. In case of any provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

What were the provisions of this section? They involved the declaration that the power to legislate exclusively by the legislature of Manitoba, ceased when they undertook to legislate to take away the rights or privileges enjoyed by the minority, as they had existed.

Mr. DAVIES (P.E.I.) Is the hon. gentleman not convinced yet that that is not so?

Sir CHARLES TUPPER. No. I am not only convinced that it is correct, but, if there are any terms in the English language which can establish the point conclusively, they are contained here, when the Act gives to the legislature of Manitoba exclusive powers to legislate in regard to education, subject to the condition that it shall not take away rights enjoyed by the religious minority; and there is further provision that, as regards that exclusive jurisdiction, an appeal lies to the Governor General in Council as to whether those rights have been taken away, and, if it is found that they have been taken away, power is conferred on this Parliament to legislate. That is the position. What has happened? No pretense is made in this House or country that those rights have not been taken away. It is admitted by everybody that rights and privileges enjoyed by the Roman Catholic minority in Manitoba down to 1890, were taken away by the legislation of 1890. We do not require to waste time in establishing that, because, I say, it is universally admitted. We have the decision of the highest tribunal in the Empire, which declared, after the subject had been argued fully before it, that the privileges of the minority had been invaded, and that the right thereby devolved on this Parliament to restore those privileges which had thus been taken. It is idle, under the circumstances, I hold, for any hon. member

to pretend for a single moment that we are in a position to make such a law as hon. gentlemen on both sides of the House would be disposed to make, if we were in the position to take up the question de novo. It is idle to waste time and discuss whether it was within our power and duty to see whether we could prepare a Bill better than the Remedial Bill. What devolved on the Government was this: When the Judicial Committee made that declaration, the Government of Canada were bound—and I do not believe any hon. gentlemen deny it—to recognize that the necessity for legislation was created and a duty imposed on this Parliament under the law and the constitution to redress the wrong. Then we must look at the question not as to what kind of a law we prefer, but what is necessary to restore to the Roman Catholic minority of Manitoba the rights which everybody is obliged to admit they have been deprived of and the privileges they enjoyed under the law as it existed when the law of 1890 was passed.

Mr. SUTHERLAND. The Finance Minister stated the position differently in his speech from the Secretary of State.

Sir CHARLES TUPPER. Although there may be a difference in phraseology, I say, in the presence of this House, that from the hour I entered the Government of this Dominion down to this hour, there has not been a difference of opinion on the question of this Bill or the necessity that devolves on the Government to carry it through this House.

Mr. SUTHERLAND. The Finance Minister said it was not required by the law or the constitution, but it was a matter of policy.

Sir CHARLES TUPPER. I reply that there is no difference of opinion in the Government in the slightest degree, that all these ideas are creations of a too active imagination on the part of hon. gentlemen opposite. There is no foundation whatever in fact, so far as I know, for an opinion that any difference of opinion in the Government has existed down to the present hour.

Mr. FRASER. Which of the two views is the view that all are agreed on?

Sir CHARLES TUPPER. The hon. gentleman had better spare his interrogations if they are as senseless as that one. I say there has been no doubt that the Government have been unanimous as regards the principle, while there may be a difference of opinion on minor details, which one Minister may consider the question more important than another. It is quite competent for the Minister of Finance to disagree with myself as regards the importance of this Bill, and not to hold it as important as I deem it; but that does not touch the vital essence as to whether this Bill restoring

the rights and privileges to the minority of Manitoba is a measure on which we have agreed from the time I entered the Government down to this hour, and which we were determined to press on the attention of the House so long as there was the faintest possibility that it could become law. What happened? The remedial order was passed by the Dominion Government. I believe it was passed—I am not quite sure about the date—on 21st March. That order has been denounced by certain hon. gentlemen opposite as very unwise and very harsh and calculated to give offence to the government of Manitoba. But the House must not forget what followed. An answer was sent, after a considerable interval, by the government of Manitoba, and a second remedial order was passed showing how anxious the Dominion of Canada was that this measure should be considered, dealt with and disposed of by the government of Manitoba. The second invitation to take this subject up and dispose of it in a satisfactory manner, was declined, and the Government were compelled to fall back upon the constitution and upon this remedial measure. As to whether the Government have been treating Manitoba with due courtesy, and whether we have been disposed to adopt those mild and sunny ways that the leader of the Opposition suggested—and as to which I quite agree with him, for every means should be exhausted to bring this unhappy question to a satisfactory termination—abundant evidence is now before this committee that we have neglected nothing. My hon. friend from Montreal West (Sir Donald Smith) on his own account and animated by the most lofty and patriotic desire to see this matter amicably arranged by the government of Manitoba, went there for the purpose of seeing what could be done. Some communication took place between that hon. gentleman and the government of Manitoba, after he returned. The first information that was received that the government of Manitoba would consent to negotiate with the Dominion Government was promptly availed of the moment it was received. The papers that are before the House show that the moment it was intimated on the part of Mr. Greenway that he would be disposed to respond to an official invitation to have a negotiation, this was availed of, and the Government at once sent three gentlemen who, I believed then, and believe now, were agreeable to the Manitoba government as could have been selected for the purpose of carrying on the negotiations. They were received with the utmost courtesy by the government of Manitoba, and proceeded to take up this question. Was anything said about a commission? Look through these papers, and you will find that there is no suggestion that the facts were not all patent and known to everybody. Instead of saying at the very opening of the negotiations: Before we can do business, we must ascertain

the facts, and there must be means taken to investigate the facts; it was all taken for granted. That disposes, and I think it is very fortunate that it does, of the position the hon. gentleman held so long, and ultimately, in an unhappy hour, was led to abandon. It has been said over and over again, that this Government has increased the difficulty of dealing with this subject by the harsh spirit in which we approached Manitoba. Is there a single suggestion in these papers that any other mode of approach was possible? I think we can take that part of the objection on the part of the opponents as having been swept away. These commissioners entered upon the negotiations in the kindest spirit, without any complaint being made with reference to these matters. The only ground of complaint arose on a misunderstanding as to proceedings in this House. It will be remembered that the hon. member for North Simcoe (Mr. McCarthy) suggested that the Bill should not be taken up until Tuesday, and a considerable portion of the press assumed, wrongly, that that was the arrangement. "Hansard" shows verbatim what was said, and shows that Friday was the day agreed to by the hon. leader of the Opposition and myself for taking up the Bill and going into committee. Our delegates saw the statement with reference to Tuesday, and they did not see that with reference to Friday. Consequently, they assumed that nothing would be taken up until Tuesday. That was the only point on which there was the slightest complaint, and the explanation offered by our delegates was courteously received by the government of Manitoba. I refer to that to show that everything that could be done on the part of this Government has been ratified, so far as we can judge, and the imaginary objections raised by some hon. gentlemen have been swept aside by the course the delegates pursued.

But there is another and much more important point in relation to these negotiations, and that is that no person can read over the propositions of the delegates from this Government without coming to the conclusion that they were animated by the most sincere desire to have this question settled in Manitoba, and not here. I do not think that any great advantage will be gained by that attempt to show that this Government has not been anxious from the first that Manitoba should retain the exclusive right to legislate on the question of education, and that the smallest possible concession that would restore the rights and privileges of the minority should be accepted.

Exception has been taken by a number of gentlemen in this House, who speak sneeringly of the minority. They say this is a question between the Dominion Government and the Manitoba government, and suggest that any statement from any source as to what the minority think or feel in this mat-

ter should be treated with contempt. I do not so read the constitution. I understand the constitution and the decisions of the Judicial Committee of the Privy Council as establishing this—that, where rights and privileges are taken away, the duty of the restoring of them rests with the Government and Parliament of the Dominion. Therefore, it becomes of the most vital importance to know what rights and privileges have been taken away and how they can best be restored.

Mr. LAURIER. Hear, hear; that is the very point.

Sir CHARLES TUPPER. I think so—what rights, what privileges, have been taken away. A privilege may not be a right, but, under the constitution of the country, I do not gather that any broad distinction is drawn between the rights and the privileges that were enjoyed and that were taken away. Were our delegates to assume, in spite of the judgment, that they were to go on without reference to the feelings of or desires of the minority? I think not. I think that the duty devolved upon them, knowing the decision that had been given and the terms of the instructions they had received, to deal with this matter in such a way as would, at all events, put the question in a position that the rights and privileges that had been withdrawn from the minority under the Act of 1890, should be restored. I cannot help thinking that any person, dispassionately regarding this question, will come to the conclusion that it would be impossible that they should go further than they did in reference to this matter. What were their suggestions for the settlement of this question?

Legislation shall be passed at the present session of the Manitoba legislature to provide that in towns and villages where there are resident, say, twenty-five Roman Catholic children of school age, and in cities where there are, say, fifty of such children, the board of trustees shall arrange that such children shall have a school-house and school-room for their own use, where they may be taught by a Roman Catholic teacher; and Roman Catholic parents, or guardians, say, ten in number, may appeal to the Department of Education from any decision or neglect of the board in respect of its duty under this clause, and the board shall observe and carry out all decisions and directions of the department on any such appeal.

I do not know how any hon. gentleman who is willing to restore these privileges in the slightest degree, can say there is anything unreasonable in that.

Provision shall be made by this legislation that schools wherein the majority of children are Catholics should be exempted from the requirements of the regulations, as to religious exercises.

I do not think that the strongest opponent of the Bill would not say that the converse of this would be revolting. That children shall be compelled to receive religious in-

struction which is in antagonism to the wishes of their parents, is what no man with any sense of justice would suggest.

That text-books be permitted in Catholic schools such as will not offend the religious views of the minority, and which from an educational standpoint shall be satisfactory to the advisory board.

In other words, they are to be first-rate schools, under the control of a body appointed by the government of Manitoba, in order to secure a high order of education and to make it certain that they shall be as efficient as the other schools of the province, but that provision shall be made that there shall be nothing in the text-book to offend the religious susceptibilities of the Roman Catholics.

Catholics to have representation on the advisory board.

Now, Sir, I may say that the smooth working of the Educational Act of Nova Scotia is due to the reason that, without providing separate schools by law, it has yet practically met the wishes of both Catholics and Protestants in Nova Scotia, has been the fact that the Council of Public Instruction is the government of the day, and, as the Roman Catholics are always represented in that government, it is impossible to have any regulations or arrangements made that are not satisfactory both to Roman Catholics and Protestants. This simply calls for a recognition of the same principles, and that on the advisory board Roman Catholics shall have a representative. The appointment of one single Roman Catholic on this board of eight or nine members in all that would be required.

Catholics to have representation on the board of examiners appointed to examine teachers for certificates.

I am sure that no person will for a single moment object to that.

It is also claimed that Catholics should have assistance in the maintenance of normal schools for the education of their teachers.

I do not see any reason why they should not be given the means to give their teachers just as high an education as is secured by attendance at the Protestant schools.

The existing system of permits to non-qualified teachers in Catholic schools to be continued for, say, two years, to enable them to qualify, and then to be entirely discontinued.

That was found necessary by the circumstances of the case, in which a number of persons who, perhaps, would not be able to pass the examinations at this moment required of Catholic teachers, might continue to teach, if they complied with the other requirements of the law with reference to qualifications.

In all other respects the schools at which Catholics attend to be public schools and subject to every provision of the Education Acts for the time being in force in Manitoba.

If the privileges taken away from these people are to be restored, if their rights are to be respected at all, I cannot conceive any more moderate arrangement or one less open to any kind of objection on the part of any government here disposed to do any justice to the minority whatever.

I do not propose to go into the counter-propositions, for that is not necessary. But I will refer to one subject, and that is that one of the first proposals made by the Manitoba government was to secularize the schools. The hon. member for Winnipeg (Mr. Martin), I believe, would be willing to have the schools secularized, to banish the Bible and every kind of religious instruction from the schools, but I doubt if there are many members on either side who would agree with him.

Mr. EDGAR. The hon. member for Leeds (Mr. Taylor), the chief Government Whip, expresses that opinion.

Sir CHARLES TUPPER. I am very sorry to hear that, but I am sure that the Church of England would not agree to it, I am sure that the Presbyterian body would not agree to it, I am sure that the Wesleyan body would not agree to it, and I am quite sure that the Baptist body—which may not be a very large one in that country—would not agree to it. Therefore, the proposition to secularize the schools, I believe, would run counter to the overwhelming sentiment of all denominations, whether Catholic or Protestant, in the province of Manitoba, and, therefore, I regard that as a step certainly very much in the wrong direction. What a delusion it would be, if you were to have religious instruction after the manner proposed by the Manitoba government. What would it amount to? You have the Roman Catholic Church, the Church of England, the Presbyterians, the Wesleyans, represented in each school, and they are each to take alternate days. So you would have, in practice, half an hour once a week. Will you expect that to satisfy any person, Catholic or Protestant, who wishes to have this religious instruction in the schools? Surely not. I do not intend to prolong these remarks, because I am anxious to avoid doing anything that shall take up a single moment of the time of this committee. But we have been accused of obstructing our own Bill. Absolutely, gentlemen have been found who, in the face of what is known to every member of this committee, actually accuse us of obstructing our own Bill. It has been insinuated that there was some occult influence at work which made the Government desirous of preventing this Bill from becoming law. Well, I have in my hands a copy of the Hamilton "Evening Times," of April 13th, a strong opponent of the Government, which gives the true inwardness of the opposition to the Bill:

Canadians who do not believe in forcing separate schools upon Manitoba, may thank the

Liberals in Parliament for getting an opportunity to prevent the outrage.

They gave to the Liberals the entire credit; they won't allow any Conservative in this House to enjoy the credit.

Mr. LAURIER. The paper is not fair.

Sir CHARLES TUPPER. Hon. gentlemen opposite have said a good deal about last week affording a record-breaking session. This paper adds:

The result is worth all the discomfort of a six days' and five nights' sitting.

So I think proper to give to the opponents of the Government, I won't say they are all Liberals, the credit of the unparalleled obstruction which this Bill has met from the commencement. Now, we have been ardently desirous of settling this question, for reasons which I have often stated, and need not repeat to the House. My great desire has been to remove from the political arena a question of this kind that is calculated to prevent us getting a verdict upon the important political issues that separate the two parties in this country. I believe also that it is very much to be deprecated that the people should have their passions and feelings excited, as they are excited on questions of religion more than on any other question in the world. I think it is very much to be deprecated that such a question should be taken to the polls. I think it is unnecessary, because the Government, while obeying the law and the constitution in the steps that have been taken, and declared to be absolutely necessary to restore the rights and privileges of the minority in Manitoba, have shown from the first that they are anxious that nothing should be done that could be construed as a violent or extreme measure. I do not hesitate to say that the minority, in my judgment, have been most reasonable in regard to this measure. Hon. gentlemen opposite profess so great a desire to destroy this Bill that they are willing to spend days and nights over a clause which is an exact transcript from laws that have been in use in Ontario and Manitoba for many years, and have been found to work perfectly well. Now, I do not understand this pretended anxiety on the part of the opponents of this Bill to have criticised in committee. If the minority are satisfied with the Bill, imperfect as the measure may be, falling short, as the leader of the Opposition holds it does, of restoring fully the rights of the Roman Catholic minority, if the minority are satisfied with the measure, why do some hon. gentlemen object to it? That the minority are satisfied with it, we have the highest authority for saying. Every person knows the respect that is paid by the Roman Catholic people to the views of those who are placed in charge of their religious and educational interests; everybody knows the confidence that is placed

In those who preside over them as bishops and archbishops, and who may, therefore, be held to represent the views of the people themselves. In order to show the House, in an unmistakable manner, that the minority are satisfied, I propose to read a message received by myself, and a similar one was sent to the Prime Minister yesterday, by the Archbishop of St. Boniface, from Montreal, in which he says:

In the name of the Catholic minority of Manitoba that I represent officially, I ask the House of Commons to pass the whole remedial Act as it is now amended. It will be satisfactory to the said Catholic minority, that will consider it as a substantial, workable and final settlement of the school question according to the constitution.

(Signed) EDOUARD LANGEVIN.

I give that as a complete answer to any hon. gentleman who says this Bill is worthless, that it will not give satisfaction to the minority. After this approval of the Bill by a gentleman holding so high a position as His Grace the Archbishop, who speaks on behalf of the Manitoba minority, certainly no person can any longer say that this measure will not satisfy their claim. I deeply regret that the necessary measure was not passed by the government of Manitoba. It would be infinitely more satisfactory, and no effort has been spared by this Government to secure a settlement by the government of Manitoba. I do not hesitate to say that I believe if this Bill were put on the statute-book, it would terminate the difficulty, for I believe the Manitoba government would then be in a position to say to the people of that province who have become excited upon this subject—and I believe that is one of the difficulties of the Manitoba government—they would then be able to say to the people: Either we must meet the claims of this minority by our own legislation, or we must have under the constitution of the country a divided authority; and that is certainly not desirable. I believe if this Bill were placed upon the statute-book, this Government would probably never find it necessary to carry out any of its provisions, because they would be promptly adopted by the government of Manitoba in order to prevent the divided authority I have mentioned; and the hands of the local government would be enormously strengthened by putting this Bill on the statute-book. Now, I wish to say a word about the obstruction of this measure. Who is obstructing?

Mr. WELSH. Do you want to coerce us by keeping us here all night and all day? You are the men who are obstructing.

Sir CHARLES TUPPER. I will tell my hon. friend, if he will allow me to call him so, that nobody is more unwilling to keep him here than I am. It has been a case of necessity, not of choice. We have felt bound

to exhaust every possible means for the purpose of carrying a Bill that we believe to be only of the greatest importance that it should become law, but we believe it to be of the most vital importance that it should become law this session. The session has been called specially for the purpose of dealing with this measure, the country expected it of us, and we have felt it our duty to exhaust every means to pass it. But I want to put this question to hon. gentlemen opposite. Who is it that is obstructing this Bill? Is it the representatives in this House of the two millions of Roman Catholics? I do not believe that there is one representative among those who represent the two millions of Roman Catholics in Canada in this House, who will get up and say: I am prepared to obstruct this Bill and prevent its becoming law. Then I say if you have at the back of this Bill the Government of the Dominion, composed of both Catholics and Protestants, if you have supporting them a large number of members representing both Protestants and Roman Catholics, if you have in favour of the Bill the representatives of the two millions of Roman Catholics in this country to-day, why should it be obstructed? Sir, it is not too late yet. The Bill has been prepared with the utmost care by the law officers of the Crown.

Mr. DAVIES (P.E.I.) Care!

Sir CHARLES TUPPER. Well, I do not suppose it would be in the power of human ingenuity to frame a Bill in which lawyers could not find flaws from Monday morning till Saturday night. But because they can do so, I do not hold that to be evidence that the Bill is imperfect. I say the clauses have been torn to pieces and changed and modified by hon. gentlemen opposite, in their desire, not to perfect the measure, but to mar it. I believe that the Bill as submitted to this House would have been perfectly satisfactory to the House. The law officers of the Crown had given it careful attention; and a gentleman of high standing in this country and great legal talent, Mr. Ewart, who has devoted, I may say, years of his life to the study of this question, has been devoting his great powers and his great legal talents to this measure for a long period. He has had the opportunity of crossing swords with another hon. gentleman of great legal talent, the hon. member for North Simcoe. It is said that iron sharpens iron, so I say that after this conflict of opinion on this question in all its phases, this Bill meets with the approval of the counsel retained by the minority in Manitoba. It also meets with the approval of the Minister of Justice and of the committee of the Dominion Government, composed of both Catholics and Protestants, who had charge of this Bill. As a layman, I say I would have been quite willing to take it as it stood;

and I say now that the most vital and important portions of this Bill have been considered, and I believe it is the duty of this committee to allow the remaining clauses to be passed. If it is imperfect, hon. gentlemen opposite are not responsible for that: the Government of the country are responsible.

Mr. LAURIER. No, not the Government but the country.

Sir CHARLES TUPPER. We will settle that a little later. I say that the Government of Canada have been upheld by a majority of 99 to 7 in this House in favour of abandoning obstruction and passing this Bill. Now, under these circumstances, I venture to make the last faint appeal to

hon. gentlemen opposite to let us settle this vexed question, which is the cause of so much trouble, and let the Government go to the country, responsible for all their sins, responsible for all the enormities of this measure, whatever they may be, and let them answer for their shortcomings to the people of this country. We are quite willing to take that responsibility. We believe it will be in the interest of the country, in the interest of peace and good feeling among Roman Catholics and Protestants of this country, and I trust, under these circumstances, that we may be permitted to place this Bill on the statute-book, late as the period of session is, and that we may be able to take up the other important business of the session that it is very necessary to transact before this Parliament prorogues.