

New Prints, New Cottons, New Tweeds,

Arriving daily, at

Dundas & Flavelle Bros.'

All Winter Goods

AT
Great Discounts.

DUNDAS & FLAVELLE BROS.

MR. BARRON'S SPEECH

On Dual Language in N. W. T.

From the Hansard.

Mr. BARRON. When, before recess, I had the pleasure of hearing my hon. friend the member for Northumberland (Mr. Mitchell) rise in his seat and say that he, an old parliamentarian, an old member of this House, rose to speak on this serious and important question with a good deal of diffidence, I confess to having then experienced some feeling of regret that I, a young member had made up my mind to speak on this burning question; but I hope the hon. members of this House will see that, in rising to speak, notwithstanding my youth, I do so solely under a keen sense of duty to my constituents, who expect me in this matter to give my decided views one way or the other. I do not think any hon. member of this House feels more conscious than I of the great necessity we are under to say nothing to night, or hereafter during this debate, which may in any way continue the ill-feeling that, perhaps, has been engendered during the debate. I am conscious of this necessity, not only out of respect for the high official position which you, Sir, so worthily occupy, not only out of respect for our own individual selves, and not only out of respect for the French members from the Province of Quebec, representing a great and free electorate, but because Sir I know full well that a harsh or hasty word spoken to-night, however true its text may be, is more calculated to repel than to induce a calm and dispassionate judgment; and so I hope, when I shall have resumed my seat, that I shall be able, on looking back over what I have said, to conclude that I have spoken calmly and dispassionately, although already words have been spoken which have grated somewhat harshly on the ears of hon. gentlemen who may think as I do and who may vote as I intend to vote on this important question. But if I do give offence to any creed or to any person, I hope hon. gentlemen will see it is because I am now in the years of enthusiasm, because I believe in the assertion of free thought and free speech, knowing as I do, that in past history these two elements have led to the highest kind of legislation—legislation tending to peace on earth and goodwill towards men. I have said that words have been spoken during this debate which fell unpleasantly on the ears of hon. gentlemen in this House. Need I say to whose language I refer? Need I say that the hon. the Minister of Public Works, more than any hon. gentleman in this House, has, during this debate, made use of language calculated to do serious harm throughout the country at large. I say, Sir, that this language was most fanatical, most inflammatory, and not justified at all by that of the hon. member for North Simcoe (Mr. McCarthy); but, assuming for a moment, which I do not now admit, that the hon. member for North Simcoe did say what, perhaps in his calmer judgment, he would not have said, two wrongs do not make a right; and, therefore, the hon. the Minister of Public Works ought not to have used the language he did, and, coming from a gentleman in his exalted position, it was most dangerous to the peace and welfare of the community at large. Bad enough would that language have been had it come from an ordinary member; bad enough would it have been had it come from a member of the Government, sitting behind the hon. gentleman, but, infinitely mischievous was it coming from the Minister of Public Works, who is second in command to the right hon. gentleman who leads the House. The hon. the Minister of Public Works spoke of the loyalty of the French Canadians. I admit, and I rejoice in the fact, that there are no more loyal men in the community than the French Canadians, but I do not propose to admit, as worthy of our admiration—if I may be allowed to speak for a moment in their behalf—the example set us by the hon. the Minister of Public Works in the gentleman to whom he referred, for British Canadians cannot see much loyalty to admire or respect in a gentleman who one moment rejoiced in the tricolor of France, and the next gave three cheers for the British Crown. The loyalty I admire is that of such a man as Montcalm, who fought to the bitter end. The loyalty I admire is that of the French Canadians, who when tempted by the Americans, refused to yield to temptation and remained loyal to the British Crown. Then, I cannot but recall the remarks made by the hon. member for East Grey (Mr. Sproule) when he undertook to criticise the remark of the hon. member for West Durham (Mr. Blake). He devoted half an hour to abuse and vituperation against the hon. member for West Durham—against the very gentleman whom the right hon. the First Minister asked to come to his assistance in this serious and important matter. What must have been the feelings of the hon. member for East Grey when, after abusing that hon. gentleman, he heard a day or two later, his leader ask him to come to his assistance, in order to bridge over this difficulty? When I heard the hon. member for East Grey presuming to criticise the course of the hon. member for West Durham, and contrasted his bearing with that of the hon. member for East Grey, I could not help thinking of the cartoon in which a singed cat was depicted as hissing and spitting at a great Bengal tiger. But much as I respect and admire the hon. member for West Durham, exalted as is his ability, I regret to have to say that, in some particulars, I cannot follow him in the speech he addressed to this House a few nights ago. It is not my fault but my misfortune, and no one regrets it more

than I, that the constituency which I have the honor to represent did not send a gentleman of greater ability and of more astute mind to follow the hon. member for West Durham in the vote he proposes to give, and in the language he addressed to this House. But I shall refer to his remarks a few minutes later, when I come to that portion of my speech. For the present I wish to refer to the remarks addressed to this House last night by the hon. the Minister of Justice. It is with pride and pleasure that I see that hon. gentleman rise to address this House. It is with delight that I look forward to a literary treat when I see he intends to speak, and it was with pleasure that I saw him rise to move, as he did move, the amendment which is now before the House. But I confess to a feeling of great disappointment when he sat down; I confess that my idol was struck to the ground, because we found that the Minister of Justice had actually swallowed himself; that he, who had within one year since declared that the preamble to an Act was of no moment, now declared that it was of the greatest possible importance. In the debate on the Jesuits' Estates Act, he said: "Now let me again, before I leave the subject of the Act, call the attention of the House to the fact that all the argument which has been made with regard to the necessity for disallowance is based on objections to the preamble of the Act. In the history of disallowance in this country in the history of the disallowance of our own statutes in the mother country—and we know that scores of them were disallowed—the records will be searched in vain to find one which was disallowed because the preamble was not agreeable to anybody. I do not pretend to dispute the statement of my hon. friend from Muskoka (Mr. O'Brien) that the preamble is a part of the Act. So is the title a part of the Act, and so are the head-notes of sections; but has anyone ever heard of a Government being asked to disallow an Act because they did not like the wording of the title or of the head-notes. The preamble is understood to be a part of the Act for the purpose of interpreting the Act, but there is nothing in this Act for which interpretation is needed, and I distinguish in referring to this, the most trivial and technical objection which could be taken to a statute, between those parts of the preamble which assert that certain correspondence has passed, such as this between the Premier and the Cardinal at Rome, and those preambles which recite certain agreements which the statute validates."

Then further on he says: "I assert, without fear of contradiction among people who will consider this matter in a calm and businesslike way, that that part of the preamble which is the only part relevant to the purposes of the Act itself, is utterly harmless, entirely businesslike, free from the slightest suspicion of derogating from any right of Her Majesty, and from the slightest suspicion of infringement of the constitution." These are the words spoken a short year ago by the hon. the Minister of the Justice, when it appeared to be his purpose to minimise the importance of a preamble to an Act. But it will be in the recollection of hon. members that, on that occasion the preamble was made by a special enacting clause, part and parcel of the Act itself; and, therefore, it was that some hon. gentlemen opposed, as I did, the Act because the preamble which was made a part of it was most offensive. What lawyer in this House will assume that the preamble is of any importance so long as the Act itself is clear and beyond doubt? First, however, let me draw attention to the fact that the member for North Simcoe (Mr. McCarthy), having heard the objections made to the preamble, said at once in effect, I do not consider it offensive, but if any hon. gentleman does so, I will consent to have it struck out in committee. The Minister of Justice, the other night, did not take a particle of notice of the concession or offer made by the hon. member for North Simcoe. It appeared to me that he refused to take notice of that offer or to comment upon it. It appeared to me that he was anxious that this apparently offensive preamble should continue in the Bill, so that he might have some argument and grievance on which to build an argument in this House. I say that there was nothing in the preamble to this Act. I mean by that, that no matter how offensive it might be—and I am not going to argue that just now—this House has no right to consider the preamble so long as the enacting clause is beyond any doubt, and I think there are very few lawyers in this House who will deny the truth of that proposition. I will not venture young as I am, to address a legal argument to this House coming from myself, and I prefer to read authorities proving my contentions. I shall read from Maxwell on Statutes, an authority which, I think, will be acknowledged as sufficient. On page 56, Maxwell says:

"But the preamble cannot either restrict or extend the enacting part when the language of the latter is plain, and not open to doubt either as to its meaning or its scope."
Mr. MILLS (Bothwell). Hear, hear.
Mr. BARRON. The hon. member for Bothwell interrupts me by saying "hear, hear"—meaning, I suppose, that the language of the enacting clause is not plain. The hon. gentleman can read English and so can I, and neither he nor anyone else can contend that the enacting clause of this Bill is not so plain that any child can understand it. What is the Bill? Simply that the 110th section of the North-West Territories Act shall be repealed, so there can be no ambiguity about the enacting clause, and therefore the preamble is a matter of no possible moment. The authority I have quoted goes on to say:

"It is not unusual to find that the enacting part is not exactly co-extensive with the preamble. In many Acts of Parliament, although a particular mischief is recited, the legislative provisions extend beyond it. The preamble is often no more than the recital of some of the inconveniences, and does not exclude any others for which a remedy is given by the statute. The evil recited is but the motive for legislation; the remedy may both consistently and wisely be extended beyond the cure of that evil; and if on a review of the whole Act a wider intention than that expressed in the preamble appears to be the real one, effect is to be given to it, notwithstanding the less extensive import of the preamble."
But it may be said that in this case the preamble is more extensive than the enacting clause, and, if I stop there, it would be said that I had not answered the question as to the importance of the preamble. But on page 62, I find:

"Where the preamble is found more extensive than the enacting part, it is equally inefficacious to control the effect of the latter, when otherwise free from doubt."
Then on page 64, this work proceeds: "It has been sometimes said that the preamble may extend but cannot restrain the enacting part of a statute. But it would seem difficult to support this proposition. * * * In a word, then, it is to be taken as a fundamental principle, standing as it were, at the threshold of the whole subject of interpretation, that the intention of the legislature is invariably to be accepted and carried into effect, whatever may be the opinion of the judicial interpreter of its wisdom or justice. If the language admits of no doubt or secondary meaning, it is simply to be obeyed, without more ado. If it admits of more than one construction, the true meaning is to be sought, not on the wide sea of surmise and speculation, but from such conjectures as are drawn from the words alone or some-thing contained in them; that is, from the context viewed by such light as its history may throw upon it, and construed with the help of certain general principles, and under the influence of certain presumptions as to what the Legislature does or does not generally intend."
Great as my respect is for the hon. member for Bothwell (Mr. Mills), great as is my admiration for the hon. member for West Durham (Mr. Blake), much as I respect and admire the hon. the Minister of Justice, I prefer to take the views of Maxwell as to the meaning of the preamble to an Act. Let me give the House an instance where the preamble to an Act proved entirely inefficacious. There was a statute under which the question was raised as to the legality of the Orange Association in England, in or about the year 1832. The preamble to the Act recited that it was directed against secret or oath-bound societies, and the argument was made that by reason of that statute, 29 George III, and by reason of that preamble the orange society was illegal. But it was found that the enacting clause did not go to the extent of the preamble, and the opinion was given by such men as Sergeant Lewis, Sir Wm. Howe, Sir Robert Gifford, Mr. Gurney, Mr. Gasalee, and Mr. Adolphus, men, some of whom afterwards adorned the bench, and reached high positions in the service of their country; all of them gave the opinion that by reason of the enacting clause not going to the extent of the preamble, therefore the society itself was not illegal. Now, the hon. Minister of Justice proposes an amendment, and I must say that it struck me that that amendment was as inconsistent and as incongruous as the fat-famed autumn leaves of Vallambrosa; but after all, what does it amount to? It admits the principle of the hon. member for North Simcoe as advanced by his Bill; it admits that the time may come when dual language must be abolished in the North-West; it says in effect that we shall not do to-day what we shall do to-morrow; therefore I say that when the Minister of Justice brings in his amendment proposing to do this a few days months or years hence—perhaps not by this House, but to give others the power to do it—why, Sir, he practically gives away the case to the member from North Simcoe. What is that amendment?

"That all the words after 'Resolved' be expunged, and the following substituted: "That this House, having regard for the long continued use of the French language in old Canada and to the covenants of that subject embodied in the British North America Act, cannot agree to the declarations contained in the said Bill as a basis thereof, namely, that it is expedient in the interest of the national unity of the Dominion that there should be unity of language amongst the people of Canada. That on the contrary, this House declares its adherence to the said covenants and its determination to resist any attempt to impair the same."
Now, it seems to me that the hon. member for North Simcoe has never disputed these premises. So far as I am concerned I here declare that if the member for North Simcoe attempted in any way to interfere with the rights of our fellow countrymen in the Province of Quebec so far as the use of the French language is concerned, I would resist that attempt to the utmost. But we have heard it here declared by the member for North Simcoe time and again, both in his speech in introducing this Bill and in his speech the other night, that that was not his intention, and, therefore, it seems to me that we may agree with these premises. The amendment of the Minister of Justice then goes on:

"That at the same time this House deems it expedient and proper, and not inconsistent with the covenants, that the Legislative Assembly of the North-West Territories should receive from the Parliament of Canada power to regulate, after the general election of the Assembly, the proceedings of the Assembly and the manner of recording and publishing such proceedings."
We will give the remainder of Mr. Barron's speech in our next issue.
Mr. Houghton Lennox, of Beeton, has been elected by the Conservatives of Cardwell to carry the standard in the provincial election.