

Ad by the Dominion over Manitoba. He then quoted a number of examples of coercion from Roman history, and concluded by reading his resolution, and, to the surprise of everyone, did not offer it as an amendment, but simply offered it as a suggestion for the Government if they wished to take it up. The declaration, which was not an amendment, was as follows:—

That the people of this Province have an interest in the correct construction of the provisions contained in the B. N. A. act respecting appeals from Provincial legislation on the subject of education under the 93rd section of the B. N. A. act; that the Legislature of the Province is entitled to respectfully express its opinion for the consideration of the Parliament of Canada in respect to the case now there pending, in which a precedent is liable to be made affecting the possible future application of the B. N. A. act to legislation in this Province and appeals therefrom; that in the opinion of this House the jurisdiction of the Parliament of Canada arising out of appeals in respect of grievances created by Provincial legislation being a purely remedial jurisdiction, it is therefore essentially and wholly judicial in its nature, and every step thereunder should be in harmony with the principles of judicial procedure; that it is inconsistent with the judicial treatment of such appeals that they should be presented or considered by Parliament as questions of party politics, that the jurisdiction and procedure under the 93rd section of the B. N. A. act are peculiar and unexampled, and that the principle of the responsibility of the Government of the day in respect of measures introduced by them should not apply to their action in laying their finding and draft of the appropriate remedy to give effect thereto before Parliament for its consideration; that the constitution is made for the people and not the people for the constitution, and that the constitutional practice of Parliament is not intended to be so applied as to embarrass the proper action of Parliament in carrying out its special and judicial jurisdiction imposed upon it by the ninety-third section of the B. N. A. act; that in the opinion of this House the jurisdiction and action of Parliament following any finding of the Governor in Council upon such appeal is none the less judicial in its nature, notwithstanding the liberty and duty which in the opinion of this House Parliament undoubtedly has to consider questions of the practicability, political consequences and expediency involved in appropriate remedial legislation; that such discretion of Parliament is a judicial discretion analogous to that which is constantly exercised by courts of law in refusing or granting the extreme remedy of mandatory injunction in cases where, although a grievance may be proved and a mandatory injunction admitted to be the appropriate remedy, the courts take into consideration the question whether the enforcement of such remedy involves impracticable consequences or is expedient on grounds of general public policy; that this Legislature desires to submit its earnest conviction that a precedent of evil tendency will be created, and that consequences contrary to justice and public policy will follow to this and other Provinces whose legislation is subject to the said system of appeal if such appeals heard by the Governor-General in Council in obedience to constitutional provisions, the order made thereon and the further procedure of the Governor in Council in laying the result of the finding of fact on law before Parliament in the form of a remedial order for the judicial consideration of Parliament be treated as a party measure or a matter of voluntary administrative policy; that this Legislature do therefore respectfully and earnestly urge upon the Parliament of Canada that the question now there pending upon the appeal in respect of the legislation of the Province of Manitoba be not treated as a party measure, but that each member of the said Parliament be permitted to do and determine thereon according to his individual judicial judgment and conscience, pursuant to the true intent of provisions of the constitution providing for such appeals.

NONE OF OUR BUSINESS.

Mr. Whitney, on rising to speak, said he did not propose to enter into any discussion of the merits or demerits of the remedial bill. When the proper time came he would make known his opinions on the subject. He declined to have anything to do with what he considered an invasion of the rights

of the Dominion Parliament to deal with the rights with which they were entitled by the British North America Act to deal, and with which the Ontario Legislature has nothing whatever to do. He believed it would be quite possible for him to make political capital by supporting Mr. Crawford's resolution. While he claimed no more than ordinary political virtue, he had not arrived at the stage when he would stand up there and vote for a measure, being guided by the consideration of how it would be received by the people of the Province in respect to what he did. In the first place it did not concern them as a Legislature; they could not legislate with reference to it. Had they any right to occupy themselves and their time in matters outside their horizon and jurisdiction? It seemed to him there could be no reason for introducing it. His hon. friend (Mr. Crawford) had wished for an expression of opinion of the people on the question, but it was impossible to get it in the Legislature. The people of Ontario had not elected the present Legislature to pronounce upon that question, and there was no such question before the people at the time they were elected. The question was then beyond the political horizon, and it was now outside their jurisdiction and they had no concern whatever with it. Therefore it was impossible to get an expression of opinion on it. There had been precedents. The home rule question had been introduced and met with objection from his side of the House. He had looked at the journals of the House, and found expressions of opinion by a distinguished member of the House, the late Commissioner of Public Works, Hon. C. F. Fraser. In 1886 Mr. White, then a member of the House, moved for an additional clause to be added to the address, giving an expression of opinion in favor of punishing those who took part in the Riel rebellion.

MR. FRASER'S OPINION.

Mr. Whitney then quoted extensively from Mr. Fraser's speech, in which he took the ground that, as the Ontario Legislature could not do any good by passing an opinion, they should not consider it at all. The words he had quoted, continued Mr. Whitney, were noble words, and he had no doubt they would often be quoted in the Legislature in the future. The position he took was that of the distinguished gentleman he had just quoted. He declined to be led into a discussion of the merits or demerits of the question, he repeated. There were very different opinions held, he went on. A large number of people thought remedial legislation was right, and another large part thought it was wrong. In what position were they to deal with it intelligently and in a satisfactory way, so far as they themselves were concerned? He was sorry, exceedingly sorry, to hear some of the remarks which had been made by the First Minister. He had been sorry to hear him suggest that they on his (the speaker's) side of the House would be influenced in their vote by their consideration for their friends at Ottawa. "With every fibre of my body I repudiate the suggestion," said Mr. Whitney. "No matter what the consequences may be, those who vote with me will be doing so because they feel it their duty to do what is right." The suggestion that they would vote to gain a party advantage was wrong. "Why did not the Attorney-General," he went on, "take this ground some days ago? Why did he wait and put the resolution off from day to day before coming to a conclusion as to what he had better do? Why was it that he was not prepared eight or ten days ago? Is he prepared to say to-night that he had come to a conclusion himself, or is he prepared to admit that he waited until his leader at Ottawa had come out of the woods

and declared himself?" His friend might consider that that was statesmanship of the highest order to say the Opposition were actuated by selfish motives; but the course which the Attorney-General had taken, he contended, in waiting until a little bird flew from Ottawa, instead of statesmanship was parish politics of the smallest order. Mr. Whitney concluded by moving in amendment to the amendment:

That all the words in the amendment after the word "that" first mentioned be struck out, and the following substituted therefor:—"Any expression of opinion of this House relating to the