

# FIGHT RAGES FAR INTO MORNING

**Henry Is Accused of  
Opportunism and  
Insincerity**

**TILLEY FILE MISSING?**

(For report of Hon. George S. Henry's  
speech see *Second Front*.)

**I**N ALTERNATING  
tedium and tumult, the  
Ontario Legislature  
early this (Tuesday) morn-  
ing was ploughing patient-  
ly toward the end of ten  
hours' debate of the school  
tax question.

**Cheers, Jeers, Charges.**

In a house where, earlier in the evening, cheers and jeers had succeeded charges, counter-charges and demands for withdrawal, the early morning hours saw the once-jammed galleries all but empty, and the members' seats vacant but for a sprinkling of yawning legislators, with the division apparently still hours away.

But the spectators who came to hear oratory and to see excitement didn't go home disappointed.

They heard Premier Hepburn's bill supported by Minister of Education Hon. Dr. L. J. Simpson and Attorney-General Roebuck, and attacked by Opposition Leader Henry, Russell Nesbitt, Toronto Tory, and T. A. Kidd, Kingston Conservative.

**Pussyfooting Alleged.**

They heard Mr. Henry twice asked point-blank whether his party was pledged to repeal the bill once it had been passed, and heard him both times evade the question. They heard him accused of pussyfooting.

They heard the Opposition accused by Mr. Roebuck of seeking to whip up a wave of religious strife upon which to ride back into power—a charge which led, in the case of Russell Nesbitt, to a heated demand for a withdrawal, and to a counter-charge that the Attorney-General had once been a Socialist and a disciple of Karl Marx.

**Says File Missing.**

And they heard Mr. Roebuck declare that, although Hon. Mr. Henry, when Premier, had retained W. N. Tilley for the presumed purpose of taking the school tax issue into the courts, the entire file had since disappeared, so that "not one stroke of the pen now remained to record whatever passed between the two on the whole matter."

Throughout the day there was not the slightest outward sign of the party split rumored in the corridors, and not the least suggestion of a weakening of the Government speakers in their stout support of their Premier's measure.

Shortly before midnight Mr. Kidd moved the adjournment of the House only to be met with Mr. Hepburn's announcement that "the motion is not acceptable to the Government."

"How long, may I ask, will the debate continue?" inquired the Kingston Tory.

"Until about 2 o'clock," replied the Prime Minister.

**To Courts, Urges Henry.**

Early in the afternoon former Premier George S. Henry had given the keynote of the Conservative Party stand on the issue—a demand that

decision on separate school taxes should rest with the courts.

The Conservative Leader expressed the opinion that the proposed changes were an "absolute departure" from the compromise principle which set up the public and Catholic school systems under the statute of 1863.

Galleries were packed with spectators and the Legislature benches unusually well filled.

"It's 11 o'clock, I'm sorry I haven't finished," the Attorney-General said as the gallery clock marked the Legislature's usual closing time. He stopped and started to gather in his papers.

Premier Hepburn leaned over and murmured something.

"Oh, you're not going to adjourn?" the Attorney-General answered. "In that case I'll continue."

**Sees Appeal to Animosity.**

The Conservatives in the Legislature were trying to whip up a wave of religious animosity upon which they could ride back into power, it was charged by Mr. Roebuck, in the course of a trenchant defense of the school tax legislation.

Quelling Conservative interruptors and flatly refusing one demand for a withdrawal of a protested remark, the Attorney-General spoke for more than two hours in support of a measure which he envisaged as the correction of an injustice and as symbolical of the tolerance and understanding of the Protestant people of Ontario.

Hot exchange occurred early in Mr. Roebuck's address between himself and Russell Nesbitt, Toronto member for Bracondale and previous speaker in the debate, when Mr. Nesbitt accused the Attorney-General of having been a Socialist.

"The member for Bracondale," said Mr. Roebuck, "has seized upon a simple issue before us to make political capital out of religious animosities."

Immediately Mr. Nesbitt rose and demanded a withdrawal. His record was well known in politics, he declared, as that of a man who had never sought to stress racial or religious issues.

"I will not withdraw," said Mr. Roebuck. "I will offer, however, to forget the remarks of my honorable friend in this debate, and to judge him instead by what he says between now and the next election."

Mr. Nesbitt retorted: "That's just about as fair as if I were to offer to forget the words you spoke as a Socialist in Northern Ontario." And a moment later he added: "You're not following Karl Marx tonight, eh?"

"I never have been a Socialist, and never will be one," Mr. Roebuck declared. "As a matter of fact, my views are diametrically opposed to the socialistic theory of Karl Marx. But I refuse to be drawn into a discussion on economics."

**Land of Many Races.**

"Canada," said Mr. Roebuck, "is a composite country composed of people who trace their racial origin to all parts of the world. We have the English, Irish, Scottish, Italians, a number of nationalities who speak the Slavic languages, and the Jewish people. It is not possible to crush these peoples into a common mould, nor is it desirable to do so. What is desirable is that each shall enjoy the privilege of living its own life in its own way. It is in this way only that this nation can remain the Canada she has been and accomplish her destiny as one of the greatest nations on earth.

"Under these circumstances it is not a matter of wonder that some special arrangements should be necessary arising out of religious differences.

"In medieval times all schools were under the patronage of the Church. The idea of a non-denominational school is quite modern, and it is therefore not extraordinary that we find in Canada a group who ask for a continuance of denominational teaching. Whether this is wise or in the best interests of this country is not now a matter for discussion, for a minority though important element in our population set great store upon the privilege, and history has established it as a matter of compromise and of compact in our constitution.

"If one is to judge fairly of any phase of the separate school problem, one must ever bear in mind the composite character of our population, with its constant call for toleration and compromise, and together with this its historic development.

**Principles Said Intact.**

"What seems vital to me in this issue," proceeded Mr. Roebuck, "is that the children of one section of our populace are not being properly, adequately or equally treated in the matter of school education. And what did the present Leader of the Opposition offer them? He said, in effect: 'I'll not give you anything that you don't drag out of me by lawsuit.' They asked bread, and he gave them a stone.

"A great statesman said: 'I will not open the door to power with a bloody key.' But the Opposition, as indicated by the remarks of the member for Bracondale, proposes to try to open that door, not with a bloody key, but with a rusty key—rusty with the religious animosities of the past.

"The Leader of the Opposition has expressed the hope that there will be no religious controversy. There should not be, when the issue is an almost trifling change in the existing legislation. But if such a controversy does arise and rage in this Province, it will come because of the speeches of his followers who are seeking to set up religious discord and antagonism by their utterances."

Any legislation passed by the House, he asserted, could be repealed by the same House. And, furthermore, to assure the efficacy of the proposed measure, the Government, once it was passed, would keep "an anxious eye" on the situation to make sure that there was no injustice. He argued that the bill involved no departure from the fundamental principle of tax division.

Then he replied to the Tory appeal for a termination of the entire separate school issue.

"There can be no finality to anything," he declared, "as long as the world rolls around and day succeeds day. No act passed in one year can be regarded as suitable for all time to come, and no act can be so perfectly drawn up by one generation that no 'i' need be dotted and no 't' crossed by a succeeding generation.

"In 1886 the principle of the division of corporation taxes was introduced. And if the present proposed amendment is unconstitutional, so is the act of 1886 that has stood the test of time unchallenged.

"The Leader of the Opposition says, 'Submit the matter to the courts.' My answer to that is, Why didn't he do it while he was in power? True, he engaged Mr. Tilley as counsel and legal adviser on the matter. But why, if he did retain Mr. Tilley's services seriously for that purpose, has the file disappeared? There are some who say that the member for South York (Mr. Henry) was simply giving a little 'come on' to the Catholics."

Former Premier Henry's skepticism about a shareholder's power to divide corporation taxes was called a "legal subtlety." The Attorney-General argued that in the ordinary sense a person's property, transferred to a corporation, was still his property. And the Fathers of Confederation had, of course, intended that this property could be divided.

"In this law, the Province of Ontario is meeting the problem in the same way as in Alberta and Saskatchewan—and if it is ultra vires here it is ultra vires there, and that has stood the test of the courts."

Minister of Education Dr. Simpson had been first up for the Government. The Minister hinted his department may plan to put more religious education in all the secular schools.

The debate, as befitted the seriousness of the legislation, was fairly solemn and heavy documented. Only once or twice legislators engaged in political cross-fire. For the most part they laid before the House reviews of the history of Upper Canada in 1841-63, and lengthy comparisons of the Quebec and Ontario school systems.

"Where is he now? Where's the Minister of Education?"

Mr. Nesbitt stirred the Legislature