

that it might be done at the instance of the Executive of the day, and having regard to the special circumstances of the case, I thought that I was not unduly taking a liberty when, during last Session, I made a communication to a leading gentleman on the other side of the House, and to a leading gentleman on this side of the House. On the 26th April, 1889, I took the liberty of telegraphing to a leading gentleman opposite in these terms:

"Allow me to suggest that the public interest would be promoted by parliamentary provision for early reference to highest available authorities, of validity of Jesuits' Estates Act. Easily accomplished by arrangement. I have not communicated to any one. Please let—see this immediately."

I telegraphed to a leading gentleman on this side of the House, and wrote to him later on the same day as follows:—

"It has for some time been pressing itself more and more upon my mind that some of those who are engaged in the fomentation of the present agitation are taking an undue advantage by their plan of presenting, as a main element of the discussion, their views of the legal questions on the validity of this legislation. They influence the public mind in various ways; and they invite that tribunal so highly influenced, and at the same time so imperfectly informed on the legal issues, to adopt their opinions on the latter, and to reach conclusions on the whole subject largely based on these opinions. In the case of the New Brunswick School Act we recognised the strong feeling and the deep interest of a substantial minority of the population as a reason for governmental and parliamentary action towards obtaining an authoritative settlement of the legal question. In the case of the Temperance Act we did the same thing, and there are other precedents. I think we might now act with great public advantage on the same lines. Had the complainants invited such action by a motion, I, for one, would have supported it. They have now had every opportunity to invite it; it has become plain that they do not intend to do so. But their inaction does not disentitle us to act so as to afford relief to the public anxiety they are creating; nor does it relieve us of our responsibility. There is a special reason for early and unusual action in the shortness of the time now remaining before the term for possible disallowance; though this is not a governing consideration. The aim should be to get the decision, upon argument, of the Judicial Committee. I know there are difficulties; but I think, that the representations of the Government, based upon parliamentary action, may over-rule them. At any rate the effort will be useful. Should it fail, there remain the Supreme Court and the Imperial Law Officers. I cannot see any harm that can result from an honest attempt to procure a speedy solution of the legal questions; I see great harm to result from the continuance of the situation with these questions unsolved. There is no impropriety in our calling for an authoritative solution, even though we have opinions of our own. The Government acted on this view in the New Brunswick School case. Assuming the sincerity of all the agitators (and I believe many of them to be sincere) they will all be glad that this question should be put in a train for easy and rapid solution; though some of them may be sorry that they did not propose the plan, and may accordingly deery it. My only object is to contribute, if in the least degree I can, towards the settlement of questions, whose agitation, in the temper and spirit now shown in many quarters, seem to me most lamentable. There are difficulties, great enough in our future, difficulties which we must meet, not shrink. But they demand treatment in a very different spirit from that now frequently evinced, if a fortunate solution is to be reached. For the moment, it seems to me, the best we can do for our country is to grapple with that part of the present problem, capable of solution by the machinery we can set in motion. I do not apprehend that the great body of the Roman Catholics, remembering how we acted in the case of the New Brunswick school law, would be so unjust as to decline acquiescence in the present proposal. But even in the face of opposition from that quarter, I would earnestly urge its adoption, in the confident expectation that second thoughts would reconcile them to it; and in the belief, that whether they think so or not, it is for the general advantage."

That was the view which I took leave to state in the only way which was open to me at that time, a

view, I may add, which I have ever since entertained, and which I believe subsequent events have rendered more clearly evident to be the true one. Now, the Minister of Justice has adverted to a specialty attending the application which was made by a private individual, I think Graham by name, for a reference to the Supreme Court, a specialty in respect of which I conceive that the Minister of Justice was entitled to speak—that it was a proposition to refer the question to the Supreme Court after the period for disallowance had expired. I consider that the point of time may make a very serious difference between an earlier and a later proposition. There are also some other observations made by the Minister of Justice with reference to that particular proposition from which I do not propose to dissent. I do not understand this motion to be, it certainly does not read as being, based upon the question of Mr. Graham's application; it is a general statement as to what, in the opinion of this House, the Government should have done. In my opinion, as you will have just learned by what I have read, they should have done even more than what this motion calls for. I think, as a question of political expediency in the true sense of that term, as a question of policy, it would have been well to invite the House to take action in the way of seconding, and facilitating, and effectuating the reference, in the way, as I put it last Session, of making parliamentary provision for such reference. Having failed to do that, the next best thing, in my opinion, was to have referred it to the Supreme Court, and in referring it to the Supreme Court, in the circumstances in which the country was placed, and for the purpose of obtaining further light within the period remaining for disallowance, I believe they would have done well, though I think they would have done still better to have adopted the parliamentary course to which I have referred. The hon. gentleman has adverted to a report of mine upon an application from New Brunswick with reference to a local Act, in which the proposition was from the authorities of New Brunswick, that we should use this particular power to obtain an opinion from the Supreme Court as to the validity of that Act, not at all with reference to the question of disallowance, nor for any purpose of the Federal Executive at all, but in order to obtain a short and easy cut to a decision, by the appellate court, of a question perfectly easy of solution in the ordinary way. So far from the cases being parallel in any respect, they differ in almost every respect. I have stated the character and object of that New Brunswick application. But as to this case now in hand, I have pointed out to you that during last Session, and after last Session, the reference of which I speak might have been made by the Executive, of its own motion, or at the instance of Parliament, for the purpose to which I have referred, for the purpose of enlightening them as to the course they should take. And as to the possibilities of there being an easy and rapid mode of obtaining a judicial decision on the case in hand, the Minister of Justice confined his observations, as far as I could gather his argument, to the question of the validity of the Jesuits' Incorporation Act and did not touch the other questions which are suggested. He said that as to that Act there was a method; that the Attorney General of the Province of Quebec might have been called on to deal with that question,