

speech of Mr. Blake, in this House, where he says :

But, Sir, besides the great positive gain of obtaining the best guidance, there are other, and, in my opinion, not unimportant gains besides. Ours is a popular Government and when burning questions arise inflaming the public mind, when agitation is rife as to the political action of the executive or the legislature—which action is to be based on legal questions, obviously beyond the grasp of the people at large;—when the people are on such questions provoked by cries of creed and race, then I maintain that a great public good is attainable by the submission of such legal questions to legal tribunals, with all the customary securities for a sound judgment; and whose decisions passionless and dignified, accepted by each of us as binding in our own affairs involving fortune, freedom, honour, life itself, are most likely to be accepted by us all in questions of public concern.

Ours is a sport-loving nation, Mr. Speaker, and we belong to a sport-loving Empire. It is this, perhaps, that accounts for the respect paid to the courts of law, not only by the people of Canada, but by the people in the mother isles themselves—that, in our games and sports, we have an appeal to the umpire. And, as the umpire's decision is law for the sporting world, so the decision of the courts is law for the creeds and races, and there are many of them, in the Empire at large. We accept the decisions of the umpire, most of us, without any feeling or dislike; and I appeal to the hon. member for Albert (Mr. Weldon), as to the value of those decisions. His position in this case has been hard to understand. His position, to my mind, is the most extraordinary of any man in this assembly. I know he is excitable. I know there are various rumours in regard to what he was willing to do, when there was a supposed crisis on hand. I have heard of those stories. I shall not go into them; I care not to go into them. They are not pertinent here. But this I want to know: How that hon. gentleman can do otherwise than give a loyal support to the Government that is standing by the opinion of the Judicial Committee of the Privy Council, when he himself supported and counselled our late leader, Sir John Thompson, in the very steps that led to this result? When the policy of the Government referring this question to the courts of law, was announced in this House, that hon. gentleman brought into the discussion all the weight that can attach to his opinion, be it great or small. He congratulated Sir John Thompson upon taking from the excitable and excited political arena a question of this kind. What did he say? In 1893, he said this:

The intention was on the question that arouse religious feeling, and where men cannot reason as in a white light, but have their minds perturbed by passion and feeling, that the legislature should call the statute to its help in all difficulties quasi judicial.

And Sir John Thompson dealt with this question with that candour that distinguished him in public life, holding, as he did, an admittedly awkward position in regard to it—just as awkward a position as my hon. friend opposite finds himself in to-day—he, a Roman Catholic, called upon, in a country having a Protestant majority, to deal out justice to the Roman Catholics, no matter what the Protestants might think. I have no doubt that Sir John Thompson, as a politician, lived in terror as to his ultimate position; but, as a statesman and as a Canadian, his course on that occasion won the commendation of even the hon. member for Albert. He sought his refuge, if you like, in the judicial tribunal to which I have referred; and he pledged himself before his fellow-countrymen, in 1893, without demur, that, as the court should decide, so he would steer his course. And, mark you, many a Protestant thought at that time, that the Catholics would come out of that court shorn, just as they did in the Barrett case. The hon. member for Queen's (Mr. Davies) will go with me that far. The general opinion among lawyers appeared to be, as the hon. member for North Simcoe said in this House, that that case was precluded by the Barrett decision. Nevertheless, the two parties appealed to the umpire, and were willing at that time to stand by its arbitrament. In 1893, after that statement by Sir John Thompson, the hon. member for Albert said:

The Government had but one duty. It was happily stated by the Prime Minister at a banquet at Toronto, that one pole star should guide them in dealing with Manitoba's laws, that was, to stand by the constitution. I do not know what star could more safely guide any responsible body of Ministers in dealing with a question of admittedly great complexity, obscurity and extreme delicacy.

Now, what is the decision? There is scope here for ingenious men, trained in the law—there is scope for ingenious men who ought to be trained in the law—there is scope for laymen who have trained minds—to discuss that decision until the day of judgment. But here is the hon. member for Albert, as I understand, day and night, opposed to the Government carrying out the judgment of the Queen's Privy Council, notwithstanding that he said, that was the correct guide. Here I find him saying, in 1895, only last session:

There is no doubt that if Lord Herschell were a member of this House of Commons he would be in favour of a remedial law, judging from the views he has expressed.

I agree with him, that if Lord Herschell, who wrote the judgment concurred in by Lord Watson, Lord Macnaghten, and Lord Shand—if he and they were here, they would be willing to vote for remedial legislation, Protestant each and every one of them, Presbyterian, some of them—Protest-