

A STATESMAN'S CENTENARY: SIR LOUIS DAVIES.

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ON May 4 of this year will fall the one hundredth anniversary of the birth of the Right Hon. Sir Louis Henry Davies, K.C.M.G., a celebrated son of Prince Edward Island and one of Canada's most distinguished statesmen and jurists. As Premier of his Province during a critical period in its history, as a trusted adviser and colleague of Sir Wilfrid Laurier in the federal parliament, and as Chief Justice of the Supreme Court of Canada, Davies won for himself an honoured place in the public life of the Dominion. His achievements have been somewhat obscured by the brilliance of the political era in which he lived, and as the years have passed, his name has sunk further into the recesses of history. Nevertheless, his influence is still felt by those who remember him personally or who have studied his life and work. His contribution to politics and to law was so prominent that, on this centenary, it is appropriate that the story of his career should be revived and given its rightful place in the annals of his Province and of the nation.

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Louis Davies, second son of Hon. Benjamin Davies, a prominent member of the Prince Edward Island legislature, was a descendant of a family of Welsh pioneers who settled on the south shore of the Island about 1790. They were outstanding in business and politics, and at an early age Louis gained much experience in both. After deciding to make law his profession, he devoted several years to study in a law firm in Charlottetown and in the offices of the famous Thomas Chitty in London. In 1867, at the age of 22, he was introduced to public life as a practising lawyer in his home town.

Rarely does a man attain success so quickly and at such an early age as did Louis Davies. The reason lay in his own personality and his ability. A forceful and convincing speaker, equipped with a sound education and the capacity for hard work, he was recognized as one of the ablest lawyers of the colonial bar. His practice and his influence grew so rapidly that, in less than two years after he was called to the bar, he was appointed Solicitor-General for the colony. Four years later,

in 1873, he was elected to the local legislature as Liberal member for the Murray Harbour district.

Several pressing problems faced the legislature of Prince Edward Island at the beginning of the 1870's. The Canadian government was directing overtures toward Charlottetown in an effort to bring the Island into Confederation. Financial difficulties, which resulted from the building of the Prince Edward Island Railway, were an embarrassing burden to the colonial government. The land question, which had hindered the progress of the Island almost from the beginning, was still unsettled, despite many efforts at solving it. Moreover, what was to become one of the most vital problems in the Island's history, the school question, was in its early stages. Hence when Louis Davies entered the legislature, the political agenda had become exceptionally interesting. In all these issues he played a leading part.

In 1864 Charlottetown had been the "Cradle of Confederation". But three years later the cradle disowned the offspring, and the Island refused to join in the new Dominion. Some reasons were obvious and intelligible. The colony was doing very well by itself. It did an active business in agriculture, lumbering, shipbuilding, and fishing, and carried on a brisk trade with its maritime neighbours, the New England States, the West Indies, and Europe. Its contact with the Canada's had been very slight, and it could not at the time see anything to be gained by entering the Union on the terms offered. By 1873, however, the situation changed, for in the meantime the Islanders had built a railway, the cost of which had joined with other expenses to place a heavy strain on colonial finance. This in turn almost eliminated the possibility of buying out the claims of the absentee landlords. In 1873 the Island government was ready to talk business with Ottawa, but it still held out for better terms on which to join the Union. After several months of negotiation, terms of union were decided on, which were acceptable to all concerned, and which formed the basis on which the Island became a province of Canada on July 1, 1873.

Participation in the Confederation debates was the first legislative venture of Louis Davies. Though in his student days he had opposed the Union, he changed his mind, and began to realize that the future of his home province lay, not in an independent existence, but in participation in the wider national sphere. He saw a great future for Canada, and desired that the Island should play its part as one of the Provinces. But most striking was the breadth of his outlook on the problem; he

scorned the "better terms" attitude of his associates, and criticized their delay in consummating the union. He felt that nation-building and not business should have been the basis of the negotiations. The effectiveness of his criticism of the government's delay indicated his qualities of statesmanship; so much so, that in the following session, his second in the legislature, he was made Leader of the Opposition.

Next issue was the settlement of the land question. When the Island had been surveyed in 1865, it was divided into sixty-seven lots. These were granted by lottery to various persons, mostly in England, who had real or imaginary claims against the Crown. During the years that followed, the disinterestedness of the proprietors was a hindrance to the development of the Island, and a demand arose to give the tenants the right of purchase. But for many years all efforts at settling the problems were fruitless, for the proprietors refused to sell, and the colonial government was unable to raise a sum sufficient to facilitate a purchase.

After the Island entered Confederation, it received a grant of \$800,000 to enable it to purchase the holdings of the proprietors. To force the latter to sell, the provincial government passed the Land Purchase Act of 1874, which was based on "the principle of arbitration combined with that of compulsion". With the principles of the act Louis Davies, as Leader of the Opposition, agreed, but he strongly criticized the details. Nevertheless it was passed largely as the government had drafted it. The royal assent was withheld by the Lieutenant-Governor and the act was subsequently disallowed by the Governor-General for the very reasons which Davies had outlined. In the following year a new act was passed, incorporating the objections, and the legislation became law.

The Commission which had been established by the act to administer the transfer of the lands then began its work, with the assistance of Louis Davies who, though Leader of the Opposition, was appointed Solicitor to the Commissioner of Crown Lands. But it soon ran into difficulties, for one of the proprietors appealed from its decision in her case to the Supreme Court of the province, from which the question was taken to the newly-established Supreme Court of Canada. Davies handled the case for the Crown, and won. The result of his work was a victory for the cause of the tenants and the final settlement of the issue. It was generally recognized that the attention given by Davies to the many difficulties which

arose was one of the chief factors leading to the successful conclusion.

His most spectacular contribution to provincial politics was in connection with the Prince Edward Island school question, a complicated controversy which arose out of a demand by Roman Catholics for a system of separate schools. When the issue was fought in the legislature, the opposing factions were led by W. W. Sullivan who supported the separate school group, and Davies, who believed that educational efficiency and social unity among the younger generation depended upon a unified system. Feeling ran high on both sides, and the political parties split along religious lines. Catholic Liberals joined the Conservatives under Sullivan, and Protestant Conservatives collaborated with Davies in proposing non-denominational schools. The general election which took place in 1876 brought the issue to every political platform in the province. Opposing candidates shed their party allegiance, and declared themselves either for or against separate schools, amid much bitterness and violence on both sides. The hero of the campaign was Davies, for, while supporting non-denominational schools, he emphasized that the question should be treated as an educational rather than a religious one. This gained him the respect of all parties, and the support of the more moderate voters. He won the election, and was returned to the legislature as premier of the province at the age of thirty-one, one of the youngest premiers in history.

In the session of 1877 the Public School Act was passed under the auspices of the Davies government, giving effect to the principle of non-denominational schools. The debates which preceded its passing were bitter and violent. But the premier's firm leadership and his policy of regarding the matter from the educational rather than the religious point of view did much to prevent a permanent rift between the opposing faiths. The result was a permanent benefit to provincial education. The experience Davies thus gained was to be valuable to him when associated with Sir Wilfrid Laurier in the settlement of the Manitoba school question some twenty years later.

The Davies government did not remain in power very long. Being a coalition of four Liberals and five Conservatives, it did not hold together after the main issue for which it had been elected had been settled. On March 6, 1879, the government was defeated on a want of confidence motion. In the election which followed, the Liberals were overwhelmingly defeated,

returning only three members in a House of thirty. Davies himself lost his seat.

In spite of this temporary setback, his political career had only begun. While leader of his party on the Island, he had maintained a close association with the federal Liberals in Ottawa, particularly with Blake and Mackenzie. They in turn had a high regard for the young Maritime statesman, and invited him to run as a candidate for the House of Commons. He received the federal nomination in Queens County, P. E. I., and prepared the ground for the federal election of 1882. His party was severely beaten by the Conservatives under Sir John Macdonald, but he was himself elected by a substantial majority.

His achievements in parliament were so varied and so distinguished that it is almost impossible to summarize them adequately in a brief sketch such as this. The subject will receive full treatment elsewhere. But the general outline is attempted here.

Davies entered the federal House at a time when the Liberal fortunes were at a very low ebb. Only a few years previously Macdonald had been swept into power on the National Policy, and he followed up his victory with an active programme of nation-building which firmly established his hold on the reins of office. Meanwhile the Liberals had to concentrate on building an effective opposition. Here the young member for Queens performed excellent service. A brilliant orator and thinker, he was recognized from the beginning as one of the ablest debaters of the day; a careful student of political and legal events, he was an effective critic of almost all the policies of the government. He has been counsel for the British Government before the International Fisheries Commission of 1877, and he brought the experience he gained thereby to play on the government's policy with respect to international relations. In this connection he urged that the existing arrangement by which Canadian international business was negotiated through the British Government should be abolished, and that the Dominion should stand on her own feet. Railway policy was also a favourite topic with him; many battles were waged on the floor of the House between himself and Sir Charles Tupper on the subject. In connection with the racial and religious controversy which arose over the Riel rebellions, the Jesuit Estates issue, and the Manitoba school question, the advice of Davies was frequently sought by Laurier in view of his experience with a similar problem in Prince Edward Island. During the reciprocity debates, which had an important place in parliamentary

proceedings during this period, he was one of the chief Liberal spokesmen, and he bore the free trade banner of his party into every province. Later he earned the title of "Father of British Preference" by introducing the preferential policy into the House in 1892. His participation in all these questions was recognized as an outstanding contribution to the gradual rise of the Liberal party which culminated in its success in the general election of 1896.

When Laurier formed his first cabinet, Davies was appointed Minister of Marine and Fisheries. As a departmental head he was admirably suited for the post, having come from a province in which fishing was a dominant industry, and having been closely associated with international fisheries questions. As a colleague, he was highly regarded by the Prime Minister, for whom he bore much of the work of party organization and debate. He was known as the "tactician of the Laurier Ministry" both within the House and in the sphere of party organization throughout the country, particularly in the Maritimes, where he was party leader. He was one of Laurier's chief ambassadors on matters of relations with the United States and Great Britain. During the many negotiations which took place between Canada and her southern neighbour in connection with such matters as trade, the Behring Sea seal dispute, the Alaskan boundary, and the International Joint Commission, Davies was one of the Canadian representatives. During discussions on Imperial preference and Canada's participation in the South African War, he was dispatched to London to negotiate with the Imperial Government. For his services to Canada and the Empire he was knighted by Queen Victoria on the occasion of Her Majesty's diamond jubilee. After five strenuous years in the Cabinet, he was forced by a breakdown in health to retire from political life in 1901. Shortly afterwards he was appointed a justice of the Supreme Court of Canada.

During his twenty-three years on the Supreme Court, Sir Louis Davies performed his task with distinction. He was noted for his fairness and his conscientious devotion to duty. After he became Chief Justice in 1918, he showed himself an able and dignified chairman of the Court. He was widely praised for his service as Administrator in the Governor-General's absence, and in some quarters it was advocated that he himself be appointed as the first Canadian Governor-General. In 1919 he was made a member of the Imperial Privy Council, an honour

which he highly regarded during the remainder of his lifetime. He died on May 1, 1924.

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The influence of Sir Louis Davies on his generation was as much a matter of his own personality as of his work. His manly bearing and his vigorous enthusiasm commanded the respect and attention of those who met him. His friendship and the sympathetic interest which he took in the personal and political problems of his constituents ensured the continuous affection and support of his home province during his many years of public life. His qualities of statesmanship made him influential in the Dominion's capital. Perhaps his most striking asset was his oratorical ability, for he was generally regarded as one of the greatest public speakers of his day. His clear, musical voice combined with his gestures and enthusiasm to give force to the many spectacular addresses he gave both in parliament and on political platforms throughout the country. As Laurier said, he was a "Rupert in debate", particularly when he was levelling a continuous barrage of effective criticism at his opponents, or giving a brilliant defence of his party's policies. He was a popular guest of foreign governments during his many diplomatic missions abroad, and his efforts to foster cordial relations binding Canada, the Empire, and the United States were conspicuous.

Sir Louis Davies was a great man who lived and worked during a brilliant political era. His abilities and interests were many; his affection for his province and its people was sincere and lasting; his love for Canada and his hopes for her future were the force behind his service to her politics and law. True statesmen are rare; to read of them is an inspiration; to appreciate their achievements is to understand in large measure the force of the nation's history. Sir Louis Davies was one of them. His public career in Prince Edward Island and at Ottawa had given him a place in the first rank of those who have shaped Canada's destiny.