

has completely disposed of the theory of the member for Jacques Cartier. The hon. gentleman (Mr. Demers) attaches no importance whatsoever to the Bill of Rights which the delegates from the Red River presented to the Federal government in 1870. He denies the existence of the contract that arose from the acceptance of that document by the Federal authorities. He does not agree with his leader on that point. The Premier recognizes the existence of the contract, but he denies that the obligations born thereof extend beyond the province of Manitoba.

The hon. gentleman further wholly disagrees with another of his leaders, the Minister of Inland Revenue (Mr. Brodeur), who not only admits the existence of the agreement, but has recalled it in the course of his argument as made on behalf of the people of the Northwest Territories, as well as on that of the people of Manitoba.

I have already clearly defined my position on the subject. I entirely agree with the Minister of Inland Revenue. I believe in the existence of the agreement, and I do not find anything in the records of this House to warrant the contention of the Prime Minister. I cannot bring myself to believe that in tracing the boundaries of Manitoba, the Dominion parliament have thereby shown their intention of denying to the French speaking people settled in the remainder of the Territories, the guarantees which they granted to that part of the population comprised within the limits of the new provinces. Now then, if the Minister of Inland Revenue and myself are right, would not the compact whereby the Dominion government is bound to guarantee to the Catholic minority in the Northwest their separate schools, bind them to maintain at the same time the official use of the French language, since these two constitutional rights were both included in the Bill of Rights presented by the delegates from the Red River and accepted by the Dominion parliament? I willingly acknowledge the ability of the member for St. Johns in all legal matters; but, with all due respect, I think I may, in a matter of this kind, abide rather by the opinion of the Minister of Inland Revenue, who is also an eminent lawyer.

Mr. DEMERS. (Translation.) Will the hon. gentleman state what paragraph of the constitution would warrant the enforcing of the use of the French language on the western provinces?

Mr. BOURASSA. (Translation.) On this point as well as on the other, my colleague will allow me to stand by the opinion of another of his leaders, a legal authority of still greater eminence than the Minister of Inland Revenue, I mean the Minister of Justice (Mr. Fitzpatrick). That hon. gentleman has clearly set forth the difference which exists between the letter and the spirit of the constitution. Of course, the

Mr. BOURASSA.

Confederation Act has no provision which defines the powers of the Dominion parliament in this transaction. But, as stated by the hon. Minister of Justice, beside and above the written law, there is a constitutional doctrine, which it is difficult to define, growing out of the gradual and reasoned carrying out of the very principles embodied in the constitution. The Act of 1867 provided at the outset solely for the organization of the provinces then constitutional. Even before entering confederation, these provinces enjoyed self-government; they had their parliament, their official tongue, their rules of parliamentary procedure. The idea did not occur to the fathers of confederation to alter that condition of things; but in establishing the Dominion parliament, they did so on a basis in harmony with the rights and traditions of the two elements which make up the Canadian nation; and that is why they provided that the French and English tongues would be, on equal terms, the official language of Canada. Later on, the Dominion parliament acquired those immense western territories out of which were carved the province of Manitoba and those of Alberta and Saskatchewan. These territories were acquired in the name and with the money of the whole Canadian people, French as well as English, Catholic as well as Protestant. And when parliament established the former of these provinces, they did not forget the rights of the French Canadian people, they deemed it fair and reasonable that the two official languages of Canada be also declared to be such in the province of Manitoba. Does the hon. member for St. Johns contend that the legislators of 1870, that the Macdonalds, the Cartiers, the Holtons, the Huntingtons, that all those eminent statesmen who were then at the head of both parties, broke the constitution of 1867 when, in 1870, they recognized the rights of the French language in Manitoba.

Mr. DEMERS. (Translation.) Circumstances have changed.

Mr. BOURASSA. (Translation.) In what respect?

Mr. DEMERS. (Translation.) As the Prime Minister has explained, the French Canadians were numerous enough at the time to warrant the official recognition of the French language in Manitoba; that reason does not exist in the Territories to-day.

Mr. BOURASSA. (Translation.) That is not at all the contention set forth by the Prime Minister. The right hon. gentleman acknowledges the existence of the moral agreement entered into in 1870. But he suggests that its scope is limited to the province of Manitoba and that it would not be possible to make it applicable to the other western provinces. I contend that the right hon. gentleman has not adduced