

Mr. R. L. BORDEN. If that is the policy of the government, they will have to accept this motion.

Mr. BRODEUR. No, because it has been decided by the legislative assembly not to use French any more. But that will not prevent the local legislature from restoring the French language if it likes. I come now to this point: How is it that the use of the French language came to be provided for in the law of 1877? We must not forget that in 1875 when we passed the Act in regard to the Northwest Territories providing for the appointment of a council and for the administration generally of the Northwest Territories, nothing was said in regard to the language question, but in 1877, a Bill was introduced into this parliament providing for the amendment of the Northwest Territories Act. The Bill passed the House of Commons and no mention was made of the French language. When the Bill was before the Senate the hon. Senator Girard proposed that we should add a resolution providing, that the French language could be used in the Northwest Territories. Why? Did he ask that in view of a compact or of an agreement? No, he advanced the simple argument, that, the majority in the Northwest Territories being French, it was only fair that the French language should be used in the legislative assembly. Here are his own words:

He would also call attention to the fact that the French language seemed to have been totally ignored in the Bill, although the majority of the people of the Territories were French.

That was the reason which was given. The amendment was made simply because of the fact that the majority in the Northwest Territories was French.

Mr. R. L. BORDEN. You are speaking of 1877?

Mr. BRODEUR. Yes. My hon. friends from Jacques Cartier and Beauharnois said that the question of population had absolutely nothing to do with it, that we had no right to-day to say that only four per cent of the population was French because it was, as alleged by my hon. friend from Jacques Cartier, an absolute right which could not be denied even if there were only five, or ten, or twenty French speaking people in those Territories.

Mr. MONK. Does my hon. friend not think that 8,000 is a very respectable number?

Mr. BRODEUR. When we take into consideration the fact that there were 158,000 people in the Northwest Territories in 1901, because I am speaking of the census of 1901, we will admit that 7,000 people is not a very large number. I am simply stating these facts to show to my hon. friend the reason which induced parliament to

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adopt the French language in 1877. It does not to-day impress itself in the same way as it impressed itself upon parliament then?

Now, coming to the question of the courts, I think that what has been said by my right hon. friend the leader of the government in regard to that is conclusive. Could we by Act of parliament, in 1890, have abolished the French language in the courts of the Northwest Territories? We have simply to read two articles of the constitution to find out that it would have been absolutely contrary to the constitution not to permit the use of the French language in the courts. What does section 101 say?

The parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance and organization of a general court of appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada.

Section 133 says:

Either the English or the French language may be used by any person in the debates of the Houses of the parliament of Canada and of the Houses of the legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from all or any of the courts of Quebec.

Established under this Act. Are the Northwest Territories courts existing today, courts established under section 101 of the Confederation Act? Then, is not the French language an official language in the courts? But now the question assumes a different aspect. Now that the Northwest Territories are about to become provinces they have to be dealt with as all the other provinces are. The organization of the courts falls entirely under their control and they have the right to declare what language shall be used in the courts, whether it shall be English or French.

Mr. MONK. Will my hon. friend allow me to ask him a question in reference to that argument? What does he say in reference to the publication of the law? It does not fall under the argument which he has just made.

Mr. BRODEUR. It is a question also that appertains absolutely to the province. The provinces, under the Confederation Act, are obliged to say how their proceedings shall be recorded. But, I may be told: You are not adopting the same system as far as the school question and the language question are concerned. In regard to the school question you say that you must maintain separate schools in the Northwest Territories. There is a very good reason for that and I find it also in the constitution.