

manded separate schools and an equitable distribution of school money, in order, according to the Governor General's expression: 'that respect and attention would be extended to the different religious persuasions.'

No objection was made against this proposition of the delegates. On the contrary, they were assured that it would be carried out, and on both sides it was considered as a condition of the entry of the Northwest into Confederation. Therefore, the delegates asked for separate schools which would have the right to share in school appropriations; the request was accepted favourably by the ministers who were negotiating in the name of the Canadian government, and Lord Granville, in the name of the Imperial government, wrote Sir John Young on May 18, 1870:

'I take this opportunity of expressing the satisfaction with which I have learned from your telegram of the 3rd instant, that the Canadian government and the delegates have come to an understanding as to the terms on which the settlement on the Red River should be admitted into the Dominion.'

At six o'clock House took recess.

After Recess.

House resumed at eight o'clock.

Mr. LEONARD. (Translation.) When the House rose, I had shown—and these facts cannot be controverted—that the population of the Red River settlement would object to come into Confederation unless given the assurance that their 'civil and religious rights and privileges' were guaranteed to them. The Queen by her substitute had made a solemn pledge to that effect. In order to come to an explicit understanding, the Canadian government invited these people to send their delegates to Ottawa to negotiate. A delegation was appointed, the members of which came to Ottawa, and being duly received as fully authorized delegates, negotiations were opened which 'were closed satisfactorily.'

The Imperial government expressed its 'satisfaction that the Canadian government and the delegates had come to an understanding as to the terms on which the settlement on the Red River should be admitted into the Dominion.'

And this understanding included the continuance of sectional schools in the Northwest. The people of that country had no other and knew no other form of schools.

So that the continuance of the separate school system was made a condition for the Territories to come into Confederation. Thus it follows forcibly that the same principle must necessarily prevail and be embodied in the constitution which might be drawn up for any province that the Canadian government or parliament may in the future create in the Northwest. There is no doubt but that the Canadian government and parliament yielded to international law and the laws of honour in inserting clause 22 in the constitution of Manitoba and clause 11 in the constitution of the Territories.

Mr. LEONARD.

And this is the reason why I stated that parliament was moved by another incentive than the redemption of the royal pledges which led him to perpetuate under the constitution the continuance of sectional schools, and that incentive was the sacredness of verbal pledges and the obligations imposed by international law.

Mr. Chairman, this obligation still holds. We are not free to evade it. We could not constitutionally repudiate it even if we so desired. And this is the last point I wish to draw your attention to before concluding my remarks. In the provincial constitutions drawn up by this parliament, the stipulations concerning the legislative power are of three different natures: First, are the clauses relating to the active power of the province and determining the matters it shall bear upon; 2nd, are the clauses expressly restrictive or by reference to the B.N.A. Act; and 3rd, are the constitutional clauses proper. Matters pertaining to the two first clauses are subject to the will and even to the mere impulse of the legislatures and the parliament. But the constitutional clauses which are based upon formal compacts, cannot be tampered with by any one, neither by parliament nor by legislatures; and anything enacted to the contrary is void and null; anything that infringes upon the spirit and even upon the form of those clauses is equally void and null. And this parliament cannot re-enact laws or ordinances contrary to the spirit of the constitutional clauses of Manitoba or the Territories. I draw especially the attention of the right hon. Prime Minister and of the Minister of Justice to this particular point of constitutional law.

Clause 16 as originally passed in second reading, is in conformity with clause 11 of the constitution of the Territories, and is in order. The clause which the hon. the Premier wants to substitute in its stead is unconstitutional and would be null and of no effect even if carried by this parliament.

In connection with the teaching of the French language in the schools of the Territories, I was very much pleased indeed to hear the beautiful argument made last night by my hon. friends the member for Labelle (Mr. Bourassa) and the member for Montmagny (Mr. Lavergne). I would have liked very much to have added a few words of endorsement of what they have said upon this question, but I hesitated to do so for fear lest I should be exposed to repeat again what this House is already very much aware of. I will confine my remarks to the mere statement that I approve unhesitatingly of their views on this matter, and that I am sure that if the Hon. Minister of Justice (Mr. Fitzpatrick) wished to be sincere he could this very evening amend this Bill in such a way as to guarantee to the children of the Territories the right of being taught their own language in the schools that are about to be forced upon them.