

talk of rebellion instead of constitution. And yet, Sir, that matter or rather this difficulty is purely a constitutional one. It is in the light of our constitution that the question must be examined. To look at it from any other point of view is to err and to quibble. According to the British North America Act has the minority in the Northwest Territories any rights to a system of separate schools? This is, in my judgment the only question to be decided. But before I answer it, let me, Sir, add a few missing links to a chapter of the history of the Northwest Territories. I do so, in no hostile spirit, I am only refreshing the memory of some Canadians who are too apt to forget. Sir, in the early part of the 18th century—nay even in the 17th century, the explorers of the Northwest were men of my race. La Verendrye and his sons, were the first Europeans who climbed up the Rocky mountains. The French missionaries soon found their way towards those distant lands to preach the Gospel to the Indian tribes. The fur traders, the voyageurs, the trappeurs and coureurs des bois followed—filling the early history of these vast domains with their adventurous yet heroic exploits. Not a river, not a lake, not a hill, not a valley that was not discovered by them. One has only to read carefully the deed of transfer of Ruperts land to Canada in 1870, to realize that nearly all the posts of the Hudson Bay Company, in the far west, bear most picturesque French names. After the conquest, when the Hudson Bay company took full possession of that immense territory, the French Canadian element continued to be an important factor in the affairs of the west. So much so, that the Bishop of Quebec, whose diocese included all British North America decided to send missionaries in those distant regions. By referring to the archives of the Quebec Archbishopric, one will see that in 1818, the first school in the Northwest Territories was established at the request of Monseigneur Plessis, Sir John Cope Sherbrooke was then our Governor and it is under his protection that the three missionaries sent by Monseigneur Plessis entered the Northwest. The instructions of Governor Sherbrooke, given in writing, are well worth reading.

I do hereby call on all His Majesty's subjects, civil and military, and do request all other persons whomsoever to whom these presents shall come, not only to permit the said missionaries to pass without hindrance or molestation, but render them all good offices, assistance and protection wherever they shall find it necessary to go in the exercise of their holy calling.

That is what Sir John Sherbrooke said when the three first missionaries left Quebec to evangelize the Indian tribes of the Northwest Territories. They did not go there as marauders. The object of their mission, as indicated by the Bishop of Quebec, can be read in a very few lines :

Mr. LEMIEUX.

The missionaries will make known to the people the religious faith they enjoy in remaining under the government of His Majesty, will teach them by words and example the respect and fidelity they should have for the sovereign, will accustom them to offer to God fervent prayers for the prosperity of His Most Gracious Majesty, of his august family and his empire.

These are the missionaries who explored the west, who discovered the west, so to speak, and opened it to civilization, and who preached the Gospel to the Indian tribes. Sir, they belonged to a noble race; and when they bade farewell to their families, to their homes and to their province, they went knowing that some of them might not come back to civilization, in order to fulfil a sacred duty towards God and their King.

Now, before I refer to the legislation of 1871 and 1875, let me examine this section 93 of the British North America Act. First of all. I would like to say that the right hon. leader of the government has been taunted by many hon. gentlemen opposite and by the Conservative press throughout the country, because, forsooth, he had given us a page of history in explaining to the House, as he did on the 21st February last, when he introduced this measure, how that clause came to be inserted in the British North America Act. Now, it is usual, when we have legislation of a somewhat complicated character, as this is, to go to the root of that legislation and to inquire under what circumstances it was enacted. There is, therefore, nothing extraordinary in the fact that the right hon. leader of the government should have explained the peculiar circumstances under which that clause 93 was enacted. In the case of the St. Catharines Milling and Lumber Company versus the Queen, Mr. Justice Strong, in giving his judgment, used these words :

In construing this enactment of the British North America Act we are not only entitled, but bound—

Mark his word, 'bound.'

—to apply that well established rule which requires us, in placing a meaning upon descriptive terms and definitions contained in statutes, to have recourse to external aids derived from the surrounding circumstances and the history of the subject matter dealt with, and to construe the enactment by the light derived from such sources, and so to put ourselves as far as possible in the position of the legislature whose language we have to expound. If this rule were subjected and the language of the statute were considered without such assistance from extrinsic facts, it is manifest that the task of interpretation would degenerate into mere speculation and guess work.

This is the language of the ex-Chief Justice of our Supreme Court, the highest court of our land, which he used a few years ago in a very important case. In that case Sir Oliver Mowat was defending the rights of the province of Ontario—I think it was the Provincial Streams case. The province of Ontario was deeply interested in that