

for that which the provisional government drew up, the same reason would obviously have existed at the time of Lepine's trial, for keeping up the deception.

Mr. Ewart draws attention to the fact that Sir John A. Macdonald and Sir George Cartier submitted to Messrs. Ritchot and Black, a draft bill containing a clause regarding education, identical with the British North America Act clause, on which Mr. Ritchot made written comments. Mr. Ewart regards this as evidence "of very strong character." We consider it to be, on the contrary, extremely flimsy, and shall a little later furnish our reasons for so thinking. When, and under what circumstances, was the notation made by Rev. Mr. Ritchot? These particulars are obviously of the highest importance, yet Mr. Ewart throws no light upon the time and place. Equally flimsy is the "internal evidence" which Mr. Ewart adduces. The fact that paragraph 1 of list No. 4 demands a senate, and that a senate was granted, is quite frivolous, when used as an argument to prove that Bill of Rights No. 4 was that given to the delegates. Item 1 of list No. 3 is more general in its terms, but "all the rights and privileges common to the different provinces of the Dominion," might be presumed to cover this, as all the provinces of the Dominion then had, with the exception of Ontario, a senate or upper chamber. It is also argued by Mr. Ewart that the fact that the name of "Assinibola," stated in Item 1 of Bill No. 3, was not adopted, is evidence that No. 4 was the true bill. He says "it is inconceivable that the Dominion should have deliberately refused to adopt the name 'Assinibola' had it been asked." Why is it inconceivable? The fact that another portion of the territories was subsequently called Assinibola, instead of making it "inconceivable," why that name should not have given to Manitoba, rather suggests a reason for the refusal, if any such refusal had been made. But there is no evidence that there was any refusal at all, much less a "deliberate" refusal. The question was, for reasons which we shall presently see, probably considered of no importance by the delegates. If there was any general desire in Red River for the name of "Assinibola," the delegates certainly knew of its existence. Now, let us assume that Bill No. 4 was the basis of negotiations at Ottawa. When the question of the name of the province came up, the delegates would cer-

tainly state the feeling of the people on the point. In that case the "inconceivable" must have happened, because, as we know, the province was not called Assinibola, but Manitoba.

But Mr. Ewart's method of argument suggests that he had adopted the ethics of a certain much-abused order of his clients' church. He must have known that there was a very easy explanation for any variations in regard to such trifling matters as the senate and the name of the province. He knew very well that the delegates had full authority to modify the demands of the Bill of Rights in these respects, and that in such matters their discretion was absolute.

In the letter of instructions, written by Mr. Bunn as secretary of state, of the provisional government, addressed to Judge Black, which was given to the delegates with the Bill of Rights, on their departure for Ottawa, the following passage occurs:

"You will please observe that with regard to the articles (in Bill of Rights) numbered 1, 2, 3, 4, 6, 7, 15, 19 and 20, you are left at liberty, in concert with your fellow commissioners, to exercise your discretion, but bear in mind that as you carry with you the full confidence of this people, it is expected that in the exercise of this liberty, you will do your utmost to secure their rights and privileges which have hitherto been ignored. With reference to the remaining articles, I am directed to inform you, that they are peremptory."

Why Mr. Ewart left out this, whilst embodying in his book almost every other scrap of written matter, however unnecessary, we do not understand. But these instructions make it quite clear, that the arrangements as to a senate and change of name of the province were quite within the discretionary power of the delegates to modify, and they therefore destroy Mr. Ewart's argument on that line. In Bill No. 4, some of the articles which are left, in the letter of instructions, to the discretion of the delegates, are made very specific, whilst in No. 3, they are more general in their terms. It is more in the line of probability, that matters which were subject to modification would be stated in general terms, than that minute particularisation would be given.

Mr. Ewart says: "List No. 4 (paragraph 7) demands that the schools shall be separate, and clauses were inserted to that end in the Manitoba Act. List No. 3 says nothing about schools."

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