

ficient to show that it had actual existence. It is no evidence, of course, that it was not superseded (as already two others had been superseded); and Mr. Begg, although careful and trustworthy, may have been misled through not having heard of a subsequent list.

"The best and only direct evidence that has been adduced upon the subject, is the sworn testimony of the Rev. Mr. Ritchot (himself one of the delegates), who was called as a witness when Lepine was being tried for the murder of Scott (1874), and when no one could have had any object in misstating the facts. At that trial Mr. Ritchot produced list No. 4, and swore that it was the list given to him as a delegate.

"Other evidence, and of very strong character, may be added: After much consultation between Sir John A. Macdonald and Sir George Cartier, on the one hand, and the Rev. Mr. Ritchot and Judge Black on the other, a draft bill was submitted to the delegates as that which the government was prepared to concede. The Rev. Mr. Ritchot made observations in writing upon all the clauses in the draft and sent them to the ministers. Section 19 of the draft dealt with the schools, and the following are the observations made upon it by Mr. Ritchot:

"Cette clause etant la meme que celle de l'Acte de l'Amerique Britannique du Nord, confere, je l'interprete ainsi, comme principe fundamental, le privilege des ecoles separees dans toute la plentitude et, en cela, est conforme a l'article 7 de nos instructions."

(This clause being the same as the British North America Act, confers, so I interpret it, as fundamental principle, the privilege of separate schools to the fullest extent, and in that is in conformity with article 7. of our instructions.)

"Internal evidence, too, is not wanting in support of Mr. Ritchot's statement. Paragraph 1 of list No. 4 demands a senate for the new province, and a senate was granted, although the expense of it was much objected to. List No. 3 says nothing about a Senate. Again, List No. 4 (paragraph 7) demands "that the schools be separate," and clauses were inserted to that end in the Manitoba Act. List No. 3 says nothing about schools. It would be strange if both these points could have got, by chance, into the Manitoba Act—an act which, as we shall soon see, was the result of elaborate negotiations

with the delegates. It may be added that list No. 3 asks that the province shall be "styled and known as the province of 'Assinibola.'" List No. 4 suggests no name. It is inconceivable that the Dominion should have deliberately refused to adopt the name Assinibota had it been asked, for the Dominion has since then called a large part of the Territories by that very name.

"Comparison of the lists will show that No. 3 was probably the draft and No. 4 the finally revised form of the list of rights. Observe that, while No. 4 often adopts the language of No. 3, it varies from it, not only in the important respects already referred to, but frequently in mere verbal expression. Judge Fournier, of the Supreme Court, in his recent judgment, adopts No. 4 as the true list."

Mr. Ewart goes on to argue that there can be no doubt that it was a list of the Provisional Government, and not that of the Council of Forty, which was the basis of negotiations at Ottawa.

No one, so far as we are aware, has ever contended that Bill of Rights No. 2 (that formulated by the Council of Forty) was the basis of negotiations. Mr. Ewart's only conceivable object in thus stating facts which nobody has thought of contradicting, would seem to be to impart to the somewhat flimsy and far-fetched argument, and rather dubious facts, which he has mixed up with the undisputed ones, an air of soundness and respectability, which he must feel they sadly lack, standing alone.

Regarding "the official copy found in the papers of Thomas Bunn (now deceased), secretary of Riel's government," there is not the slightest doubt about its authenticity, as Mr. Ewart admits. Indeed, there is the best reason to believe that this document is the original Bill of Rights formulated by the Provisional Government, of which, be it observed, Mr. Bunn was the secretary. There is very little wonder that "Mr. Begg (who published his book in 1875) should give this Bill (No. 3) as the true one," because he never knew nor had cause to suspect that any later bill existed.

Mr. Ewart is forced to admit that this Bill of Rights No. 3 had an existence, but he says there "is no evidence that it was not superseded (as already two others had been superseded), and Mr. Begg, although careful and trustworthy, may have been misled through not having seen a subsequent list."