

separate school system had been abolished in the Northwest Territories, when I recalled to him the fact that he had not raised a finger in favour of the Catholics of the Territory, and that, at a time when he had a seat in this parliament, he answered very ingeniously: 'Oh, well, I had full confidence in the Minister of Justice at that time.' Today, however, he is trying to stir up racial issues, along with my hon. friend from Jacques Cartier (Mr. Monk) in the province of Quebec, without having the slightest evidence of any treaty or covenant guaranteeing the use of the French language in that country, and when we recall to him the fact that he sat in this parliament in 1890 and then voted for a resolution which gave the legislative assembly of the Territories the right to regulate the manner of its proceedings and to decree what language shall be used in its proceedings, he asks: 'How would you have voted if you had been there?' That is not an answer to a straight question. Let me further call the attention of my hon. friend from Jacques Cartier (Mr. Monk) to this point: The French Canadians of the Territories knew themselves so well that there was no covenant and no treaty guaranteeing to them the right to use the French language in the legislative assembly, that when the question came up before the Council, Mr. Rouleau, who was a judge of the Supreme Court, and who sat ex-officio, I think, in the Northwest Council, expressed himself as follows:

Judge Rouleau spoke at great length on the question. He claimed that no action could be taken until the people had a chance to express themselves on the matter. Let the members make it an issue at the next election, if they wished. He had spoken French before he had spoken English and this memorial proposed to deprive him and others of their mother tongue. He closed by again claiming that the question should be decided by the electors, and hinted that some of the members, who probably vote for this now, might suffer at the next election.

Thus we have Mr. Justice Rouleau—who was then, I think, the highest official amongst the French population of the Territories, who sat in the Northwest Council—expressing the opinion that the matter should be left in the hands of the electors, and that if the electors gave a mandate to their representatives to abolish the dual system, then the French Canadians would have to submit.

Mr. MONK. This had reference to the abolition of the use of the French language merely in the proceedings of the legislative assembly, and did not mean the abolition of the French language in toto. That language at present, and ever since the establishment of the Territories, has been the official language of the Northwest in the courts, and in the debates of the House, as I contend. The resolution to which my hon. friend the Solicitor General refers is merely confined

to the proceedings of the House, and it was in that sense that Mr. Justice Rouleau spoke.

Mr. LEMIEUX. My hon. friend is perfectly right in saying that even to-day, although this resolution was passed by the legislative assembly of the Territories, the French Canadians there are at liberty to use their own language in the courts. This is the opinion expressed by Sir John Macdonald in the debate of 1890, and he based it on section 133 of the British North America Act:

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 the 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.

Some of the members at that time thought that by the expression 'Courts of Canada' was simply meant the Exchequer Court and the Supreme Court. But Sir John Macdonald held that the courts of the Northwest Territories, having been established and constituted by the federal government, this clause applied to them also as regards language. But I may say to my hon. friend at once, that although this privilege exists until the provinces constitute and establish courts themselves, the people throughout the Northwest Territories do not seem to have taken advantage of it. Not later than the day before yesterday I took the trouble to wire to a gentleman well known to my hon. friend from Jacques Cartier, Mr. Justice Prendergast of the Supreme Court of the Territories. This is the telegram I sent, dated June 27:

Please inform me if the French language is used before the courts in pleadings or otherwise?

(Signed)

RODOLPHE LEMIEUX.

To that telegram I received yesterday the following reply:

Not used to my knowledge either in pleadings or otherwise. I am writing.

JAMES D. PRENDERGAST.

Mr. MONK. What difference does that make?

Mr. LEMIEUX. It does not make any difference as regards the abstract right to use the French language. But it shows that the motion of the hon. gentleman is not very practical, that he is fighting for phantoms and not for realities. For myself, I prefer to fight for the substance rather than the shadow, and to avoid creating the trouble which my hon. friend would like to stir up in this country. Now, he