

jurisprudence that the Federal power can legislate on property and civil rights when such legis'ation is a necessary incident of any legislative power given to the Federal authority. It is submitted that by the enactment of Section 133 the Parliament of Canada has legislative authority to deal with the official character of the two languages—French and English—under Sections 133. If it shou'd be claimed that this would be legislating on educational matters, which subject by Section 93 assigned to the Province, the answer would be under the jurisprudence and practice just referred to, that the Federal power has the right to legislate on all matters affecting the two languages, notwithstanding Section 93, because Section 133 is in effect and in fact a declaration that the use of the two languages are for the general advantage of Canada.

It is therefore clear that all Provincial 'egislation on education is limited or circumscribed by Section 133.

Section 133 must be read into Section 93 and the latter must be interpreted as if it read "Subject to the provision of Section 93, the Provinces shall have power to legislate exclusively in relation to education".

Assuming that Sections 93 and 133 do not stand in the way of Regulation 17 and that the latter is not thereby rendered ultra vires and invalid, it is manifest that this regulation is contrary to the spirit and the very letter and constitutes a manifest violation of Section 8 of the "Quebec Act", an Imperial Act, which has been for nearly 150 years and is now in full force in Canada and which is as binding upon the Legislature of the Province of Ontario and the King's subjects in that Province as any other statute-Imperial, Federal or Provincial—affecting the people of this Province.

The provision contained in I Edward VII, Chapter 39, Section 80, by which it is sought to impose the English language as the sole means of instruction and communication in the Public Schools of Ontario, is also contrary to and in direct violation of said Section 8 of the Quebec Act. It is ultra vires, not only because of the B. N. A. Act, but also because of the Quebec Act.

CONCLUSION

I. AS TO SEPARATE SCHOOLS:

a. Regulation 17 is unauthorized under the law of Ontario, as I Edward VII, Ch. 39, Sec. 80, which prescribes English as the only language of instruction and communication in the schools, applies only to Public Schools.

b. Regulation 17 is ultra vires and invalid because:

- (a) Quebec Act—(1774).
- (b) Sub-Sections 1 and 3 of Section 93 B. N. A. Act.
- (c) Section 133 B. N. A. Act.

II. AS TO PUBLIC SCHOOLS:

Regulation is ultra vires and invalid because:

- (a) Quebec Act (1774).
- (b) Section 133 B. N. A. Act.