

measures and everything of that kind," should precisely be the same as it is in this Legislature."

It is admitted that the only thing promised after all in the above by the Honourable the Attorney General for Upper Canada is that the French language would be placed in the Federal Parliament on the same footing it occupied *then*, that is, under the "Union Act."

It must be equally admitted that under the "Union Act," as originally drafted, the English language alone could be used in Parliament, and that whilst, by 11 and 12 Vic. (Imperial), the two languages were subsequently put on a par, yet, there was nothing in this amending Act making its object indefeasible, that is to say, that the use of the French language, although introduced was yet left, as to its own continuance, to the will of the majority.

Having those facts in mind, the above declarations of the Attorney General for Upper Canada were not considered sufficient, and at the next page of the Debates, Hon. (now Sir) A. A. Dorion is reported as saying:

"If to-morrow the Legislature chooses to vote that no other but the English language should be used in our proceedings, it might do so, and thereby forbid the use of the French language. There is, therefore, no guarantee for the continuance of the use of the language of the majority of the people of Lower Canada, but the will and forbearance of the majority of Parliament." To which the Hon. Mr. Macdonald replies: "I desire to say that I agree with my honourable friend that, as it stands just now, the majority governs, but *in order to cure this* it was agreed at the Conference to embody the provision in the Imperial Act. This is proposed by the Canadian Government for fear an accident might arise subsequently, and it was assented to by the deputation for each Province that the use of the French language should form *one of the principles upon which the Confederation would be established*, and that its use as at present should be guaranteed by the Imperial Act."

To the above declarations, affecting more the Federal Parliament, Honourable Attorney-General Cartier adds further declarations affecting the Province of Quebec, at the same page of the Debates. He is reported as saying:—

"I will add that it was also necessary to protect the English minority in Lower Canada with respect to the use of their language. The members of the Conference were desirous that *it should not be in the power of the majority to decree the abolition of the English language in the Local Legislature of Lower Canada, any more than it will be in the power of the Federal Legislature to do so with respect to the use of the French language.*"

It is submitted that the following conclusions may legitimately be drawn from the above.

(1) That the official use of their language was solemnly guaranteed to the English-speaking minority of the Province of Quebec in the Local Legislature.

(2) That this guarantee was an indefeasible one, or (in the words of Hon. Mr. Cartier) "That it would not be in the power of the majority to decree the abolition of the English language."

(3) That this privilege of the minority should not be interpreted in its narrowest sense, but (in the words of Mr. Evanturel) as placing the use of the two languages on an "equal footing," or, again, (in the words of Hon. Mr. Macdonald) "as applying to the procedure in Parliament," the printing of "measures and everything of that kind," that all the phrases in the said section of the B. N. A. Act, 1867, having as joint subjects the Federal Parliament and the Legislature of Quebec, all the declarations quoted as to the former must necessarily apply to the latter and *vice versa*.

#### *Amendments to Provincial Constitutions.*

In case it should be contended that the Legislature of Quebec has power to decree the abolition of the official use of the English language, by virtue of sub-clause one of clause 92 of the B. N. A. Act, 1867, it is respectfully submitted that the words "the Constitution of the Province," used in the said sub-clause, apply