

French-Canadians Have Special Privileges Under Repealable Statutes only.

It was shown in our August number, under what cannot be considered other than conclusive evidence, that French-Canadians enjoy no special privileges under treaty or other international agreement. But that they exercise special privileges, especially in connection with their laws, language and religion, we all know but too well. Whence, then, are these so-called exemptions obtained if not by treaty stipulation?

A full decade had not elapsed after the royal proclamation of 1763 wholly abolishing what remained of French law in Canada before the first mutterings of the coming rebellion of the American Colonies began to be distinctly heard. That an armed effort for complete independence would certainly be made by those disaffected provinces was scarcely any longer in doubt. At that crisis it became a matter of moment to both principals likely to be participants in the coming struggle to secure the co-operation of Canada. The spirit of dissatisfaction with the political status as then existing had not manifested itself in that colony conspicuously as in the more southern provinces. On the other hand there existed no attachment whatever to British rule. The soreness of defeat and of an intolerable national humiliation had not yet had time to wear away. Such feeling as existed was that of indifference as between the coming disputants. The vanquished were at that point when they would be likely to transfer their allegiance to the highest bidder. That allegiance, then as to-day, they believed to be naturally due to France alone, their mother-country. Then as to-day that allegiance was likely to be lukewarm to any other power, be that other power British or American. We have since seen that it has been unable to arouse itself in an honest and sincere co-operation to build up a great Canadian Confederacy.

The policy of the Roman Catholic Church of that day was of course the policy of the Roman Catholic Church of to-day, and of all preceding days, and as it will be to the end. It consisted in making the best bargain it could for the Church. It was ultimately resolved by it that its best interests would be best and most permanently served by identifying itself with Imperial interests in the coming struggle. A bargain was accordingly struck with the Home Government, and in 1774 an Imperial Act was passed containing a clause enabling "the clergy of the Roman Catholic Church in Canada to hold and receive their accustomed dues and rights" as before the Conquest. Thus that astute ecclesiastical institution got from the conquerors its first legal hold in what is now the Province of Québec, thus the religious feature of the trio—"our laws, language, and religion"—came to be officially recognised. The statute nevertheless makes no special concessions in favor of the first two points—they are not indeed even mentioned.

Such bartering away of the public welfare for the furtherance of party and ecclesiastical interests might in a more favored country appear as incredible as it is certainly immoral and revolting. But we have all seen the same thing done so frequently and unblushingly in Canada itself by our own Parliament any session these thirty years past, that we have unhappily got hardened to it. In all these secret intrigues, in which each of our two great parties have been equally unprincipled, equally recreant to patriotism and honor, it is the French Roman Catholic Church in Canada which has invariably been the great and indeed the only real and permanent gainer.

Seventeen years later, the Imperial Parliament once again dealt with matters of French-Canadian concern. In 1791 it passed what is commonly known as the Constitutional Act. This measure called a legislative body into existence, nearly the first act of which, in Lower Canada, was to take into consideration the adoption of the French language. A resolution officially recognising it was carried, and

it thus for the first time since the Conquest obtained a legal status. The old French laws simultaneously came again into operation so far as civil cases were involved. The criminal law of England, however, continued to be maintained, as it does up to the present day.

So here at last we have official recognition of "our laws, our language, and our religion"—all three. It was gratefully accepted by the French-Canadians, who had by this time grown in numbers from 65,000 at the Conquest to 110,000 at the passage of the Act in question. The gratitude of this fickle people was not of long duration, however. By 1834 they had given such proofs of disaffection, and even showed themselves so ripe for active physical hostilities, that the English Colonial Secretary of the day, Lord Stanley, publicly threatened the total repeal of the Act of 1791. Unfortunately the Administration of which he was a member failed to carry out his menace.

The Union Act of 1840 came into force instead. Between the fall of Quebec and the date just mentioned, Upper Canada had been growing in wealth and population. The statute above named had for its object the consolidation of these two provinces under one legislature. This was accordingly done, and at this part of our history—be it well noted and remembered—the French language again disappears officially, the English language once more becomes sole and paramount for parliamentary purposes. The official use of the French tongue is emphatically set aside by the Union Act. The wording of the statute is uncompromising and incapable of misconstruction. It declares that "all journals, entries, and written or printed proceedings, of what nature soever, of the Legislative Council and Legislative Assembly of Canada, and all written proceedings and reports of said Legislative Council and Legislative Assembly, shall be in the English language." It even goes on to add that "no translated copy shall be kept among their records, or be deemed in any case to have the force of an original record." The continued operation, however, of French law in the Lower Province is not interfered with, nor is any change made in the concessions granted to the Roman Catholic Church in Lower Canada under the provisions of the Imperial Act of 1774.

That Church, however, was no consenting party to this official disappearance of the French language. Such suppression tended to sap one of its strongest holds over the minds of the least restive and the least enquiring of all its many world-spread flocks. Something had to be done, and that quickly, to restore it. French-Canadian members were, therefore, for the first time, taught the value of voting in Parliament in one unbroken mass. There was to be no division in their ranks whether from party or other predilections or interests. The authority that invented and urged this then new style of tactics found itself strong enough to compel obedience to it. The unbroken phalanx thus called into existence became irresistible among the weakening divisions of the other parties and cliques. Successive administrations began by dreading its power and ended by surrendering to all its wishes. The result was that, so early as 1848, that part of the Union Act of 1840 abolishing the use of the French language in Parliament became a thing of the past. Such a pressure was brought by the united French-Canadian representatives on the Ministry of the day that the Imperial Government was induced to repeal that portion of the Union Act relating to the use of the English language alone in connection with all legislative proceedings. And thus French became a recognised official language in the Legislature.

Such was the position up to 1867, the year which saw the Dominion of Canada called into existence. The British North America Act then dealt with the bi-lingual question in the following terms:—"Either language may be used in the Dominion Parliament or Legislature of Quebec. Both languages shall be used in the respective records and journals of the above, and the Acts of the Dominion Parliament and