

"As was stated in our former report, when all classes of the French people are not only willing but desirous that their children shall learn the English language, they, at the same time, wish them to retain the use of their own language, and there is no reason why they should not do so. To prove the knowledge of both languages is an advantage to them, and their use of the English language instead of their own, if such a change should ever take place, must be brought about by the operation of the same influences which are making it all over the continent the language of other nationalities as tenacious of their native tongue as the French. It is a change that cannot be forced. To attempt to deprive a people of the use of their native tongue, would be as unwise as it would be unjust, even if it were possible."

*Primâ facie* to seek to interfere in any way by compulsion with the free use and maintenance by French-speaking Canadians of their own language—a noble language, as Garrow, J., very truly calls it—has an unduly drastic and German flavour to those who have within their breasts the true spirit of British freedom, which certainly does not seek to deny to others the same liberty which Englishmen, Irishmen, and Scotchmen claim for themselves. With all this, however, we have nothing to do here, any more than the Court had, or than the Judicial Committee of the Privy Council will have when the case reaches them, as we understand it is destined to do. Here, we are concerned only with the dry legal question involved in the principal case, which essentially, and put in its concise form, seems to be this:—

Does clause 3(1) of Regulation 17 of 1912, and 1913, made by the Minister of Education, prejudicially affect any right or privilege with respect to denominational schools which French-speaking Roman Catholics in Ontario, had by law in the Union in 1867?

The clause in question reads as follows: "3. Subject in the case of each school to the direction and approval of the chief inspector, the following modifications shall be made in the course of the study of the public and separate schools: (1) When necessary in the case of French-speaking pupils, French may be used as the language of instruction and communication, but such use of French shall not be continued beyond form 1, excepting that, on the approval of the chief inspector, it may also be used as the language of instruction and communication of pupils beyond form 1, who are unable to speak and understand the English language."

It is contended by the defendants that this Regulation, under the pretence of regulating, actually prohibits, perhaps not immediately, but ultimately, in all Separate Schools, the use of the French language as a means of instruction, and that it imposes an inspection which is different from the inspection to which the Separate Schools were subjected at the time of Confederation. For our present purposes, we will assume that this is so. There also seems no doubt whatever that the right to teach in the French language in the Roman Catholic Separate Schools of Ontario, was enjoyed, not only without opposition, but with the co-operation and assist-