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**Compilation of primary documents to assist  
in interpreting the Language Rights in  
Section 133 of the *Constitution Act, 1867***

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*133. 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 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.*

*The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.*

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**PART 1:**

## Language Rights Prior to 1867

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**Coming soon.**

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**PART 2:**

## Language Rights in Successive Drafts of Section 133 from the Quebec Resolutions, 1864 to the *Constitution Act, 1867*

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### **The Quebec Resolutions (1864)<sup>1</sup>**

#### **26 October 1864: Working Draft No. 1**

*No mention of language clause.*

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 1, October 26th, 1864, MG 26 A, Vol. 46, pp. 18164-18168. Click [HERE](#).)

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#### **26-27 October 1864: Working Draft No. 2**

[41 ½] That both the English and French languages may be employed in the General Legislature and in its proceedings, and [illegible] in the Local Legislature of Lower Canada, and in the Federal and Local Courts of Lower Canada.

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<sup>1</sup> All transcriptions from the Quebec Resolutions are from [Charles Dumais, \*The Quebec Resolutions: Including Several Never-Published Preliminary Drafts by George Brown and John A. Macdonald, and a Collection of all Previously-Published Primary Documents Relating to the Conference, October 10, 1864-October 29th, 1864\* \(CCF, 2001\).](#)

## SECTION 133, LANGUAGE RIGHTS

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 2, October 26th-27th, 1864, MG 26 A, Vol. 46, pp. 18142-18155. This text is found on p. 18154. Click [HERE](#).)

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### 27 October 1864: Working Draft No. 3

That both the English and French languages may be employed in the General Legislature and in its proceedings, and also in the Local Legislature of Lower Canada, and in the Federal and Local Courts of Lower Canada

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 3, October 27th, 1864, MG 26 A, Vol. 46, pp. 18156-18158. This text is found on p. 18158. Click [HERE](#).)

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### 27 October 1864: Working Draft No. 4

[46.] ~~That~~ both the English and French languages may be employed in the General ~~Legislature~~ **[Parliament]** and in its proceedings, and in the Local Legislature of Lower Canada, and **[also]** in the Federal **[Courts]** and ~~Local~~ **[in the]** Courts of Lower Canada.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 4, October 27th, 1864, MG 26 A, Vol. 46, pp. 18136-18138. This text is found on p. 18138. Click [HERE](#).)

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### 14 March 1865: Quebec Resolutions as adopted in the Legislature of the Province of Canada

46. Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

(Source: John A. Macdonald, The Quebec Resolutions, 1864 as Adopted in the Legislature of the Province of Canada, Vol. 46, pp. 18210-18216. This text is found on p. 18214. Click [HERE](#).)

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## The London Resolutions (1866)

### 4 December 1866: Version No. 1, Copy 1

## SECTION 133, LANGUAGE RIGHTS

46. Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 1, Copy 1, December 4th, 1866 (MG 26 A, Vol. 46, pp. 18184-18190). This text is found on p. 18188. Click [HERE](#).)

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### 13-14 December 1866: Version No. 2, Copy 1

46. Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 1, December 13-14th (MG 26 A, Vol. 46, pp.18176-18183). This text is found on p. 18180. Click [HERE](#).)

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### 13-14 December 1866: Version No. 2, Copy 2

46. Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada. **[added in margin: agreed]**

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 2, December 13-14th, 1866 (MG 26 A, Vol. 46, pp. 18191-18196). This text is found on p. 18195. Click [HERE](#).)

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### 14 December 1866: Version No. 3, Copy 1

46. Both the English and French languages may be employed in the General Parliament and in its proceeding, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada. **[added in margin: carried]**

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 3, Copy 1, December 14th, 1866 (MG 26 A, Vol. 46, pp. 18197-18209). This text is found on p. 18205. Click [HERE](#).)

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### 28 December 1866: Final Version

45. Both the English and French languages may be employed in the General Parliament, and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts, and in the Courts of Lower Canada.

## SECTION 133, LANGUAGE RIGHTS

(Source: London Resolutions as found in Joseph Pope (ed), *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: Carswell Co. Ltd., 1895) at 98-110. This text is found on p. 107. Click [HERE](#).)

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### *Constitution Act, 1867*

#### **n.d. (probably early January, 1867): Rough Draft, John A. Macdonald's Copy<sup>2</sup>**

44. The English and French language may both be employed in Parliament, and in its proceedings, and in the Legislature and Courts of Lower Canada, and also in the Courts of the Confederation which may be established under this Act.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Rough Draft, John A. Macdonald's Copy, n.d. (MG 26, A, Vol. 48, pp. 18845-18870). This text is found on p. 18862. Click [HERE](#).)

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#### **23 January 1867: 23rd January Draft, Copy 2**

43. Either the English or the French Language may be used by any Person in the Debates of the Houses of Parliament of the United Colony, and of the Houses of the Provincial Assembly of Lower Canada, and either or both of those Languages may be used in the respective Records and Journals of those Houses, and either of those Languages **[shall]** may be used by any Person or in any Pleading or Process in or issuing from any Court of the United Colony, and in or from all or any of the Provincial Courts of Lower Canada.

*[Qu. whether, as to Courts of the United Colony, this should not be confined to such of those Courts as sit in Lower Canada.]*

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 23rd January Draft, Copy 2, January 23rd, 1867 (MG 26, A, Vol. 48, pp. 18989-19000). This text is found on pp. 18997-18998. Click [HERE](#).)

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#### **31 January 1867: 2nd Draft<sup>3</sup>**

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<sup>2</sup> There are some illegible markings on this clause.

<sup>3</sup> There is another version of this draft with handwritten provision and notes, where the clause is renumbered, first to "77", then "81". See [John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 2nd Draft with Handwritten Provisions and Notes, January 31st, 1867 \(MG 26, A, Vol. 48, pp. 19040-19082\)](#).

## SECTION 133, LANGUAGE RIGHTS

66.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament of Canada, and of the Houses of Parliament of Lower Canada, and both of these languages shall be used in the respective records and 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, and in or from all or any of the Provincial Courts of Lower Canada.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 2nd Draft, January 31st, 1867 (MG 26, A, Vol. 48, pp. 19022-19039). This text is found on p. 19039. Click [HERE](#).)

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### **n.d. (between Jan. 31 & Feb. 2, 1867): 3<sup>rd</sup> Draft, Early Copy<sup>4</sup>**

81.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament of Canada, and of the Houses of Parliament of Lower Canada, and both of these languages shall be used in the respective records and 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, and in or from all or any of the Provincial Courts of Lower Canada.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Early Copy, n.d. (MG 26, A, Vol. 48, pp. 19101-19124). This text is found on pp. 19123-19124. Click [HERE](#).)

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### **n.d. (1867): 4th Draft, Later Version, Revised Copy**

~~127~~ **[124]**.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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, created under this Act, and in or from all or any of the Courts of Quebec.<sup>5</sup>

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Later Version, Revised Copy, n.d. (MG 26, A, Vol. 49/1, pp. 19399-19450). This text is found on p. 19446. Click [HERE](#).)

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### **n.d. (1867): 4th Draft, Final Version**

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<sup>4</sup> The wording is unchanged from the 2<sup>nd</sup> draft. The revised copy is also the same. See [John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Revised, February 2nd, 1867 \(MG 26, A, Vol. 48, pp. 19125-19148\)](#).

<sup>5</sup> This clause appears to be signed off on in this version.

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127.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, and either of those languages may be used by any person or in any pleader or process in or issuing from any Court of Canada, created under this Act, and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Final Version, n.d. (MG 26, A, Vol. 49/2, pp. 19614-19664). This text is found on p. 19661. Click [HERE](#).)

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### **n.d. (1867): H.L. Bill (Floor)**

133. 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 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.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – H.L. Bill (Floor), n.d. (MG 26, A, Vol. 49/2, pp. 19665-19711). This text is found on p. 19697. Click [HERE](#).)

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## **Local Constitutions Drafts Package (1866-1867)**

### **n.d.: Early Package [n.d.]**

36. Both the English and French languages may be employed in the General Parliament, and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts, and in the Courts of Lower Canada.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Early Package, n.d. (MG 26, A, Vol. 49/2, pp. 19451-19461). This text is found on p. 19460. Click [HERE](#).)

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### **n.d.: Early Package with Reilly's Notes**

128. ~~132~~ ~~126~~—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of

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these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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 **[created under this act]** and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Early Package with Reilly’s Notes, n.d. (MG 26, A, Vol. 49/2, pp. 19462-19480). This text is found on p. 19476. Click [HERE](#).)

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### **n.d.: Revised Package**

128.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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 **[created under this act]** and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Revised Package, n.d. (MG 26, A, Vol. 49/2, pp. 19500-19518). This text is found on pp. 19515-19516. Click [HERE](#).)

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### **n.d.: Revised Package, Copy 4**

128.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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 **[of Canada created under the provisions of this act]** and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Revised Package, Copy 4, n.d. (MG 26, A, Vol. 49/2, pp. 19576-19594). This text is found on pp. 19591-19592. Click [HERE](#).)

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### **n.d.: Revised Package, H.B. Morse’s Copy**



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128.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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 **[created under this act]** and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Revised Package, H.B. Morse’s Copy, n.d. (MG 26, A, Vol. 49/2, pp. 19595-19613). This text is found on pp. 19610-19611. Click [HERE](#).)

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### **n.d.: Revised Package, Alexander Galt’s Copy**

128.—Either the English or the French language may be used by any person in the Debates of the Houses of Parliament, and of the Houses of the Legislature of Quebec, and both of these languages shall be used in the respective records and journals of Parliament, and of the Legislature of Quebec, and the Laws and Statutes of Parliament, and of the Legislature of Quebec, shall be printed and published in separate volumes of the English and French languages respectively, 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 **[created under the provision[s] of this act]** and in or from all or any of the Courts of Quebec.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Revised Package, Alexander Galt’s Copy, n.d. (MG 26, A, Vol. 49/2, pp. 19557-19575). This text is found on pp. 19572-19573. Click [HERE](#).)

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**PART 3:**

# Debates on language rights in the Confederation Debates in the Province of Canada

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## [Province of Canada \(1865\)](#)

**March 8, 1865: Félix Geoffrion, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 779)**

I will now call the attention of the House, and particularly of the French-Canadian members, to [the forty-sixth resolution](#), which relates to the use of the French language in the Federal Legislature. It is as follows:—“The English and French languages may be used simultaneously in the proceedings of the Federal Legislature as well as in the Legislature of Lower Canada, and also in the Federal courts and in the courts of Lower Canada.”

A close examination of this resolution shows at once that it does not declare that the French language is to be on the same footing as the English language in the Federal and Local Legislatures; in place of the word “shall,” which ought to have been inserted in the resolution, the word used is “may,” so that if the British majority decide that the *Votes and Proceedings* and Bills of the House shall be printed only in English, nothing can prevent the enactment taking effect.

Of course we shall be allowed to use the French language in debate, but on the other hand, it is evident that the majority may, whenever they choose, enact that the bills and proceedings of the House shall not be printed in French, and consequently the clause affords no security whatever to us French-Canadians. I take it for granted that as regards all the bills or resolutions of this House, the meaning to

- (p. 780)

be given to words is that given to them by the law of the country, and I am therefore justified, when explaining the resolutions before us, in holding to the very letter of their resolutions, and it needs no effort of the imagination to discover the intention of those who prepared them.

[The provincial statute 22 Victoria, chap. 29](#), relative to the interpretation of the statutes, says:—“Whenever by any act it is provided that a thing shall be done, the obligation to do it is to be inferred; but when it is said that a thing may be done, the power of doing it is permissive.” In [the resolutions submitted us](#), the word used in the English version is “may,” which is translated into

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French by the word “*pourront*” and it is said that the English and French languages may be used simultaneously in the proceedings of the Federal Parliament as well as in the Legislature of Lower Canada, and also in the Federal courts and the courts of Lower Canada.

It is easy to see, then, that the use of the French language is rendered extremely precarious, and that the majority may proscribe it in our *Votes and Proceedings*, and in our Legislature. The Lower Canada members who have always supported the Ministry ought to urge them to insert a clause in the resolutions declaring that the French language shall be on the same footing as the English language; the guarantee afforded us by the resolutions, as they now stand, amounts to nothing.

I am not the first to point out the danger to our institutions and our laws; the *Canadien* of this city has enumerated them over and over again, and the honorable member for Montmorency [Joseph Cauchon] himself, who quite recently admitted in this House that he was the editor in chief of the *Journal de Québec*, wrote as follows [in that paper on the 18th January, 1865](#). After having spoken of the past conduct of the Upper Canadians, and more particularly of the Honorable President of the Council (Hon. Mr. Brown), he says:—

For Lower Canada there are other questions still besides the question of money; there are the religious, social and national questions. Here it is that the greatest difficulties exist in the way to the success of the scheme, for a few slight changes in the letter of the scheme—changes which will in no way affect the interests of the other provinces—will cause the project to be accepted by the immense majority of the population of the country. We do not hesitate to say that it is astounding that the Conference should have approximated so closely to equity, after a few days only of work, and in the midst of innumerable obstacles.

It seems to me, Mr. Speaker, that if the honorable member for Montmorency [Joseph Cauchon] was right in telling the Ministry that our nationality and our institutions were in danger, and that changes were required, we French-Canadian members are bound to see that the resolutions submitted to us afford sufficient protection to those institutions, and that the resolutions are not written in such a way as to be susceptible of two interpretations.

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### Hector-Louis Langevin, p. 781

Another point on which the honorable member for Verchères [Félix Geoffrion] insisted, no doubt with the view of obtaining information, which I shall be delighted to afford if it should induce him to vote for the resolutions—and I am perfectly certain it ought to be sufficient—is the point as to the use of the French language under Confederation. [The forty-sixth resolution](#) is as follows:—

The English and French languages may be used simultaneously in the proceedings of the Federal Parliament as well as in the Legislature of Lower Canada and in the Federal courts and in the courts of Lower Canada.

The honorable member for Verchères [Félix Geoffrion] says—“It is true that the French language may be used in the Federal Parliament and in the Legislature of Lower Canada, as well as in the courts of justice of the Confederation, but the resolutions do not affirm that that language may be used in the drafting of laws and in the *Votes and Proceedings* of the Federal and Local Legislatures.”

Well,

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- (p. 782)

Mr. Speaker, I am quite sure the honorable member for Verchères [Félix Geoffrion] will be delighted to learn that it was perfectly well understood at the Conference of Quebec that the French language should not only be spoken in the courts of justice, in the Federal Parliament and in the Legislature of Lower Canada, but that, precisely as is now the case, the *Votes and Proceedings* of the Legislature, as well as all the Federal laws and those of the Legislature of Lower Canada, should be printed in both languages.

And what is still more, under Confederation the French language will be spoken before the Federal tribunals, an advantage which we do not possess at present when we apply to the Court of Appeals of Great Britain. So that the honorable member for Verchères [Félix Geoffrion] and this honorable House will gladly admit that its representatives at the Conference of Quebec did not fail in their duty on that point. These are the principles upon which the new Constitution will be based, and I feel justified in going so far as to say that it was impossible to secure more effectually this essential privilege of our nationality, and at the same time our civil and religious institutions. I was anxious to offer these explanations to the honorable member for Verchères [Félix Geoffrion] and to the House, and I trust they will completely satisfy the country.

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### Edouard Rémillard & Maurice Laframboise, p. 786

**Edouard Rémillard [Bellechasse]**—Mention is also made of the use of the French language; it is said that it cannot be used in the Federal Parliament. But, for my part, I am of opinion that if the scheme is adopted, the French language will be more used and will be held in higher estimation in the Federal Parliament, than it has been in this Legislature for some years. It is feared that the laws, the documents and the proceedings of the Federal Parliament are not to be printed in the French language. But what does [the 46th clause of the resolutions](#) say? It says:—

Both the English and French languages may be employed in the General Parliament, and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal courts, and in the courts of Lower Canada.

Thus, if the use of the French language can be excluded, so also may the use of the English language be excluded, for both are on an equal footing. Because it is not stated that the laws and the proceedings of the Federal Parliament shall be printed in the French language, the conclusion is drawn that they will be so in English; but the same thing might be said of the English language, as it is not stated that they will be printed in that language.

The hon. member for Verchères (Mr. Geoffrion) would have something more; instead of the resolutions setting forth that the French language may be used, he would have them declare that it shall be used; in that case the members from Lower Canada might be compelled to speak French; but are the Upper Canadian members also to be forced to speak that language, they who do not understand a word of it? I should be with the hon. member for Verchères [Félix Geoffrion] if we could compel Lower Canadian members to speak French, and Upper Canadian members to speak English, as in that case each would learn the language of the other.

I am really of opinion that if the Hon. Attorney General

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- (p. 787)

for Lower Canada [George-Étienne Cartier] had never spoken anything but French in this House, the members from Upper Canada would have learned that language in order to understand him; but as he wishes to make them understand him without putting them to that trouble, he most frequently speaks English.

**Some Hon. Members**—Hear, hear.

**Edouard Rémillard [Bellechasse]**—It is said that in the resolutions the guarantees which we seek to have for our language, our laws and our institutions are not clearly enough expressed, and that the Imperial Government might, consequently, confer upon us something other than that for which we ask. But could not the Imperial Government impose Confederation upon us as it did the union? And as it does not do so, but is merely desirous of being consulted, we ought not to believe that it will impose upon us conditions which are opposed to our interests.

**Maurice Laframboise [Bagot]**—It is proposed to impose it on the Lower Provinces, who do not wish for it.

[...]

**Edouard Rémillard [Bellechasse]**—Well, I listened with pain to the language used by the hon. member for Richelieu [Joseph Perrault]. Should what he said in French be repeated by some one in English, I should greatly fear that it would give rise to prejudice against us among the English members.

**Some Hon. Members**—Hear, hear.

**Edouard Rémillard [Bellechasse]**—Last year he said to the members from Upper Canada,—“The French-Canadians are learning the use of arms, and if you insist upon having representation based upon population, they will be turned against you;” and this year he says that one Lower Canadian can stand against ten Upper Canadians. He considers himself fortunate in being under

- (p. 788)

the protection of the English flag, and yet his whole speech was one insult to the English Government.

**Some Hon. Members**—Hear, hear.

**Edouard Rémillard [Bellechasse]**—Does he forget, then, that the French-Canadians are in a minority? He talked a great deal about the great men who saved our nationality; but if those men had made use of such language as the hon. member has done, they would not have obtained that which they did obtain.

**Some Hon. Members**—Hear, hear.

**Edouard Rémillard [Bellechasse]**—Our nationality would long since have passed away; for,

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I repeat it, his whole speech was one insult to England and Englishmen. Fortunately his speech was not understood by the English members of this House, and consequently it could produce no effect upon them; and those who did understand him, moreover, are aware that he spoke for himself alone, and that he does not represent the opinions of the Lower Canadian members or of the Lower Canadian people. I am therefore convinced that they will bear no ill-will to the French-Canadians in consequence of that speech.

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**François Evanturel, John A. Macdonald, Antoine-Aimé Dorion, George-Étienne Cartier, p. 944-945**

Those friends have expressed alarm in relation to one of the clauses of the resolutions, and have requested me to ask an explanation from the Hon. Attorney General for Upper Canada [John A. Macdonald], as to the interpretation of that clause. I have therefore to ask him whether [article 46 of the resolutions](#), which states that “both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada,” is to be interpreted as placing the use of the two languages on an equal footing in the Federal Parliament? Instating the apprehensions entertained by certain persons on this subject—and I consider that it is a mark of patriotism on their part, and that their apprehensions may be legitimate—I hope the Government will not impute to me any hostile intention, and will perceive that the course I adopt is in their interest, as it will give them an opportunity of dissipating the apprehensions in question.

**Some Hon. Members**—Hear, hear.

**John A. Macdonald [Kingston, Attorney-General West]**—I have very great pleasure in answering the question put to me by my hon. friend from the county of Quebec [François Evanturel]. I may state that the meaning of one of the resolutions adopted by the Conference is this, that the rights of the French-Canadian members as to the status of their language in the Federal Legislature shall be precisely the same as they now are in the present Legislature of Canada in every possible respect.

I have still further pleasure in stating that the moment this was mentioned in Conference, the members of the deputation from the Lower Provinces unanimously stated that it was right and just, and without one dissentient voice gave their adhesion to the reasonableness of the proposition that the status of the French language, as regards the procedure in Parliament, the printing of measures, and everything of that kind, should be precisely the same as it is in this Legislature.

**Some Hon. Members**—Hear, hear.

**Antoine-Aimé Dorion [Hochelaga]**—I do not rise to offer any lengthened remarks, but to draw for a moment the attention of the members of the Administration, with a view to obtain some information in connection with this scheme; but before doing so, I would say a word in reply to the explanation given by the Hon. Attorney General West [John A. Macdonald] to the question put by the hon. member for the county of Quebec (Hon. Mr.

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Evanturel), with regard to the use of the French language.

The Hon. Attorney General West [John A. Macdonald] stated that the intention of delegates at the Quebec Conference was to give the same guarantees for the use of the French language in the Federal Legislature, as now existed under the present union. I conceive, sir, that this is no guarantee whatsoever, for in the [Union Act](#) it was provided that the English language alone should be used in Parliament, and the French language was entirely prohibited; but this provision was subsequently repealed by the [11th and 12th Victoria](#), and the matter left to the discretion of the Legislature.

So that if, to-morrow, this Legislature choose 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 the forbearance of the majority. And as the number of French members in the General Legislature, under the proposed Confederation, will be proportionately much smaller than it is in the present Legislature, this ought to make hon. members consider what little chance there is for the continued use of their language in the Federal Legislature. This is the only observation I have to make on this subject, and it was suggested to me by the answer of the Hon. Attorney General West [John A. Macdonald].

**John A. Macdonald [Kingston, Attorney-General West]**—I desire to say that I agree with my hon. 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.

**Some Hon. Members**—Hear, hear.

**John A. Macdonald [Kingston, Attorney-General West]**—This was proposed by the Canadian Government, for fear an accident might arise subsequently, and it was assented to by the deputation from each province that the use of the French language should form one of the principles on upon which the Confederation should be established, and that its use, as at present, should be guaranteed by the Imperial Act.

**Some Hon. Members**—Hear, hear.

- (p. 945)

**George-Étienne Cartier [Montreal East, Attorney-General East]**—I will add to what has been stated by the Hon. Attorney General for Upper Canada [John A. Macdonald], in reply to the hon. member for the county of Quebec and the hon. member for Hochelaga [Antoine-Aimé Dorion], that it was also necessary to protect the English minorities in Lower Canada with respect to the use of their language, because in the Local Parliament of Lower Canada the majority will be composed of French-Canadians. The members of the Conference were desirous that it should not be in the power of that majority to decree the [George-Étienne Cartier] abolition of the use 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 French language. I will also add that the use of both languages will be secured in the Imperial Act to be based on these resolutions.

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**Some Hon. Members** — Hear, hear.

**Antoine-Aimé Dorion [Hochelaga]** — I am very glad to hear this statement; but I fail to see anything in the resolutions themselves which gives such an assurance, in proof of which we have the honorable member for Quebec county [François Evanturel] asking how the matter really stands. But it is not simply for the use of the French language in the Legislature that protection is needed—that is not of so great importance as is the publication of the laws and proceedings of Parliament. The speeches delivered in this House are only addressed to a few, but the laws and proceedings of the House are addressed to the whole people, a million or nearly a million of whom speak the French language. I now beg to address one or two observations on a different subject. When the question was first brought before us, I drew the attention of the Government to the discrepancy between the printed resolutions which are now submitted to us, and the resolutions which were despatched to the members of the Legislature, during the recess, by the Hon. Provincial Secretary [William McDougall].

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### Charles De Niverville, p. 950-951

**Charles De Niverville [Three Rivers]** — In truth, what kind of liberty have we, who do not understand the English language? We are at liberty to hold our tongues, to listen, and to understand if we can.

**Some Hon. Members** — Hear, hear, *and continued laughter*.

**Charles De Niverville [Three Rivers]** — Under the Confederation, the Upper Canadians will speak their language, and the Lower Canadians theirs, just as we do now; with this difference, that they who count a large majority of their countrymen in the House, may hope to hear their language spoken the oftenest, as new members will use the language of the majority.

I intend no reproof to the honorable members who have spoken in English on the question now before the House, thus depriving us of the pleasure of understanding them, and, therefore, of enjoying their eloquence, and being convinced by their logic. What they have done on the present occasion is a simple act of justice due to the majority of this House, and one which the French-Canadians have always rendered with pleasure. But if we follow the example of most French-Canadians in days gone by, we shall not keep our language long. How often do we find in the towns, nay, even in the country parts, Canadians who have no sooner caught up two words of English than they run off with delight to repeat them to their neighbors.

Emigration to the United States, which will cease under Confederation (for we shall have the management of our public lands), has been a principal cause of that stupid mania with which all seem to be seized who have lived some time among our neighbors and returned to Canada. To give you an idea of that lamentable mania, I shall relate a circumstance in which I was one of the actors. Not two months since, I was on the platform at the station where the branch from Arthabaska to Three Rivers leaves the Grand Trunk, when two young men, dressed in the American fashion, came to the hotel. One, as he came in, called out in a loud voice, "Where is the ostler?" The man, who was a stout Canadian, soon made his appearance, and as soon as he set eyes



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on the gentleman, called out in his turn, "What! Joe, is it you?" (*Tiens! c'est toi, Joh!*)

Of course our pretended American was taken aback, and for the moment dumbfounded. Seeing his embarrassment, and willing, in pity to the poor victim of affectation, to relieve him from it, although it had its comic side, I called to the stableman and said, "Go and take the gentlemen's horses; don't you see they are Americans, and that they don't understand you." Well, Mr. Speaker, such scenes frequently occur; nay, those who move now and then from home may see them every day.

So if we do not wish our beautiful language to lose its influence, we must not fail to discountenance the affectation of Canadians talking English when they hardly know a word of it. Otherwise we must take to talking English, and let our own language

- (p. 951)

sink into disuse and oblivion. For our I religion I have no fears. The experience of the past is a guarantee for the future. We live no longer in those times when Paradise was the promised reward of all who ill-treated those of a religion different from their own. These are not the days in which wars and troubles between nations were begotten of religious hatred. The world is too civilized to renew the scenes which were then constantly exhibited. Every man is free to practise his religion as he pleases, and this tolerant spirit is especially to be noted as characterising the English nation.

True, we find some fanatics both among the English and the French population: unfortunately we had two instances of the working of this spirit in one evening in this House—the one from a Catholic, the other from a Protestant. The former cried out loudly that Confederation would be a mortal blow to the Catholic religion, while the other cried as loudly that it would be the ruin of the Protestants.

I must confess, Mr. Speaker, that I am not one of those who live in fear and distrust of British domination. As long as we live under the sway of free England, I have not the least doubt that our language will be fully protected, and that in fifty years from this present time, good Catholics will be allowed the exercise of their religion as freely, as safely and as piously as this day, and that the wicked will not be compelled to be more religious than they now are.

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