

the House with the present motion in order to redress a grievance.

Mr. MONK. My hon. friend has said that several times. I am not asking to redress a grievance. I am asking for the maintenance of the law as it exists to-day in the Territories.

Mr. LEMIEUX. My hon. friend is not serious—the law of 1877?

Mr. MONK. The law as it exists to-day in the Territories.

Mr. BRODEUR. The French language was abolished in 1892.

Mr. MONK. How can my hon. friend say that when he knows this is not the case. The proceedings of the legislative assembly may be held in English but does my hon. friend mean to say that the use of the French language in the courts and elsewhere as provided by the statute is not in force?

Mr. LEMIEUX. I will answer my hon. friend. The British North America Act section 33, is as follows:

Either 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.

There is nothing else in the British North America Act concerning the language or concerning the records or proceedings in the courts of Canada.

Mr. MONK. My hon. friend who is an able lawyer knows perfectly well that that article is not the article we are discussing here. We are discussing a law at present in force in the Northwest Territories which is going to remain in force after the provinces are erected and in existence. We are discussing that law which is in force to-day. I am not asking the remedy of a grievance, I am asking for a constitutional provision in the new provincial charter for the maintenance of what exists.

Mr. LEMIEUX. Does my hon. friend refer to that law passed by this parliament in 1877?

Mr. MONK. Yes, section 110 of the revised statutes.

Mr. LEMIEUX. My hon. friend is not serious, he cannot be serious. He knows perfectly well that this parliament in 1890 at the suggestion of Sir John Thompson gave to the legislature of the Northwest

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Territories the right to abolish the dual system and it was so abolished in the session of 1892. Therefore it does not exist to-day.

Mr. MONK. My hon. friend must really pardon me, we must make this clear. This is the law to-day, section 110 revised statutes:

Either the English or the French language may be used by any person in the debates of the council of legislative assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of the said council or assembly; and all ordinances made under this Act shall be printed in both those languages.

The assembly has acted under that law but does my hon. friend say that the legislative assembly having decided that its proceedings should be in English, the use of the French language is totally abolished in the Northwest Territories? Is that what my hon. friend contends?

Mr. LEMIEUX. No, I told my hon. friend a few moments ago that the opinion given by Sir John Macdonald, was that even if the legislature of the Northwest Territories would abolish the dual system as regards the proceedings of the courts such ordinance of the legislative assembly would be illegal and could be disallowed. Sir John Macdonald relied on section 133 of the British North America Act in saying that.

Mr. R. L. BORDEN. The reasons may be as the hon. gentleman stated, but I have looked into this somewhat carefully and I arrived at the conclusion that the Act of 1877 was modified only in one respect by what took place in 1890-92, namely, that the legislature of the Northwest Territories was given authority, by resolution or otherwise, to regulate its proceedings and pursuant to that the legislature of the Northwest Territories abolished the use of the French language in its proceedings and in the recording of its resolutions. Apart from that the Act of 1877 is as much in force in the Northwest Territories to-day as it ever has been.

Mr. FITZPATRICK. The effect of the ordinance applies to the use of the language in the legislative assembly, but not in the courts.

Mr. R. L. BORDEN. Quite so.

Mr. LEMIEUX. I shall conclude by saying that the motion of the hon. gentleman was presented by him not with the hope that it would be adopted but with the expectation that it would create some agitation in our province.

Mr. BERGERON. I do not think that my hon. friend has said anything which will necessitate my taking up much of the time