

Reports and Notes of Cases.

Province of Ontario

SUPREME COURT—APPEAL DIVISION.

Meredith, C.J.O. Garrow, MacLaren,
Magee, and Hodgins, J.J.A.]

[24 D.L.R. 475.

MACKELL v. OTTAWA SEPARATE SCHOOL TRUSTEES.

1. *Schools—School board—Validity of resolution—Selection of teachers—Ultra vires.*

Resolutions of a "separate school" board purporting to delegate to the chairman of the board power to discharge, select and engage teachers, are *ultra vires*.

2. *Constitutional law—Separate schools—Abridgment of constitutional right—Interfering with use of French language.*

Regulation No. 17 (of 1912 and 1913) of the Department of Education for Ontario providing *inter alia* the manner of conducting schools in districts where the scholars or a majority of them were French-speaking Canadians and making it compulsory that teachers in such schools should understand the English language does not infringe any constitutional right which the supporters of such schools have under the B.N.A. Act.

Mackell v. Ottawa Separate School Trustees, 18 D.L.R. 456, referred to.

N. A. Belcourt, K.C., *A. C. McMaster*, and *J. H. Fraser*, for appellants. *McGregor Young*, K.C., for the Minister of Education.

ANNOTATION ON ABOVE CASE FROM D.L.R.

We have here an outcome of the bi-lingual controversy which has agitated the Province of Ontario to some considerable extent during the last few years. We may or may not approve of the spirit which seems to animate a large section of the English-speaking inhabitants of the province with respect to the free enjoyment of the use of their own language by those who are French-speaking. We may or may not agree with the framers of the Report of the Commission on Schools in Prescott and Russell of 1897 (p. 17), where it says:—