

Act Giving Commission Powers
of Trustees is
Ultra Vires.

Provisions Cited. Provision one is in these terms: "Nothing in any such law shall preclude any religious or privileged class with respect to denominational schools, which any class of persons have by the provisions of the union." Provision three contains an appeal safeguard which gives an appeal to the governor-general in council from any decision of the provincial council, or the minority in relation to education. Provision four contains machinery for making the decision of the provincial government effective. If a provincial law seems to the governor-general to require the execution of the provisions of the section is not made, or any decision of the governor-general is not made, he may, after consulting the proper provincial authorities, and in every such case, and so far as the circumstances of each case require, he may make remedial laws for the due execution of the provisions of the section, or of any decision of the governor-general in council.

Vital Clauses. These provisions contain procedure of great importance to the Catholic minority in relation to education.

Determination of Schools. Sub-section 8 places in the hands of the State Board of Education and description of the schools, established, the teachers to be employed and generally the terms of employment. These powers are given to the State Board of Education in sections 15 and 16, which in effect requires that there should be a uniform set of authorized text books while the State Board tries to see that the schools under its jurisdiction are according to authorized standards. Counsel for appellants actually place great reliance upon the wider application of the argument contained in the school the trustees are authorized to be given in such language as best fits.

Cannot Accept View. We cannot say it was the right of appellants to be dispossessed with respect to the number and kind of schools to be within the French language is to be according to their contentions, French means a school for French speaking children.

that it interferes with the right to manage, which trustees possess, and that it further infringes on the right on the part of trustees to appoint teachers whose certificates are provided by the board of whom the trustees can appoint one.

BRANCHES IN ALL CANADIAN CITIES

the leader of the English-speaking section being named MacKell, the case was known generally as MacKell et al. v. Separate Schools.

Toronto, October 25th, 1916.

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authority to pass regulations, there was some defect in the legislation providing for the appointment of a commission. It is a matter easily remedied, but I am hopeful that we shall not need to have recourse to further legislation to enable us properly to carry on the education of the province, and to give every child advantage of it."



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