

## BI-LINGUAL SCHOOLS IN CANADA

and according to the provisions therein contained. It appears, therefore, that the subject of education is excluded from the powers conferred on the Parliament of Canada, and is placed wholly within the competence of the Provincial Legislatures, who again are subject to limitations expressed in four provisions. Provision (1) is in these terms:

“ Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union.”

Provision (3) contains an important safeguard, which gives an appeal to the Governor-General in Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the King's subjects in relation to education. Provision (4) provides machinery for making the decision of the Governor-General in Council effective. If a Provincial Law which seems to the Governor-General in Council requisite for the due execution of the provisions of the section is not made, or any decision of the Governor-General in Council is not duly executed by the proper provincial authority, then, and in every such case, and so far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor-General in Council under the section. These provisions contain a procedure of great value to the Protestant or Roman Catholic minority in relation to education. They do not affect or diminish whatever remedy the appellants have under provision (1), and cannot operate to give the Legislature of Ontario authority to legislate in matters specially excepted from their authority.

Accordingly it would require an Act of the Imperial Legislature prejudicially to affect any right or privilege reserved under provision (1), and if the regulations which are impeached to prejudicially affect any such right or privilege, to that extent they are not binding on the appellants.

There is no question that the English-French Roman Catholic Separate Schools in Ottawa are Denominational Schools to which the provision applies, and it has been decided by this Board that the right or privilege reserved