

## BI-LINGUAL SCHOOLS IN CANADA

should not be made on behalf of the English-speaking parents whose children are being educated in the Roman Catholic separate schools in Ottawa. In this connection it is worthy of notice that the only section in the British North America Act, 1867, which relates to the use of the English and French languages (sec. 133), does not relate to education, and is directed to an entirely different subject-matter. It authorizes the use of either the English or French language in debates in the Houses of Parliament, in Canada, and the Houses of Legislature in Quebec, and by any person, or in any pleading or process in, or issuing from, any Court of Canada, and in and from all or any of the Courts of Quebec. If any inference is to be drawn from this section, it would not be in favor of the contention of the appellants.

Further objections that are taken to the Circular depend upon these considerations, that it interferes with the right to manage which the trustees possess, and that it further infringes a right on the part of the trustees to appoint teachers whose certificates are provided by a Board of whom the trustees can appoint one.

In their Lordships' view, there is no substance in either of these contentions. The right to manage does not involve the right of determining the language to be used in the schools. Indeed, the right to manage must be subject to the regulations under which all the schools must be carried on; and there is nothing in the Act to negative the view that those regulations might include the provisions to which the appellants object. If, therefore, the regulation as to which the trustees of the common schools were bound to carry on the class of school committed to their charge did, in fact, under the Act of 1859, enable directions to be given as to the medium of instruction, the power possessed by the trustees of the separate schools would have been subject to the same limitation, and the question as to interference with the powers of management does not arise as an independent question.

So far as the teachers are concerned, the words of subsection 8 of section 79 empower the trustees to determine the teacher or teachers; but this merely means that they are to be determined out of the number who are duly qualified, and it is for the Board of Education to impose what conditions they think fit as to the necessary qualification of such