

BI-LINGUAL SCHOOLS IN CANADA

APPENDIX IV.

*Privy Council Judgment in Ottawa Separate School Board
vs. R. Mackell and others.*

This appeal raises an important question as to the validity of a Circular of Instructions issued by the Department of Education for the Province of Ontario on the 17th August, 1913.

The primary schools within the Province are for the purposes of this Circular separated into two divisions; public schools and separate schools, the latter, with which alone this appeal is concerned, being denominational schools, established, supported and managed under certain statutory provisions to which reference will be made. The population of the Province is, and has always been, composed both of English and of French-speaking inhabitants, and each of the two classes of schools is attended by children who speak, some one language, some the other, while some, again, have the good fortune to speak both, so that distinction in language does not and cannot be made to follow the distinction in the schools themselves. The Circular in some of its clauses deals with all schools, but its heading refers only to English-French schools, which are defined as being those schools, whether separate or public, where French is a language of instruction or communication, which have been marked out by the Minister for Inspection, as provided in the Circular.

The object of the Circular is to restrict the use of French in these schools, and to this restriction the appellants, who are the Board of Trustees of the Roman Catholic Separate Schools of the City of Ottawa, assert that they are not obliged to submit. The respondents, who are supporters of the same Roman Catholic schools, desire to maintain the Circular of Instructions in its integrity, and upon the appellants' refusal to abide by its terms the respondents instituted against them the proceedings out of which this appeal has