

In the Ontario Sessional Papers for 1890 (vol. XXII. pt. 2. No. 7), we read as follows:—

"THE EXAMINATION AND TRAINING OF TEACHERS, 1851."

"At a meeting of the Council of Public Instruction, April 25th, at which the Rev. Henry James Grasett, A.M., Chairman *pro tempore*, James Scott Howard, Esq., the Rev. John Jennings, and the Rev. Adam Lillie were present, the following minute was adopted:—

"In reference to the programme of the examination and classification of teachers, and the letter of the secretary of the Board of Public Instruction for the County of Essex, submitted to the council as regards the granting of a certificate to a French teacher, who is not conversant with the English grammar, it was,

"Ordered, that there be added to that programme the following:—

"8. In regard to teachers of French or German, that a knowledge of French or German grammar be substituted for a knowledge of English grammar, and that the certificate to the teachers be limited accordingly.

Ordered further, that the above be communicated to the several County Boards of Public Instruction in Upper Canada."

This Order in Council, it would appear, was in full force and effect at Confederation. Now, assuming that this Order in Council can be construed as authoritatively and generally recognizing the eligibility as teachers of those who spoke only French, and no English (which would certainly be putting a strained construction upon it), it might perhaps be contended that Roman Catholic French-speaking Separate Schools had a right by law at Confederation, that their teachers should not be objected to because they could, or did, only teach in French. Supposing the B.N.A. Act was passed in this year of grace instead of having been passed in 1867, and supposing that in conferring upon the provincial legislatures exclusive power to make laws in relation to procedure in civil matters in the provincial Courts, it had added—"subject to the following provision that nothing in any such law shall prejudicially affect any right or privilege which any persons have by law in respect to procedure in the provincial Courts at the Union,"—it could scarcely be contended that the rights as to procedure which exist under the Judicature Rules of Court, made by the Judges, were not rights existing by law; for the rules, being made by the Judges under the authority of the Judicature Act, have the force of statute. So, it might be, perhaps, successfully contended that the regulation made in 1851 by the Council of Public Instruction, duly authorized by law in that behalf, had the effect of statute.

Nevertheless, however much our sympathies may be with them in their fight for their own language, it seems clear that this would not avail the defendants in this action. What sub-sec. 1, of sec. 93, preserves to the defendants is "any right or privilege with respect to denominational schools." But, surely, a school is only denominational in respect to its religious teaching; and it is a fact that so far as the course pursued during the time devoted to religious instruction goes, the Public School