

such system now exists. If, however, the Legislature of such Province should hereafter establish a separate or denominational school system, then the right to the continuance of the system is so far secured by the third sub-section, that an appeal would lie under that sub-section to the Governor in Council, from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority in relation to education. The right of appeal given by this sub-section applies also to Lower Canada and to any Province where a system of separate schools prevails at the time of the Union. The effect of an appeal under sub-section three is considered below.

The above embraces all the restrictions or obligations by this section imposed on the Local Legislatures; and subject thereto any law which a provincial Legislature may enact on the subject of education will have effect, but the Parliament of Canada may, in the causes to which the 4th sub-section applies, but only to the extent authorised thereby, modify or render inoperative the local enactment.

4. Under the 4th sub-section there are two cases or classes of cases on which the Parliament of Canada may pass certain remedial laws on the subject of Education:

First, Where such law is not made by the Local Legislature as to the Governor General in Council seems requisite for the due execution of the provisions of this 93rd section, the Parliament of Canada may, so far only as the circumstances of the case require, make remedial laws for the due execution of the provisions of the section. The Governor in Council, we take it, should make known to Parliament, by order in Council, message or other official act, what law he considers necessary.

Second—Where an appeal is made to the Governor in Council under the 3rd sub-section, and his decision thereupon is not duly executed by the proper Provincial authority, the Parliament of Canada may, so far only as the circumstances of the case require, make remedial laws for the due execution of such decision.

It is only in the above cases, and to the extent mentioned, that the Parliament of Canada have authority to legislate under this section, and in each case the preliminary action of the Governor in Council, referred to in the preceding paragraphs, is necessary to give jurisdiction.

Among the "provisions" to be executed, contemplated in the first case are those of the 2nd sub-section, for though that sub-section seems at once to extend to the Province of Quebec all privileges, powers, and duties therein mentioned, yet legislation may be required to arrange the machinery and details for practically carrying out the provisions referred to.

Possibly cases may arise affecting the provisions of the 1st and 3rd sub-sections in which the Governor in Council might Act without any appeal being had to him.

The appeal provided by the 3rd sub-section is, from 'any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority, in relation to education,' in any Province in which a system of separate or dissentient schools exists by law at the time of the Union, or is thereafter established by the Legislature of the Province. This gives the right of appeal from any Act or enactment of the Local Legislature affecting the right or privilege mentioned. Also, from decisions affecting such right or privilege by the Department of Education or any similar authority having charge of the administration of the law on the subject of Education, on matters which a jurisdiction or discretionary action is by law given to such department or authority, so that in case the Legislature in a Province where a system of separate or dissentient schools is established enact a law affecting an existing privilege, of the Protestant or Roman Catholic minority, in relation to education, an appeal will lie to the Governor in Council; and if his decision upon such appeal is not executed or carried out by the local Legislature passing the necessary law for the purpose, the Parliament of Canada may make a remedial law necessary for the execution of such decision; but to warrant the appeal referred to there must be an existing right or privilege to be effected by the local enactment appealed from. So, also, in case of an appeal from the decision of the Department of Education or other similar authority, if the decision of the Governor in Council is not duly executed by the Department or other authority referred to, the Parliament of Canada may pass the law requisite for enforcing the decision. But the decision to be appealed from must be one effecting an existing right or privilege of the minority. No new rights or privileges are to be acquired by means of an appeal under the 3rd and 4th sub-sections.

S. RICHARDS, ADAM CROOKS, EDWARD BLAKE.

Toronto, March 9, 1867.

We also incline to the opinion that an appeal would lie to the Governor in Council from any decision of a Provincial Court affect-

ing any existing right or privilege of a minority, and that the Governor in Council may declare it necessary to pass a law providing the requisite machinery for the enforcement of his decisions, and that Parliament may upon such declaration and at the failure of the Local Legislature to act, pass such law.

ADAM CROOKS, EDWARD BLAKE.

V. Progress of Education in other colonies.

1. PROGRESS OF FREE SCHOOLS IN NOVA SCOTIA.

Since the adoption of the Educational Act, at the commencement of 1865, the progress made in school matters in Nova Scotia has been worthy of especial notice. A new impetus has been given to the educational interests of the Province, and the unpopularity of the measure at the time of the commencement of its operations is rapidly giving way to a just appreciation of its merits.

Among the evidences of the judiciousness of the present law is the fact that an unprecedented number of new school-houses has been erected, while schools have been established in many localities hitherto destitute of them or inefficiently supplied.

In the Island of Cape Breton there were 231 schools in operation during the last term, being an increase of 68 over the corresponding term for the previous year. In Inverness County thirty-three new school-houses were built during the past year; these, with twenty-five built during the previous year, make fifty-eight erected in one county since the Act came into operation. The term just closed shows an increase of twenty-four in the number of schools in operation as compared with the corresponding term of the previous year. In the County of Pictou 35 school-houses have been completed during the past year, and 15 others are now in course of erection. School registers for this county show an increase of 308 pupils in attendance over those of last year. The number of teachers employed in Yarmouth County during the past year showed an increase over the number previously employed of nearly 100 per cent. Other sections of the Province exhibit a proportionable advance. We learn also that school books, Maps, &c., to the value of \$10,000 prime cost, were furnished to the schools at half cost, during the months of November and December alone. This does not include those furnished to Halifax City Schools.—*St. John, (N.B.) Morning Telegraph.*

2. EDUCATION IN NEW BRUNSWICK.

New Brunswick covers an area of 27,700 square miles, and has a population of about 275,000 souls. It is divided into fourteen counties; its principal cities are Fredericton, St. John and St. Andrews.

This province with scarcely a thousand inhabitants, was united with Nova Scotia, a much more populous and progressive colony, until 1785, when it obtained a separate government, although retaining the same constitution.

The main sources of revenue are, the fisheries, the timber, ship-building, and grain. The annual exportations amount to five million dollars. As our purpose is more particularly to speak of the state of education, we shall not allude further to its commercial or political condition.

The Board of Public Instruction, which forms a section of the Provincial Secretary's Department, is under the immediate direction of its own Superintendent.

There are four School Inspectors. The local school administration is, however, in the hands of Trustees, appointed for several united parishes. There are, besides, certain Committees elected for the immediate oversight of the schools, but hitherto these committees have been appointed only in certain places. Mr. Bennet, the present Chief Superintendent of Education, in his report speaks in high terms of the advantages of these committees, and recommends their organization in every school district, in accordance with the provisions of the school law.

The Council of Public Instruction is composed of the Governor, the members of the Executive Council, and the Superintendent, who is also its Secretary.

At the head of the educational institutions is King's College at Fredericton, founded by royal charter bearing date 18th November, 1823. It was here that many of the leading men of the colony were educated. The college receives an annual grant of £2000 sterling from government. There are grammar schools in every county of the province, with the exception of the counties of York, King's and Victoria. By preparing pupils for the study of the Greek and Latin languages, these schools serve as feeders to the college at Fredericton. They receive annual grants of £100 sterling each from government.

The Baptist congregation have a Seminary at Fredericton; and there is at Mount Allison, an academy belonging to the Wesleyan Methodists.