

LENNOX, J.

SEPTEMBER 11TH, 1914.

MACKELL v. OTTAWA SEPARATE SCHOOL TRUSTEES.

*Separate Schools—Qualifications of Teachers—Illegal Action of Trustees—Mala Fides—Interim Injunction—Interim Order for Opening of Schools—Adjournment of Trial.*

Motion by the plaintiffs for an injunction and other relief as set forth below.

J. F. Orde, K.C., W. N. Tilley, and J. J. O'Meara, for the plaintiffs.

McGregor Young, K.C., for the Minister of Education.

N. A. Belcourt, K.C., and A. C. McMaster, for the defendants.

LENNOX, J.:—The plaintiffs are a minority of the School Board. It will be sufficiently accurate to say that this action is brought to compel the Board, represented for the most part by Chairman Genest, to conduct the schools according to the departmental regulations, to engage and employ a teaching staff composed exclusively of legally qualified persons, to prevent the payment of school moneys to unqualified teachers, and the sale or disposal of certain debentures.

The Court has so far recognised the plaintiffs' status, the importance of the issues raised, and the plaintiffs' *prima facie* right to relief, by enjoining the defendants until the trial. The bulk of the evidence on both sides was put in on the 25th June last, when an adjournment was asked for and obtained by the defendants to enable them to make further searches in the records of the Education Department, and, though strenuously opposed, the injunction was continued. The adjournment was decidedly an indulgence to the defendants, as, so far as I am aware, no intimation of the application was given until the evidence for the defence was well advanced. The object of the action, the terms and aim of the injunction, and the conditions necessarily implied upon an adjournment, should without more have been a sufficient guarantee that the efficiency of the schools would be preserved, and the status quo honourably maintained pending the delay; but, had I known then that Mr. Genest contemplated what he has since consummated, namely, the turning out of the whole teaching staff, there would have been no ad-