

JANUARY 12TH, 1906.

C.A.

RE QUALIFICATION OF TEACHERS IN ROMAN
CATHOLIC SEPARATE SCHOOLS IN ONTARIO.

*Separate Schools—Qualifications of Teachers—Status of Mem-
bers of Religious Communities—Construction of Statutes
—"Persons"—History of Legislation.*

Case stated by the Lieutenant-Governor of Ontario by order in council of 18th August, 1905, for hearing and consideration by the Court of Appeal.

The case stated that certain religious communities for educational purposes, including the Brothers of the Christian Schools, and certain religious communities composed of persons of the female sex, including the Community General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity of Ottawa (commonly called the "Grey Nuns"), were in the year 1860, and had been for several years prior thereto, engaged in educational work in the province of Lower Canada, and the members of such communities were at the time of the passing of the British North America Act, 1867, exempt from undergoing an examination as teachers in the province of Quebec under the provisions of C. S. L. C. 1860 ch. 15.

And the question submitted was: Having regard to the various pre-confederation provincial enactments relating to the subject of education in the late provinces of Upper and Lower Canada, and to the terms of the British North America Act, and to the enactments of the province of Ontario since Confederation, and especially to the provisions contained in the following statutes, viz.: C. S. L. C. ch. 15, sec. 110, sub-sec. 10, paragraph 5; 26 Vict. ch. 5, sec. 13 (C.); the British North America Act, 1867, sec. 93, sub-sec. 1; R. S. O. 1877. ch. 206, sec. 30; 49 Vict. ch. 46, sec. 62 (O.); R. S. O. 1887 ch. 294, sec. 36:—Are members of the above-mentioned communities who became members of such communities since the passing of the British North America Act, 1867, to be considered qualified teachers for the purposes of the Separate Schools Act, and therefore eligible for employment as teachers in the Roman Catholic