

APPENDICES

a teacher. Under the Statute of 1859 the body for examining and giving certificates of qualification for the teacher was constituted by three members of the Board of Public Instruction, including a local superintendent of the schools; and it is argued that, under the power of appointing the local superintendent—a power conferred on the trustees—the provisions in the Circular, which impose as a necessary condition of qualification of the teachers that they must possess a knowledge of the English language, interfered with the trustees' right in this respect. To accede to this argument would involve the removal of the condition as to the necessary qualification of the teachers from the Board of Education. This might be a serious matter for the cause of education in the Province of Ontario; but there is no need to consider that the Statute compels this view. Even assuming that the provision of section 96 as to the granting of certificates to teachers might be still revived; yet even then there is nothing to prevent the establishment of special conditions as conditions with which the teachers must comply before any such certificate can be given.

In the result, their Lordships are of opinion that, on the construction of the Acts and documents before them, the regulations impeached were duly made and approved under the authority of the Department of Education, and became binding according to the terms of those provisions on the appellants and the schools under their control, and they will humbly advise His Majesty to dismiss this appeal.

The appellants will pay the costs.

Ottawa Separate School Board vs. the Ottawa City Corporation, the Quebec Bank, and others. Delivered November 2ND, 1916.

The question raised in these consolidated appeals is whether section (3) of 5 George V, c. 45 (1915), Ontario, is valid and within the competency of the provincial legislature. The appellants contend that this section prejudicially affects certain rights and privileges with respect to denominational schools reserved under provision (1) of section 93 of "The British North America Act, 1867."

The preamble of the Act of 1915 recites that an action was then pending in the Supreme Courts of Ontario between