

they reach, whether thought to be wise or unwise, cannot be interfered with by a Court. They are the Judges in such a case. The salaries they will pay, the engagement and discharge of teachers, and the selection or rejection of duly qualified teachers from time to time as these questions arise, but not in advance, are all matters within their jurisdiction.

But to shut out judicial actions where error or misdoing exists and a remedy is invoked, there must be the act of the Board as a Board, and not merely the act of its individual members. In all matters involving discretion or judgment, the whole question must be presented to the Board, should be weighed and considered by the Board, and must be determined upon by the Board.

What was done here was the act of Chairman Genest alone. The Board had not the power to delegate their duties or functions to him. They have not discharged the old teachers, and they have not entertained or deliberated or determined upon the selection or engagement of any teacher or teachers to take their place; and, speaking of the majority—for the plaintiffs are powerless—the Board, by their flagrant neglect to discharge the duties imposed upon them by law, have not only opened the way but have unintentionally invoked the action of the Court. More than this, not only was there no power to delegate, but the resolution purporting to appoint Mr. Genest was vicious and unlawful *per se*, for its exercise was intended, upon the face of it, to contravene and override the injunction order of the Court should it be issued. The omission of this provision from a subsequent resolution does not change the character of the act.

There is a palpable absence of good faith in the whole transaction; it is contrary to the spirit and intent of the injunction order; it is contrary to what was necessarily implied upon the adjournment and it has created; an intolerable state of things which I feel I have power to and ought to remedy. There will be an order directing the trustees to open the schools not later than Wednesday next, and to maintain and keep them open and properly equipped with properly qualified teachers and in all other ways until argument and judgment in this action; to suffer, permit, and facilitate the return of the ousted teachers to their former positions as teachers; and restraining the Board from interfering with or molesting these teachers in the discharge of their duties as such during the time aforesaid. The order will include the servants, agents, and employees of the defendants, and may contain provisions for notices being sent out by the secretary to the teachers concerned. If the parties cannot agree as to the terms of the order to be issued, I will settle them in the jury-room of the court-house (City Hall) in the City of Toronto on Monday next, the 14th instant, at 10 a.m., and I will then consider any argument addressed to me as to teachers said to have been engaged before the 5th day of this month. I shall also be prepared to hear argument as to whether the Board should be restrained from giving notice terminating the engagements pending the judgment, except upon leave of the Court.

16. The English schools under the jurisdiction of the Board having been opened pursuant to the order of His Lordship Mr. Justice Lennox, the Board refused to provide proper accommodation for the pupils attending such schools and refused and still refuses to pay the salaries of the teachers, caretakers wages, rent of class rooms and other expenses incident to the proper up-keep and maintenance of said schools.

17. Despite the efforts of the Board to close and keep closed the English schools the latter have, with the aid of the Court and the loyal cooperation of a staff of persecuted teachers been kept open, with the exception of an interval in the month of September, 1914. The accommodation afforded is, however, shamefully inadequate, and fuel has recently been declared contraband. If the Board is permitted to continue its present attitude with respect to English schools, the efficiency of these schools can no longer be maintained.

18. Since Confederation Laws have been enacted and Regulations passed establishing:

- (a) Model schools for the training of teachers for English-French schools.
- (b) A standard of training for teachers essentially differing from the standard required in schools exclusively English.