

In the regulations of the Department No. 100 provides: "100. The clergy of any denomination, or their authorised representative, shall have the right to give religious instruction to the pupils of their own church, in each school-house, at least once a week, after the hour of closing the school in the afternoon; and, if the clergy of more than one denomination apply to give religious instruction in the same school-house, the Board of Trustees shall decide on what day of the week the school-house shall be at the disposal of the clergymen of each denomination, at the time above stated. But it shall be lawful for the Board of Trustees to allow a clergyman of any denomination, or his authorised representative, to give religious instruction to the pupils of his own church, provided it be not during the regular hours of a school. Emblems of a denominational character shall not be exhibited in a public school during regular school hours."

It is plain from the resolution, in the light of regulations 97, 98, and 99, that, subject to the duty of the teachers to open and close school with the Lord's prayer and the reading of portions of the Scriptures, no teacher has the right to give religious instruction to the pupils, unless he is the authorised representative of the clergy of some denomination, and then only after the hour of closing, and that in no case have the trustees the right to require or authorise the teacher, as such, to give religious instruction either during or after school-hours.

The teacher in this case had the authority of a clergyman of the Roman Catholic Church, as his representative, to give religious instruction to the pupils of that faith.

The resolutions in this case, being expressed to "allow the teachers to teach the catechism," cannot, I think, be construed as directing or instructing them to do so, but should be construed as enabling them to do so at the close of the school at half-past three, if authorised by the clergy, as required by the regulations. In other words, I think that the resolutions should be read in the light of the regulations, and, in the absence of express language to indicate such an intention, they should not be construed as conflicting with the regulations, but should be construed as enabling a teacher, qualified as aforesaid, to carry out their provisions.

Mr. Proctor's principal argument against the resolutions was, that, as the privilege is wide enough to permit religious instruction to be given in the Roman Catholic faith *every* school-day after closing, all other denominations are thereby excluded from the privilege.