

o'clock and closed at half-past three, the Lord's prayer only being read at the opening and closing. At the closing the Protestant children are allowed to retire, and the Roman Catholic children are detained for instruction in the Roman Catholic catechism by the defendant Thibeault, who has the authority of the Roman Catholic parish priest to give religious instruction to the pupils of that faith.

By sec. 4 of the Education Department Act, 1 Edw. VII. ch. 38, the Education Department was given power, *inter alia*, to make regulations for the government of public schools, and, pursuant thereto, in August, 1904, the Department approved and issued a number of regulations, in one of which (number 15) the hours of study are provided for as follows:—

“15. Unless otherwise directed by the trustees, the pupils attending every public school shall assemble for study at nine o'clock in the forenoon, and shall be dismissed not later than four o'clock in the afternoon. One hour at least shall be allowed for recreation at mid-day, and ten minutes during the forenoon and afternoon terms, but in no case shall the hours of study be less than five hours per day, including the recess in the forenoon and afternoon, provided always that the trustees may reduce the hours of study for pupils in the first and second forms.”

I think it clear from this regulation that the trustees are authorised to change the hours of opening or closing the school, provided that, after making allowance for one hour recreation at mid-day, the hours of study are not made less than five hours per day, including the recess in the forenoon and afternoon.

The effect of the resolution in this case, that the school shall close at half-past three, instead of four o'clock, is, therefore, not in violation of the regulation, as there remain five and one-half hours for study each day, including the two recesses.

The remaining and principal question for determination is, whether the resolutions of the 22nd August, or either of them, violate the Public Schools Act or the regulations in reference to religious instruction in public schools.

Section 8 of the Public Schools Act, 9 Edw. VII. ch. 84, provides: “8 (1). No pupil in a public school shall be required to read or study in or from any religious book or to join in any exercise of devotion or religion objected to by his parent or guardian. (2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire.”