

him no right to dismiss or engage teachers. This is a function of the Board, and cannot be delegated. My former judgment, so far as it continues applicable, will be taken as repeated here.

In the pleadings the plaintiffs ask that the members of the Board who occasioned this action be made personally responsible for costs and any loss they have occasioned, with a reference to ascertain the amount; and, though this branch of the claim was not referred to upon the argument, I should consider it, and I have given it a good deal of anxious thought. There may be technical or legal objections; but, altogether aside from this, I am not disposed to make this somewhat unusual and drastic order. . . .

Except in the matter of closing the schools and attempting to discharge the teachers, it has not been shewn that these trustees did not act honestly, conscientiously, and in good faith; and, short of this, I am not prepared to penalise them by declaring a personal liability for costs and damages. I will make no order under this prayer of the statement of claim. The plaintiffs may withdraw it or have their rights, if any, reserved if they deem it necessary or desire to do so.

There will be judgment for the plaintiffs against the defendant Board with costs, declaring:—

(1) That the Instructions or Regulations in the pleadings mentioned and the Acts and proceedings sanctioning them are *intra vires* of the Provincial Legislature, apply to and bind the defendants, and have been and are being disobeyed.

(2) That the defendants have not been and are not conducting the schools under their charge according to law.

(3) That the resolutions of the defendant Board purporting to delegate to the chairman power to discharge, select, and engage teachers were *ultra vires*, that the notices to teachers in pursuance thereof were unwarranted, and that the agreements with these teachers were not thereby terminated.

(4) That it is a statutory duty of the defendant Board to see that the schools under its charge are conducted according to the provisions of the Separate Schools Act and the Instructions and Regulations of the Department of Education, to maintain order and discipline in these schools, and to permit and facilitate their inspection, and the defendant Board neglected and violated its statutory obligations in this regard.

(5) And there will be judgment for an injunction in the terms generally and to the purport and effect of the interim injunction granted in this action by the Chief Justice of the King's