

The plaintiff sued on behalf of himself and all other rate-payers of the defendant union school section for a declaration that certain resolutions passed by the Board of Trustees of the section were invalid, and for an injunction restraining the Board from continuing to have denominational religious instruction, and in particular the prayers and catechism of the Roman Catholic Church, imparted in their school, and restraining the defendant Thibeault, the teacher, from teaching the same in the school building.

F. B. Proctor, for the plaintiff.

N. A. Belcourt, K.C., for the defendants.

TEETZEL, J.:—Upon the school-register for 1910 there were slightly over one hundred pupils, and all but eight or nine of them professed the Roman Catholic faith.

Prior to April, 1910, the defendant Thibeault had for some time adopted the practice of opening and closing the school by reading the Lord's prayer and two prayers or invocations used in the Roman Catholic Church services, and also, before closing the school in the afternoon, taught the Roman Catholic catechism to the pupils of that faith.

Some complaint having been made and a resolution having been passed on the 20th April, 1910, by the trustees, that the school should be managed according to the regulations and the Public Schools Act, the teacher discontinued all religious instruction or services, except the reading of the Lord's prayer at the opening and closing of school.

On the 5th July, 1910, the trustees passed a resolution in these words: "That the teachers of the school department be allowed to teach catechism to their pupils according to the desire of their parents for half an hour in the afternoon during the class every day." This resolution, being clearly in violation of the Public Schools Act and the regulations of the Education Department, was repealed at a special meeting of the Board on the 22nd August, 1910; and the repealing resolution provides that "the teaching of catechism can be allowed only if the school-house is closed at half-past three o'clock statuted by resolution to shorten the school hours of teaching." At the same meeting a resolution was passed declaring that "the school will be closed every day at half-past three o'clock to allow the teachers to teach catechism to their pupils who desire to be instructed in their faith and religious principles."

Since these resolutions the school has been opened at nine