

Part II. Exclusively Public Schools.

Members of the Board who were representatives of the Separate School Board were thus prohibited from dealing with matters of business under Part II., but were entitled to deal with those coming under Part I.

The plaintiff alleged that transferring Munro from the teaching staff of a Collegiate Institute was a matter within Part I., and should have been dealt with by the whole Board, and not, as actually happened, under Part II., by members other than those representing the Separate School Board.

Even if there had been an irregularity in the procedure at the meeting of the 3rd July, the minutes of that meeting were adopted and confirmed at a meeting of the Board on the 4th September, 1919, at which a representative of the Separate School Board was present. Moreover, at a meeting held on the 4th December, 1919, and when the Board was proceeding under Part II., a resolution was passed, by a vote not only of the majority of the members present, but by a majority of the full membership of the Board, confirming Munro in the position to which he had been appointed.

Not only was the Board acting within its powers in making the appointment, but it was discharging a statutory duty: sec. 73 (n) of the Public Schools Act, R.S.O. 1914 ch. 266; sec. 23 of the Boards of Education Act.

The Court has no jurisdiction to interfere with the internal management of the Board's affairs: Halsbury's Laws of England, vol. 5, p. 289, para. 471; *Foss v. Harbottle* (1843), 2 Hare 461; *Burland v. Earle*, [1902] A.C. 83; and other cases.

The minority have no right of action against the majority in respect of proceedings of which they do not approve, when the act complained of is in substance an action which the majority are entitled to do: Halsbury, vol. 8, p. 347, para. 778; *Lord v. Copper Miners Co.* (1848), 2 Ph. 740.

At the trial evidence was adduced as to the defendant's professional qualifications. He holds a permanent certificate as a High School teacher, but only a temporary certificate as a Public School teacher.

Section 87 (2) of the Public Schools Act, incorporated into the Boards of Education Act by sec. 23 thereof, declares that no person shall be employed to act as a teacher unless he holds a certificate of qualification. By sec. 2 (o) of the Public Schools Act, "teacher" means a person holding a legal certificate of qualification. The departmental records shew Munro to be the holder of an interim first class Public School certificate which is on file in the Department of Education and in full force and effect. It was shewn that in the case of a teacher who holds an