

MACLAREN, J.A., was also of opinion that the appeal should be dismissed. He read an elaborate judgment, with many references to authorities and to the provisions of the Bills of Exchange Act.

MAGEE, J.A., agreed with MACLAREN, J.A.

*Appeal dismissed with costs.*

FIRST DIVISIONAL COURT.

DECEMBER 10TH, 1917.

\*RE OTTAWA SEPARATE SCHOOLS.

*Constitutional Law—Act respecting the Appointment of a Commission for the Ottawa Separate Schools, 7 Geo. V. ch. 59—Intra Vires of Legislature of Ontario—Decision on Previous Act, 5 Geo. V. ch. 45—Suspension of Powers of School Board while Purpose to Disobey Law Exists.*

Question referred by the Lieutenant-Governor in Council, under the authority of the Constitutional Questions Act, R.S.O. 1914 ch. 85, to the Appellate Division of the Supreme Court of Ontario for hearing and consideration.

Question: Are the provisions of the Act respecting the Appointment of a Commission for the Ottawa Separate Schools, 7 Geo. V. ch. 59, within the legislative authority of the Legislature of Ontario?

Argument was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, HODGINS, and FERGUSON, JJ.A.

McGregor Young, K.C., and W. N. Tilley, K.C., for the Attorney-General for Ontario.

N. A. Belcourt, K.C., and J. H. Fraser, for the Ottawa Separate School Board.

MEREDITH, C.J.O., in a written judgment, said that it had been declared by the Judicial Committee of the Privy Council that a former Act for the appointment of a Commission for these schools, 5 Geo. V. ch. 45, as framed, was ultra vires: *Ottawa Separate School Trustees v. Ottawa Corporation*, [1917] A.C. 76, 33 Times L.R. 41, 32 D.L.R. 10.

All that had been decided was, that the Act 5 Geo. V. ch. 45, as framed, was ultra vires: there was nothing to indicate or to