Mr. HALDANE.—I am taking it step by step, and I am asking whether it is not possible to come to a construction of these two sections, which will leave the language of subsection 1, which it is to be observed expressly limits the restrictions of the legislative powers to such rights as there are existing at the union—whether it is not possible to so construe the language of subsection 2 as to leave subsection 1 operative as fully as according to its language it would have been if it stood alone. My objection is that there is no inconsistency between subsection 2 and subsection 1; that subsection 2 in no sense cuts down what is given by subsection 1. Subsection 2, I suggest to your Lordships, has a much wider operation and bearing and is of much wider scope than subsection 1. It is intended to deal not merely, perhaps not even primarily, with legislative matters but with the executive and judicial authorities in the province.

The Lord CHANCELLOR.—Judicial, do you say?

Mr. HALDANE.—I think so. A court would be a provincial authority, and I will tell your Lordships why. Let me remind your Lordships first that at the date of the passing of this Act in 1870 and in 1871 when the Imperial legislature confirmed it, there was no Supreme Court in Canada. There was power under the British North America Act to organize one, but none had been organized. On these federal questions the appeal would have had to come straight to your Lordships' Board, and that would have been a very serious and onerous thing for the Catholic minority to have undertaken.

The Lord CHANCELLOR.—What the judge did would be the interpretation of the law *intra vires.*

Mr. HALDANE.—Yes.

The Lord CHANCELLOR.—Then, was the Governor General in Council to decide that the judge had misinterpreted the law?

Mr. HALDANE.—Yes.

The Lord CHANCELLOR.—That is rather startling.

Lord MACNAGHTEN.—A court of appeal on matters of law from the decision of a competent judge?

Mr. HALDANE.—A court of appeal from a decision of a provincial court, which was the only court which could give judgment.

Lord MACNAGHTEN.—It is a most startling suggestion.

The Lord CHANCELLOR.—An absolute court with an appeal to this board. Supposing the Governor General in Council said it was *ultra vires* and requested the Dominion legislature to legislate, and then it came up to this board and this board held it *intra vires,* that would create an awkward situation.

Mr. HALDANE.—The position which the Governor General and the Dominion legislature would have been in, would be a matter for them to consider, but it seems to me these words are wide enough to cover the reference. It is called an appeal in terms and it is spoken of as a decision. Take the words from the beginning, "An appeal shall lie to the Governor General in Council from any Act or decision of the legislature of the province or of any provincial authority." Supposing the Governor General under that Act were deciding a question of the validity of a by-law, how could it have been raised as an answer to him that there was a decision of a judge of the Queen's Bench in Manitoba affirming the validity of the by-law?

The Lord CHANCELLOR.—There are only two remedies given: The first is in case they do not pass the provincial law he requires them to pass, or in case a decision of his is not duly executed by the proper provincial authority; that is to say, if he has reversed the judgment and effect is not given to it by the court below.

Mr. HALDANE.—It may be unusual, but the whole situation is unusual. You have here a position of matters in which it was desirable to protect the rights of minorities and in which there was no way of dealing with the Acts of the local authorities of the provinces, except by the expensive process of appeal to your Lordships here, and further than that, in which there was no machinery by which the minority, whether Protestant or Catholic, could bring the question of the validity of legislation before any tribunal at all.