Mr. COZENS-HARDY.—I suggest so.

Lord MACNAGHTEN.—Why is that?

Mr. COZENS-HARDY.—The words are: "In case any such provincial law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section."

The Lord CHANCELLOR.—But the "due execution of the provisions of this scheme" means when there has been an appeal made to him, it is in order to carry out his views upon that appeal, that is all.

Mr. COZENS-HARDY.—With submission, is that consistent with the following words: "Or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority"?

The Lord CHANCELLOR.—Yes, because there might be a decision which would not be a legislative Act. They might be affected in two ways, they might be affected by an administrative act, they might be affected by a legislative act, and in both cases therein is an appeal given.

Mr. COZENS-HARDY.—But subsection 3 deals with remedial laws in both cases.

The Lord CHANCELLOR.—It might be, if there was an appeal against an administrative act which was not put right, you might have to have a remedial law in order to take away that power which had been abused.

Mr. COZENS-HARDY.—I submit to your Lordship that subsection 3 is merely intended to provide for the due execution of the exclusive power of legislation in the matter of education which is given to the province of Manitoba, and that it has no reference whatever to anything except a matter which is outside the powers of Manitoba in this section, and something which is necessary to secure the due execution of the provisions of this section.

The Lord CHANCELLOR.—On that point of course we cannot but look to the effect of section 93 if that view be correct, because if "provincial authority" in section 93 does not include "legislature" in subsection 3, then it is quite clear—at least it strikes me so—that the appeal which is given by subsection 3 must apply to subsection 1.

Lord WATSON.—I do not understand this altogether. There was good deal of argument and a great deal of expression of opinion in the court below, which I hardly follow, upon the improbability of the Dominion legislature superseding the provincial legislature. They have done so in some cases, and the question is in what cases. They have most unquestionably substituted the Dominion legislature, and laid upon them the duty of considering and doing everything proper to be done to effect that which the provincial legislature ought to have done. That is to a very large extent at any rate affecting their legislative powers.

Mr. COZENS-HARDY.—This brings me, my Lord, to the next point I was coming to, which is this—I say it is contrary to principle that an admittedly *intra vires* statute cannot be revoked by the legislative body which creates it. Now, there is no similar restriction, so far as I am aware, to be found in the legislation of Canada. I have looked through the Act carefully, and I am not aware of any instance, nor have my learned friends referred to any instance in which an admittedly *intrâ vires* Act cannot be revoked by the body which admittedly rightly passed it originally.

Mr. BLAKE.—I was stopped on that point.

The Lord CHANCELLOR.—The revocation might give a right to appeal on the ground that it destroyed certain rights. For example, let me take a case. You say that it is applicable to the provisions of subsection 1. Supposing that there had been in Manitoba some rights and privileges (it was clearly thought there were) existing at the time of the union. Supposing that immediately after that the provincial parliament had passed a law putting into the shape of an enactment all the rights that existed, and repealed any pre-existing law. At that time those rights and