

require this Court to hold that, in the circumstances which existed as to these schools, it was not competent for the Legislature to make provision for meeting the conditions which these circumstances had created, and by a properly framed enactment to suspend the powers of the Separate School Board if and so long as it refused to conduct the schools under its management, in accordance with the law. Indeed, the careful wording of the declaration of the Judicial Committee, and the fact that it was limited to the Act *as framed*, appeared to indicate the contrary and to warrant the inference that, in the view of the Judicial Committee, it would be competent for the Legislature to pass such an Act as that now in question, or at all events to indicate that the right to do so was left open.

The learned Chief Justice then pointed out differences in the two Acts, and said that the provisions of the Act now in question were not, in his opinion, open to the objection held to be fatal to the validity of the earlier Act, but were *intra vires* the Legislature by which they were enacted.

The Chief Justice added that, even if it were not as clear as he thought it was that the effect of the decision of the Judicial Committee was not to declare that it was not competent for the Legislature to meet such conditions as existed in the case of these Ottawa schools, by providing for the suspension of the powers of the Board if and while it refused to obey the law and insisted upon conducting the schools under its charge in defiance of the law, he would decline to take the responsibility of holding that where such conditions existed the Legislature was powerless to provide an effective remedy for ensuring that the schools should be conducted according to law, and for securing to those separate school supporters who were desirous that the law should be obeyed the privileges which they were entitled to enjoy under the provisions of the British North America Act—always provided that, where the remedy is the suspension of the powers of the Board, that suspension is to continue only so long as the purpose and intention to disobey the law exists.

The question referred should be answered in the affirmative.

MACLAREN and MAGEE, J.J.A., agreed with the Chief Justice.

HODGINS and FERGUSON, J.J.A., also agreed that the question should be answered in the affirmative, for reasons stated by each in writing.

*Question answered in the affirmative.*