that connection there is a very able judgment by the late Mr. Justice Newcombe. In Danjou v. Marquis, Mr. Justice Fournier held:

(Translation) As there is no doubt that the federal government has the right to subject these cases to appeal, any provincial legislation then existing to the contrary notwithstanding, it seems to me this provision should be given its full and complete effect.

Moreover, it is quite competent for the dominion parliament to allow an appeal to the Supreme Court of Canada from judgments of provincial courts, even though such judgments may not be final nor such courts the courts of final resort. This also has been decided by the courts. I shall quote the words of the late Chief Justice Taschereau in the case of L'Association St. Jean-Baptiste de Montreal v. Brault, where he said:

Section 101 of the British North America Act, 1867, enacts that notwithstanding the exclusive jurisdiction given to the provincial legislatures over civil rights, the parliament of Canada has the power to provide for the constitution, maintenance and organization of a general court of appeal for Canada, without restricting the power, as it does for additional courts of first instance, to the administration of laws of Canada.

It will be observed that this judgment points out that the power to constitute a general court of appeal for Canada is not restricted by the concluding words of the section, "for the better administration of the laws of Canada." Those words applied only to the establishment of other courts.

Mr. BENNETT: Like the exchequer court or the board of railway commissioners.

Mr. LAPOINTE (Quebec East): Exactly, That judgment was affirmed by the privy council, and Sir Barnes Peacock, who pronounced the decision, used words to the same effect: Another important consideration is the fact that provincial legislatures have no power to grant an appeal to the Supreme Court of Canada; this is a federal power.

In the case of Union Colliery Company v. Attorney General for British Columbia, the legislature of British Columbia had enacted the power of referring questions to the appeal court of British Columbia with a provision for appeals, and the Supreme Court of Canada held that no appeal lies to the Supreme Court of Canada from the opinion of the British Columbia court on such a reference. If it was the intention of the act to create such an appeal, it was beyond the powers of the legislature of the province, and the appeal was quashed.

Mr. BENNETT: Although it will be remembered that in our similar act we did provide that there should be appeals to the privy council.

Mr. LAPOINTE (Quebec East): Yes.

Mr. BENNETT: And they copied it, limiting it to the Supreme Court of Canada rather than the judicial committee.

Mr. LAPOINTE (Quebec East): Yes, but the legislature of British Columbia could not do any such thing.

Mr. BENNETT: I have sometimes doubted whether we could until after we got extra-territorial powers.

Mr. LAPOINTE (Quebec East): Here is what I desire to submit. The power vested in the parliament of Canada by section 101, made exercisable as it is notwithstanding anything in that act, would authorize legislation giving the Supreme Court of Canada in its character of "a general court of appeal for Canada" not merely appellate civil and criminal jurisdiction as at present, but exclusive appellate civil and criminal jurisdiction in respect of all appeals, and rendering the judgment of this court final and conclusive. Such legislation would in my opinion involve no encroachment upon the powers of the provinces. The powers of the provinces in matters of administration of justice are in section 92 of the British North America Act, and they read as follows:

The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.

There is no doubt that the giving or withholding of an appeal is a matter of procedure. The provinces have the right to provide for courts of appeal and appeals, but they are limited by section 92 to "in the province"; they cannot go outside, and that is the reason why they could not provide for an appeal to the Supreme Court of Canada. Their jurisdiction, their power of creating a court of appeal, is limited by the words "in the provinces." With this the dominion parliament would have no power to interfere. But the regulation of appeals in civil cases from provincial courts to an appellate court which is not provincial is a matter clearly extraneous to the power to provide for "the constitution, maintenance and organization of provincial courts," or to prescribe the "procedure in civil matters in those courts." It is only the parliament of Canada which can give or take away the right