" organization of Provincial Courts, both of Civil and of Criminal " Jurisdiction, and including procedure in civil matters in those Courts."

By another clause the exclusive Legislative authority of the Parliament of Canada is declared to extend to (amongst other matters) " the Criminal Law except the Constitution of the Courts of Criminal " Jurisdiction, but including the procedure in criminal matters."

By another clause the Parliament of Canada is authorized to make laws for the peace, order and good government of Canada; and by another clause (that under which the Supreme Court is established) it is provided that the Parliament of Canada may " from time to time provide for the " constitution, maintenance and organization of a general Court of Appeal " for Canada, and for the establishment of any additional Courts for the " better administration of the laws of Canada."

It is thus obvious that in carrying out the general principle recited in the preamble, the Imperial Parliament placed, or rather left, in the hands of the subjects of Her Majesty resident in Canada, control as well over the judicial enforcement of their laws as over the enactment and alteration of those laws.

But if it was competent to provincial authority, and is competent to Canada, to make the Judgment of Local Courts final in the vast majority of cases, it must surely be, by the same process of reasoning, within its competence to make that judgment final in all cases. There can be no pretence for saying that while the prohibition of all appeals in criminal cases, and the limitation of appeals in civil cases, to questions involving over £500 stg. or $4,000 are lawful, the extension of that limitation to $20,000 or $100,000, or the application to all civil cases of the principle of prohibiting appeals already applied to most civil and all criminal cases is unlawful. Unless therefore it should be intended to reverse the settled current of Local Legislation, to assume a power which has never before been used in like case, and to withdraw by the exercise of executive authority the rights and liberties of Canada and the Provinces, conferred by the Imperial Parliament and established by the usage of so many years, it would seem to be impossible to disallow the Act in question. This further observation is to be made that, even on the inadmissible assumption that the 47th clause is beyond the constitutional power of the Canadian Parliament, yet by it no harm is done. It is in such a case inoperative. Besides it does not purport to do anything positively; no action can be taken by anyone under colour of it. It simply purports to restrain an appeal. So that if but for the clause there would be an appeal there is an appeal notwithstanding the clause. And if we are to contemplate the occurrence of an event so unlikely and so much to be deprecated, as that by Imperial Legislation such an appeal should be given, that appeal can be taken notwithstanding the clause in question just as it might if so given, be taken in the cases in which appeals have been so long prohibited by the Provincial Statutes to which I have referred. The objection to such action by the Imperial Parliament would be political not legal, and would exist whether the clause in question were retained or repealed. This is therefore a case in which there is no