such matters as were in question in the case should be final. It went as far as the privy council, and the judicial committee held that this provision was intra vires the dominion parliament and effective to bar the right of appeal conferred in general terms by the civil code. Sir Montague Smith said:

> Procedure must necessarily form an essential part of any law dealing with insolvency. It is therefore to be presumed, indeed it is a necessary implication, that the imperial statute, in assigning to the dominion parliament the subjects of bankruptcy and insolvency, intended to confer on it legislative power to interfere with property, civil rights, and procedure within the provinces, so far as general law relating to those subjects might affect them. Their lordships therefore think that the parliament of Canada would not infringe the exclusive powers given to the provincial legislatures, by enacting that the judgment of the court of Queen's bench in matters of insolvency should be final, and not subject to the appeal as of right to Her Majesty in council allowed by article 1178 of the code of civil procedure.

In the Nadan case, Lord Cave expressed the same view.

Mr. BENNETT: In the Crown Grain Company case there was the converse of that.

Mr. LAPOINTE (Quebec East): Exactly. By the Statute of Westminster the limitations on dominion legislative power imposed by the Colonial Laws Validity Act, by section 129 of the British North America Act as regards the repeal or alteration of laws in force in the provinces at the union which were enacted by or existed under imperial acts, and by the doctrine forbidding extraterritorial legislation, were abrogated, as shown in British Coal Corporation v. the King, which I have mentioned.

These legal restrictions on the legislative powers of the dominion parliament having been removed, obviously it is within the legislative competence of the parliament of Canada to prevent any appeal in matters within its legislative authority. We come now to a more difficult point, as to civil appeals relating to subject matters within the exclusive legislative authority of the province. First, the regulation or prohibition of appeals from provincial or dominion courts to His Majesty in Council, whether in virtue of the prerogative or a statutory grant, transcends provincial legislative authority and, therefore, is within the exclusive legislative competence of the parliament of Canada, in virtue either of its residuary power to make laws for the peace, order and good government of Canada, or of its exclusive and paramount power under section 101 of the British North America Act to establish a general court of appeal for Canada. Section 101 reads:

> The parliament of Canada may, notwithstanding anything in this act, 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.

In virtue of the powers so conferred, the parliament of Canada established the Supreme Court of Canada, as I stated before, and provided that the supreme court should have appellate jurisdiction, civil and criminal, within and throughout the Dominion of Canada. The decisions which have been given by both the supreme court and the privy council afford authority for the propositions which I am going to submit. First, the legislative power conferred by section 101 may be exercised—this is the language of the section—notwithstanding anything in the act. The language of the privy council in the case of Tenant v. the Union bank, plainly indicates that parliament, so long as it relates strictly to these matters, is to be the paramount authority and to the extent that the provincial judicial system is repugnant to the legislation of the parliament of Canada within the scope of section 101, the provincial arrangements would not be valid.

In the Crown Grain Company case, to which my right hon. friend has just referred, it has been clearly ruled that provincial legislation cannot take away jurisdiction conferred upon the supreme court by the Supreme Court Act. In that case, as my right hon. friend will remember, it was held that the Manitoba Mechanics and Wageearners Lien Act, which enacted that in suits relating to liens the judgment of the Manitoba Court of King's Bench would be final and that no appeals should lie therefrom, was ultra vires of the provincial jurisdiction because no provincial act can circumscribe the appellate jurisdiction granted to the supreme court by the dominion parliament under section 101. I could quote what was said by Lord Robertson, who delivered the judgment of the board in that case, but I shall not.

Mr. BENNETT: It was a very brief judgment.

Mr. LAPOINTE (Quebec East): The same thing was decided by the Supreme Court of Canada in Consolidated Distilleries Limited v. Consolidated Exporters Corporation. In