Of course this clause cannot have the effect of preventing the exercise of any of the powers with which the Imperial Parliament is invested. No Act of the Canadian Parliament can have such an operation. If in the present relations of England to Canada, and having regard to the constitutional rights of Her Majesty's subjects residing in this Dominion, it were deemed by England to be right and consistent with the powers of self-government vested in Canada that a Court of Appeal for Canadians should be established in England against the wishes of the Canadian people, or if it were deemed to be right or consistent to alter against their wishes the provisions of their constitutional Act, the legal power to do these things exists in the Imperial Parliament; the objection to the doing of them, however grave, being based upon other and higher considerations than those involving the existence of the legal power. It is enough to say that whatever authority the Imperial Parliament had before the passing of this Act it still retains.

The clause is therefore to be considered as simply carrying out to its fullest extent a policy which has been to a very large extent and for very many years pursued in Canada and recognized in England. It is true that special considerations apply to Criminal Appeals, but it is nevertheless significant that Provincial Statutes have been long in force for preventing appeals from the decisions of the Courts of Upper Canada, now Ontario, in criminal cases, though these of course involve questions infinitely more important to the subject than those of property. For many years Provincial Legislation has precluded the right of appeal in the vast majority of the civil matters decided by the Provincial Courts. All matters arising in the Division Courts, all matters arising in the County Courts, and all matters arising even in the Superior Courts (excepting those few of the latter which involve more than $4,000, or the taking of a rent, &c., &c.,) and some phases of the trial of even such exceptional matters are finally disposed of in the Provincial Courts. Thus by 34th Geo. III. Cap. 2, it is enacted that the judgment of the Provincial Court of Appeal shall be final in cases where the amount involved does not exceed £500. So again by the Consolidated Statutes of Upper Canada, Cap. 13, Sec. 57 (consolidating 12 Vic., Cap. 63), it is provided that the Judgment of the Provincial Court of Error and Appeal shall be final where the matter in controversy does not exceed the sum or value of $4,000; and by the 58th and following sections special provisions are made for an appeal to Her Majesty in Council in the excepted cases, but there are attached stipulations and conditions upon the performance of which the right to appeal depends. So again by the 29th section of the same statute (consolidating 20 Vic., Cap. 61) it is provided that in the criminal cases in which appeals to the Provincial Court of Error and Appeal are by that Act allowed the order of the Court of Error and Appeal shall be final. It is needless to refer to the other statutory provisions as to Ontario in the same sense, as those cited are sufficient to exemplify the proposition I advance.

In the late Province of Lower Canada, now Quebec, by 34th Geo. III, Cap. 6, Sec. 30, it was provided that the Judgment of the