

effect to legislation on any of the subjects mentioned in s. 91, encroach on the subjects specifically reserved for the Provincial Legislatures by s. 92; because, so far as may be necessary to give such effect to Dominion legislation, there is an express reservation in favour of the Dominion of a right to deal with the matters included in the class of subjects enumerated in s. 92.

*Tennant v. Union Bank*, (1894) App. Cas. 31, and *Citizens' Insurance Co. v. Parsons*, 7 App. Cas. 96, which are said to be "hopelessly in conflict," are perfectly consistent and in agreement with the principle of construction adopted in *Russell v. The Queen* and *Hodge v. The Queen*. They show that the line which divides the legislative powers of the Dominion from that of the Provinces is not a straight one, but one that pursues a somewhat devious course.

The critics of these decisions are mostly of the destructive sort, and while they regard them as hopelessly in conflict they do not vouchsafe to inform us what they think the court should have decided, or in the supposed conflict of decisions which, if any of them, they think was right, and which was wrong. Those who criticize merely to destroy, without pointing out a better way, do not contribute very much to the formation of a sound opinion.

But assuming that *Russell v. The Queen* was rightly decided, and that *Hodge v. The Queen* is the case which is considered to be wrong, then we assume that the critics of the Privy Council are of opinion that it would be a more correct interpretation of the British North America Act to have held that, in dealing with the subject of licenses of taverns, the Provincial Legislatures should have been limited simply to the power of imposing the fee to be paid for such licenses, and that they should have been held to have no power to impose any terms regulating the sale of liquor under such licenses, and, having tied up the Provincial Legislature in this way, we presume they would desire that the Dominion should also be denied the power of regulating the sale of liquor under such licenses, on the ground that to do so would be an interference with "property and civil rights," or as being a matter of "a local nature"; so that the people of the Dominion would find, under this method of construing the British North America Act, that they had practically been deprived of the most important rights of self-government, and that that Act, instead