mit, that the words "interfering" and "affect" must be interpreted in the light of the former judgments of the Privy Council. And just as in *Russell* v. *The Queen** they laid it down that an Act of the Dominion Parliament is not affected in respect to its validity by the fact that it interferes prejudicially with the object and operation of provincial Acts, provided it is not in itself legislation within one of the subjects assigned to the exclusive legislative jurisdiction of the provincial legislatures, so, *e converso,* they laid it down in *Bank of Toronto* v. *Lambe*† that if, on the due consideration of the British North America Act, a legislative power falls within section 92, it is not to be restricted or its existence denied because, by some possibility, it may be abused, or may limit the range which otherwise would be open to the Dominion Parliament.

It appears very clear that it would not be safe to understand their lordships now as meaning more than that, if a portion of the provincial domain had been legitimately taken possession of by the Dominion Parliament in the manner indicated, any subsequent provincial legislation in that domain which directly conflicted with such Dominion legislation would be overridden by the latter. That Dominion legislation must be paramount in such cases of direct conflict has been several times asserted by judges in our own Canadian courts;‡ but these, and those above quoted from *Tennant* v. *The Union Bank*, are, I think, the first *dicta* of the Judicial Committee asserting the predominance of Dominion legislation. Indeed, on the argument which took place before the Privy Council in 1885 in reference to the Dominion License Acts, 1883-84, which I have had an opportunity of reading, Mr. Horace Davey incidentally said that the question of what is to be the rule in such cases of direct conflict had not yet been before the Privy Council for decision. The result now finally arrived at, however, would seem clearly to carry out the intention of the framers of the Act, for a reference to *Hansard* shows that, on the second reading in the House of

* 7 App. Cas., at pp. 837-8; 2 Cart., at pp. 20-1 (1882).

† 12 App. Cas., at pp. 586-7; 4 Cart., at pp. 22-3 (1887).

‡ Per Ritchie, C.J., in *Citizens' Insurance Co.* v. *Parsons*, 4 S.C.R., at p. 242, 1 Cart., at p 292; per Fournier, J., S.C. 4 S.C.R., at pp. 273-4, 1 Cart., at p. 304; per Ramsay, J., *Three Rivers* v. *Sulte*, 5 L.N., at p. 333, 2 Cart., at p. 287; per Gwynne, J., in *City of Fredericton* v. *The Queen*, 3 S.C.R., at p. 562, 2 Cart., at pp. 54-5; per Hagarty, C.J.O., in *In re Local Option Act*, 18 A.R., at p. 580.