

Dominion has power to prohibit the sale of liquor altogether, as a matter affecting the peace, order, and good government of Canada, and also as a matter of trade and commerce. And they have also held that, where no such prohibitory Act of the Dominion is in force, the Provincial Legislatures, as a necessary incident of their right to legislate in respect of saloon licenses, have also the right, as a matter of local municipal police, to prescribe the terms on which such licenses shall be granted, and on which they shall be subject to forfeiture, notwithstanding that in doing so they may incidentally affect trade and commerce in liquor. Now, this is perfectly plain from the following passage, which we take from the judgment of the Privy Council in *Hodge v. The Queen*: "Their lordships consider that the powers intended to be conferred by the Act in question, when properly understood, are to make regulations in the nature of police or municipal regulations of a merely local character for the good government of taverns, etc., licensed for the sale of liquor by retail, and such as are calculated to preserve, in the municipality, peace and public decency, and repress drunkenness and disorderly and riotous conduct. As such they cannot be said to interfere with the general regulation of trade and commerce, which belongs to the Dominion Parliament, and *do not conflict with the provisions of the Canada Temperance Act, which does not appear to have as yet been locally adopted.*"

From this it would seem to be reasonably clear that if the Canada Temperance Act had, in fact, been in force then, and so long as it continued in force, any Provincial legislation authorizing the issue of licenses to sell liquor would, *pro tempore*, be suspended.

These decisions of the Privy Council on the British North America Act, therefore, seem to lead to the conclusion that a Provincial Legislature may, in the exercise of its jurisdiction under s. 92, exercise a plenary right of legislation in respect of the subject-matters mentioned in that section, even though in doing so they may incidentally affect some of the subjects mentioned in s. 91; but in doing so they cannot override, or run counter to, any express legislation by the Dominion Parliament upon any of such last-mentioned subjects.

So, also, the Dominion, in the exercise of its exclusive legislative powers, may, so far as is necessary to give due and proper