

Canadian Act of 1886. In so far as they do, provincial must yield to Dominion legislation, and must remain in abeyance unless and until the Act of 1886 is repealed by the parliament which passed it."

This judgment then establishes the principle that Dominion legislation even though not on one of the subjects enumerated in section 91 of the British North America Act, but under the residuary Dominion power to make laws for the peace, order, and good government of Canada upon non-provincial subjects, nevertheless prevails over conflicting provincial enactments.

*Note.*—This rule as to the predominance of Dominion legislation, it may be confidently said, can only be invoked in cases of absolutely conflicting legislation *in pari materia*, when it would be an impossibility to give effect to both the Dominion and the provincial enactments. Canada's Federal System, pp. 123-7.