

they can override the provincial authority. But the provincial authority is there."

It will be observed, of course, that in the *dicta* now under consideration the Privy Council appear to be referring to a case where the Dominion legislation precedes the provincial legislation, because they say the provincial legislature would be "then precluded from interfering"; but what if the provincial legislation preceded the Dominion legislation? In that case the view advanced by Mr. Edward Blake upon the argument was that provincial legislation would be placed in abeyance. And in the argument before the Privy Council upon the Dominion License Acts of 1883-4, the point was somewhat discussed before the Board in reference to the *dicta* in *L'Union St. Jacques de Montreal v. Belisle*, to which I have referred above. Lord Monkwell, one of the Board, is reported as saying in reference to those *dicta*: "It is intimated that if the Dominion Parliament had occupied the ground before them the local government could not occupy it. But suppose the local government has occupied the ground?" Whereupon the following conversation is reported between him and Sir Farrer Herschell, who appeared for the Dominion of Canada, and who sat on the recent case in his present capacity as Lord Chancellor:

*Sir Farrer Herschell*: "I do not think it can depend on which is first or last, because if the Dominion Parliament can deal with it at all it is not a matter exclusively committed to the provincial legislature."

*Lord Monkwell*: "It would follow, if the Dominion Parliament could, by a general law, exclude the local parliament from dealing with the matter, it could, after the local parliament had dealt with it, make it null and void."

*Sir Farrer Herschell*: "Yes, I think it follows, because the powers of the Dominion Parliament are unlimited, except so far as matters have been exclusively given to the provinces."

*Lord Monkwell*: "It may be so. The two things are not quite the same."

*Sir Farrer Herschell*: "It would not necessarily follow as a matter of reasoning, but on the construction of the two sections."

But it may occur to the mind, cannot the provincial legislatures, in legislating upon the enumerated classes of subjects in section 92, incidentally affect, by ancillary provisions, matters