

The Privy Council follows another, or what seems to me the other, way of dealing with the matter. They do not say that on the construction of the words conferring that particular legislative power over sea, coast and inland fisheries, jurisdiction over proprietary rights in relation to fisheries is not included, but they bring to bear on the matter what may be called an extraneous principle applicable to Dominion legislative power generally, and not merely to the construction of the particular words conferring the particular legislative power over fisheries. They hold, through the mouth of Lord Herschel, that in conferring legislative jurisdiction upon the Dominion Parliament, the British North America Act did not confer upon it any power, in any case, to confer upon others proprietary rights which it does not itself possess.

No doubt to talk of a legislature possessing proprietary rights is something novel and unusual, and I think, as I have stated in my article in the *Law Quarterly Review*, that if a British legislature can be said to possess any property at all, it can only be such property as is vested in the Crown as a constituent part of the legislature, although no doubt a legislature might do the extraordinary thing of creating itself a corporate body competent to possess property as such. But I am not aware that any legislature has ever done so. In spite of Mr. Labatt's remarks I think that what Lord Herschel says is quite clear, and I have no doubt he meant what he said, but if so, I still think that a limitation has been expressed with regard to the legislative power of the Dominion Parliament, which has not heretofore ever been expressed with regard to the power of any colonial legislature, and which must apply as much to the Provincial legislatures and to the legislatures of all self-governing colonies, as it does to the Dominion Parliament. If I am right in this I certainly cannot see how this is consistent with the view hitherto entertained as to the plenary character of colonial legislative power, throughout the British empire.

The sequence of thought in the Privy Council judgment, *pace* Mr. Labatt, is clear enough. There is a distinction