

I do not profess to determine whether the Canadian or the Imperial Parliament is supreme and conclusive on subjects which the latter has legislated upon, nor will I go further than to contend that the proclamations of 1830, with their attendant legislation, constituted a basic regulation of the commerce of British North America, between the two powers, Great Britain and the United States, pervading a broader sphere than the colonies now represented by Canada, viz., all the British Provinces in the West Indies and North America, etc.; that in the nature of things it is an Imperial commercial arrangement for all of them with the United States, and beyond the power of one of the colonies affected by it to alter, change or retract from, without the particular and special authority thereto of the Imperial Parliament, from which it emanated on the one side. Such authority has not been given.

Legal minds must assent that otherwise any of the numerous colonies may, by local legislation, destroy the contract and subject the other colonies and the Imperial government to unknown contingencies. Otherwise than the above suggestion, I have discussed Canada's action on these proclamations, from her own assumed standpoint that she had full power from Great Britain.

A crown lawyer should also ask where Canada got the right of concurrent legislation with the Imperial Parliament on the subject of the act of 1819, and the fishing treaty? This government renounced to Great Britain its right to take fish on certain shores, but not to Canada. If the latter has an independent jurisdiction, it has no claim under that treaty.

The act of 1819 empowered the Privy Council of Great Britain to make regulations to prevent the abuse of the use of ports, harbors and creeks of that part of British North America which the Treaty of 1818 secured to American fishermen. The Canadian Parliament, impropriating the Privy Council, has defined by its statute more offenses and the same offenses, and declared other penalties and higher ones, and made other dispositions of the proceeds.

In the cases of D. J. Adams and Ella M. Doughty, the libels claim that both these acts are infringed and both sets of penalties incurred. Which has the paramount right? Lord Salisbury, in