

the Colonial Ministers of the Crown, to the Legislature of Newfoundland. The Constitution it enjoys confers legislative power on the Governor, by and with the advice and consent of the Legislative Council and Assembly, to "make laws for the public peace, welfare and good government of the said Colony." And under similar grants of legislative powers to Canada, and its several provinces, the Judicial Committee of the Privy Council, as the final Court of Appeal, has held that these legislatures "are not in any sense, the agents, or delegates of the Imperial Parliament, but have, and were intended to have, plenary powers of legislation as large, and of the same nature as those of the Imperial Parliament itself."⁵³ They have therefore, the powers and attributes of national sovereignty in determining for what causes, or wrongful acts, life, liberty, or property, shall be forfeited, and what civil and political rights shall be enjoyed, by the British subjects within the Colony; and what wrongs shall be prohibited and punished;⁵⁴ subject to the limitations that their Legislative Acts shall not be repugnant to any Imperial Act extending to the Colony,⁵⁵ or to Imperial policy affecting foreign nations.

Finally, the treaty privileges to American Fishermen to purchase certain supplies in colonial bays and harbours, contains express restrictions—the negative words "and for no other purpose whatever," make imperative⁵⁶ the treaty prohibition against all other purchasing or trading; and therefore the purchase of "bait," and whatever is lawfully within the treaty pro-

⁵³*Russell v. Regina*, 7 Appeal Cases 829, *F dgc v. Regina*, 9 Appeal Cases 117.

⁵⁴Mr. Justice Story thus defined the political status of the British Colonies: "The Colonial Legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were sovereign within the limits of their respective territories; possessing the general powers of government and rights of sovereignty, subject to the realm of England, but still exercising within their own territorial limits the general powers of legislation and taxation."

⁵⁵7th and 8th William III. c. 22, s. 9; 6 George IV. c. 114, s. 49; 28th and 29th Victoria c. 63 (Imp.).

⁵⁶*Rea v. Justices of Leicester*, 7 Barn. & Cress. 12.