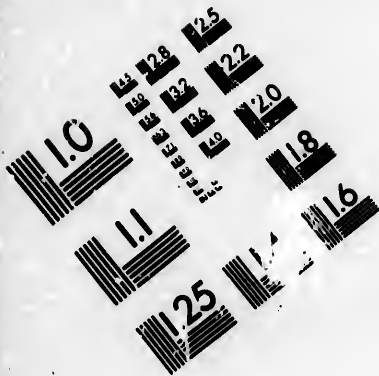

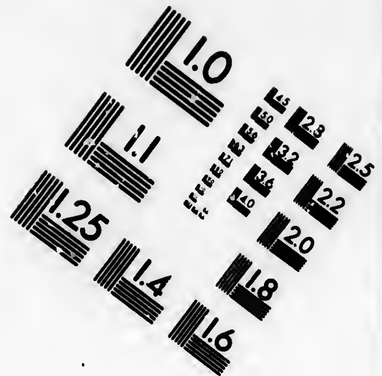

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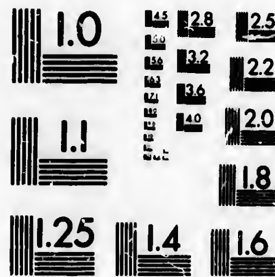

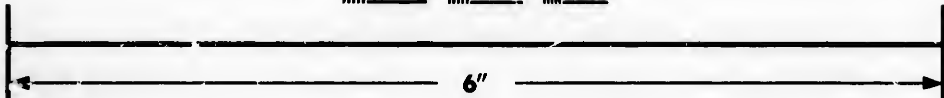

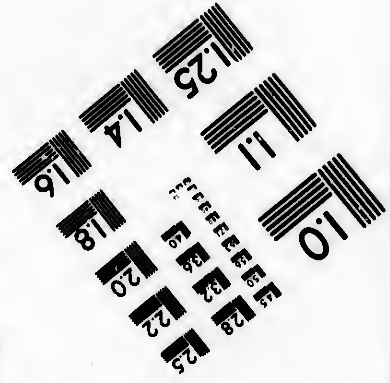

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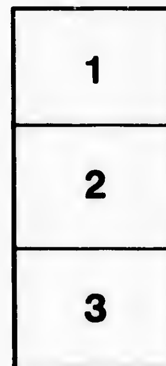

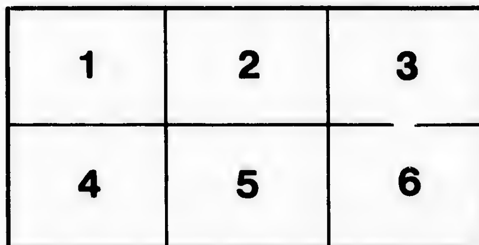

EXTRA-TERRITORIAL INCIDENTS

OF

COLONIAL LEGISLATION.

BY

B. G. GRAY,
COUNSELLOR AT LAW, MASS.

BOSTON:
PRINTED BY DAVID CLAPP.
1863.

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His

TO

HIS GRACE THE DUKE OF NEWCASTLE, K. G., &c. &c. &c.

SECRETARY OF STATE FOR THE COLONIES,

AND OTHERS INTERESTED IN THE SUBJECT,

These Pages

ARE RESPECTFULLY DEDICATED

BY THE AUTHOR.

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PREFACE.

A general acquaintance with Canada and the neighboring British North American Colonies, and several years professional experience in the Provinces of New Brunswick, Nova Scotia, and latterly in the State of Massachusetts, have given the writer opportunities of becoming conversant with the social and commercial relations of these localities which are closely intertwined.

There is every indication that, with greater facilities for travel and transportation now in progress, these mutual relations will assume still greater importance; and the following observations are offered under a conviction that the interests involved are of sufficient moment to render unnecessary further explanation or apology for their appearing over the signature of a private individual.

BOSTON, MASSACHUSETTS,
January, 1863.

EXTRACT FROM

THE ACTS OF NEW BRUNSWICK (1860),

23 Vic., c. 26.

SEC. 1. "For facilitating the acknowledgment of Deeds, Conveyances and other Instruments *affecting real or personal property in this Province,* and also the administering of Oaths or taking Affidavits for the purpose of holding persons to bail *in this Province,* or having relation to any judicial proceeding in *any Court of Justice therein;*

"Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. "That it shall and may be lawful for His Excellency the Lieutenant Governor in Council, to appoint one or more Commissioners resident in the United Kingdom, or in the Islands of Jersey or Guernsey, Alderney, Sark, or Man, and the United States of America, to administer Oaths and take Affidavits *to be read and used in the several Courts of Justice in this Province,* and also to receive acknowledgments and proof of the Execution of Deeds, Conveyances and other Instruments *affecting real or personal property in this Province;* and *for the purposes of this Act,* such Commissioners shall be severally invested with all the powers and authorities by the 112th Chapter of the Revised Statutes* given to any Judge of the Court of Queen's Bench or Common Pleas, or Baron of the Exchequer, or Master in Chancery in England or Ireland, or any Judge or Lord of Session in Scotland, or Mayor or other Chief Magistrate of a City, Burough or Town Corporate, in any part of the United Kingdom, respecting acknowledgments and proofs of Conveyances or other Instruments, and also with all the powers and authori-

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* Revised Statutes of New Brunswick, c. 112, sec. 6.

ties by the Seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled 'An Act in further amendment of the Law,'* given to a Judge of any Court of Justice in the United Kingdom, or in any foreign State, or in any British Colony."

EXTRACT FROM

THE ACTS OF NOVA SCOTIA (1861),

24 Vic., c. 4.

Sec. 1. "Be it enacted by the Governor, Council, and Assembly, as follows:—

1. "The Governor in Council may appoint Commissioners residing in the United Kingdom, or in any British Colony, or in a foreign country, and such Commissioners shall have power to take acknowledgments of release of dower by married women, to take attestations under oath of the execution of deeds and writings *intended for registry in this Province*, to take attestations to affidavits relating to the transfer and registry of vessels *belonging to this Province*, and relating to proceedings in the Supreme Court or in any other Court *within this Province*."

EXTRACT FROM

LETTER OF THE LAW OFFICERS TO THE DUKE OF NEWCASTLE.

"30th October, 1860.

"We are of opinion that the Act in question (23 Vic., c. 26) is framed in excess of the authority possessed by the Legislature of New Brunswick.

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* Act of New Brunswick, 1856 (19 Vic.), ch. 41, sec. 7.

"They might well have passed an Act declaring that Affidavits taken, and deeds acknowledged before certain persons in Great Britain and Ireland, or the rest of the United Kingdom, should be received in the Courts of Justice in the Colony, and be deemed valid as if they had been duly made within the precincts of the Colony; but they had no power to enact that the Governor of New Brunswick should appoint Commissioners within the United Kingdom, who should be clothed with all the powers and authorities of the Judges of the Courts of Westminster Hall, the Lords of Session in Scotland, and Masters in Chancery in England and Ireland, and finally with all the powers and authorities given to a Judge of any Court of Justice in the United Kingdom, or in any foreign State, or in any British Colony, by the 7th section of the 19th Victoria, intituled, 'An Act in further amendment of the Law.'

"A Statute so universal, taking effect *per orbem terrarum*, would hardly be within the power of the Imperial Parliament, but certainly very widely transcends the limits of that authority which belongs to the Legislature of New Brunswick.

"We think it would be desirable to bring a Bill into Parliament next Session for the purpose of enacting that all persons duly authorized to take Affidavits in the United Kingdom, or the acknowledgments of Deeds by married women, should be empowered to take Affidavits and acknowledgments to be used in the Courts of Justice in any Colony, provided such Affidavits and Deeds be made admissible in the Courts of Justice of such Colony by any Act of the Colonial Legislature or other authority.

RICHARD BETHELL,
WM. ATHERTON."

EXTRA-TERRITORIAL INCIDENTS

OF

COLONIAL LEGISLATION.

The Legislatures of New Brunswick and Nova Scotia having passed Acts authorizing their respective Governors to appoint Commissioners in the United Kingdom of Great Britain, and in the United States of America, for the purpose of taking certain proofs and acknowledgments to be used in evidence within those Provinces respectively, the Duke of Newcastle, acting on the opinion of the Crown officers in England, that such legislation was in excess of the powers of the Provincial Governments, advised the withholding of the Queen's assent from those acts until certain suggested amendments were made therein.* On this opinion and His Grace's comments upon the subject, the following considerations are presented.

These Provinces, with local legislatures and judicial tribunals of their own, are presumed, especially under the Responsible Government system, to have, in fact do have, exclusive control and direction of their own private interests, property and local affairs. The question would appear, then, to turn

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* The Royal assent has been likewise withheld from an Act of the New Brunswick Legislature (1862), c. 31, 24th Vic., passed in amendment of their Act (1861), c. 26.

on their right, under any circumstances, to the exercise of extra-territorial jurisdiction; and, in pursuing this investigation through the writings of various commentators, it is thought best, at the risk of appearing prolix, to use their precise language; referring by notes to all authorities when so quoted or otherwise relied on.

Jurisdiction is of two kinds—one of strict right, the other conventional.

"Considered in an international point of view, jurisdiction, to be rightfully exercised, must be founded either on the person being within the territory, or upon the thing being within the territory."

As to *persons*, "it is true that nations generally assert a claim to regulate the rights, and duties, and obligations, and acts of their own citizens, wherever they may be domiciled. And, so far as these rights, duties, obligations and acts afterwards come under the cognizance of the tribunals of the sovereign power of their own country, either for enforcement, or for protection, or for remedy, there may be no just ground to exclude this claim." Even when coming under the consideration of foreign countries, the claim "may be admitted *ex comitate gentium*. But it may also be denied *ex justitiâ gentium* whenever it is deemed injurious to the interests of such foreign nations, or subversive of their own policy or institutions."*

As to *property*, "it is true that property within a country does not make the owner generally a subject of the sovereign where it is locally situate, but it subjects him to the latter's jurisdiction *secundum quid et aliquo modo*."†

Again: "The rulers of every Empire from comity admit that the laws of every people in force within its own limits,

* Story, Conflict of Laws, Secs. 539, 540.
Bullenois, Pr. Gen. 1, 2, p. 23.
Vattel, B. 2, ch. 8, § 4.
† Story Confl. L., sec. 552. Bullenois, Observ. 25, pp. 623 to 625 incl.

ought to have the same force everywhere, *so far as they do not prejudice the powers or rights of other governments or of their citizens.*"*

From which "it appears that this matter is to be determined not simply by the civil laws, but by the convenience and tacit consent of different people; for, since the laws of one people cannot have any direct force among another people, *so nothing could be more inconvenient in the commerce and general intercourse of nations, than that what is valid by the laws of one place should become without effect by the diversity of laws of another; and that this is the true reason of the last axiom, no one hitherto seems to have entertained any doubt.*"† On this point *Huberus* and *Grotius* are mainly guided by the practice of nations; and aim to avail themselves "of the practice of nations as a solid proof of the law of nations."‡ The same doctrines on this point are approved by *Bullenois*, and find favor with English and American jurists; and it is to be observed that so far from any question being seriously raised by Continental jurists, it seems to be conceded that the laws of one country ought to have the same force everywhere as in its own limits; and the only discussion is where questions of conflicting interests do arise.§ *Burge* and *Kent* may also be cited on this point.||

"A nation's laws do not, proprio vigore, operate beyond the territory of their State, however they may aspire to do so," &c. &c.

"But upon laws which respect only the private interests of the private man, by what is called the comity of nations (comitas gentium, or, as it is sometimes named, *la nécessité du bien public et général des nations*), usually is conferred an

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* Hub. de Confl. Legum, sec. 2, p. 538.
† Story Confl. L., sec. 22 to 33 incl.
‡ Ib., sec. 30.
§ Traité des Statuts, c. 3, obs. 10.
Story Confl. L., sec. 31, 38 and notes.
|| Burge's Com. on Colonial and Foreign Law, vol. 1, p. 5.
II. Kent's Com. 457.

extra-territorial operation, provided they do not prejudice the interests of foreign states, or the native rights of their citizens.

"It is, however, perfectly optional in any state to observe this liberality, and usually, in determining whether it will do so or not, it is influenced by the consideration that a similar liberality is accorded to or withholden from its own subjects."*

In the Statutes of the United States and those of the several States of the Union, no reference is made to the laws of other countries in appointing Commissioners for foreign states; and no *recognition* or *confirmation* of such Commissioner by the foreign state of his residence is alluded to or required.

There is no requirement that the Commissioner appointed *shall be one empowered by the laws of his residence to administer oaths.*

The generally conceded international operation of bankrupt laws and proceedings, as well as marriage and divorce laws in Europe and the United States, furnish analogous illustration of the same liberal doctrine.

Is it not on this principle that the authority is based under which British and other Consuls exercise some of their official functions? Many of their acts are not of a strictly commercial character, and are of force only when brought within the territorial jurisdiction of the law which declares their validity. It will not be contended that an exequatur confers any authority on the consul to administer oaths or take acknowledgments of deeds, to be used or registered elsewhere.†

By Massachusetts laws the acknowledgment (of deeds) may be made before any *Commissioner appointed for that purpose by the Governor of this Commonwealth, within the United*

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* Polson's Law of Nations, 23.
† Imp. Act, 6 Geo. IV., c. 87.
Imp. Act, 18 and 19 Vic. (1855), c. 42.

States, or in any foreign country; or before a minister or consul of the United States in any foreign country.*

The legislation in this and other States of the Union, as well as that of the United States, is of similar character; but Massachusetts is the rather instanced because its legislation is most liberal on this point,† and also from its close proximity to and commercial relations with the Colonies for whose benefit the application of like provisions is claimed.

Here the right is assumed on the part of a State to *appoint Commissioners in foreign countries*, and this right has been acted on since the year 1783.

Has this right ever been questioned by either the *United States Government*, or by *any foreign Government*, and, if not, why?—supposing always that the assumption of such right (relating, it is true, to local affairs, but *taking effect "per orbem terrarum"*) were beyond the power of the individual State assuming it.

The *individual States* have no diplomatic relations with the governments of foreign countries, and consequently it cannot be that any special recognition or confirmation of commissioners named by any of such States to act abroad (in relation to the internal affairs of the appointing State) is required on the part of the foreign government within whose territories such commissioner is to exercise his functions.

This follows, it is considered, necessarily from the law of nations, as above expounded, on the two-fold grounds that,

1st. The exercise of such functions "does not prejudice the interests of foreign States or the native rights of their citizens;" and

2d. These laws do "respect only the private interests of the private man:"—and hence it arises that there is no ques-

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* Gen. Stats. Mass., c. 89, sec. 19.
Vide also Burge on Col. and Foreign Law, Vol. ii., p. 792.
U. S. Laws, 1817, c. 58, secs. 1, 2, 8.

† Gen. Stats. Mass., c. 131, sec. 38.
1 Greenl. Ev., sec. 324.

tion or contest as to right or jurisdiction either between the separate State and the United States, or between either of them and the several foreign states where such commissioners act and reside.

Is not the relation, *in this respect*, between the individual State and the United States identical with that of these Colonial Legislatures and the Imperial Government of Great Britain?

It is required to amend the Act of New Brunswick so as to conform to that of Lower Canada, which allows the Governor to "*nominate and appoint commissioners*," &c.:

"*Provided that no person but an attorney or solicitor practising in one of the Superior Courts of Great Britain or Ireland, and qualified by law to act as commissioner for similar purposes in Great Britain and Ireland, shall be appointed.*"*

Is it *obligatory* to select only such as are authorized or qualified by law of the State or foreign country where they reside, to act as commissioner for similar purposes in such country?

The Duke of Newcastle's letter states the objection to be this: "That although the Colonial Legislature have full powers of legislation, in regard to New Brunswick, no power at all has been conferred upon them of legislating for the United Kingdom, or for foreign countries; and consequently, that while they are competent to declare what affidavits or other documents shall be receivable in evidence in New Brunswick, they are not competent to clothe any commissioner or other person with the power of administering oaths in Great Britain and the United States, (without any reference to the laws of those countries), still less to confer on them the powers (exercisable beyond the limits of New Brunswick) equivalent to those which are conferred on certain Judges by the 7th section of the *Imperial* (sic) *Act* of

* Lower Canada, Acts of 1860, 23 Vic., sec. 35.

19th Victoria, "in amendment of the law."* The preceding sentences are quoted verbatim, and it is evident that misapprehension as to the Act referred to, (19th Vic., "in amendment of the law") existed in the mind of His Grace—perhaps of others. Examination will show that the Act in question IS NOT AN IMPERIAL, BUT A COLONIAL ACT, which was passed in 1856, received the Royal assent, and has been acted on without objection to the present time.

Not only, then, does the reasoning upon it fail, but investigation furnishes an additional argument in favor of the present claim.

His Grace then refers to the Canadian Act of 1860, 23 Victoria, c. 57, sec. 35, as "framed with a full appreciation of the limits of Colonial and Imperial jurisdiction, and therefore not open to any objection," and adds, "You will observe that its effect is merely to authorize the reception in Canada of affidavits taken in England by persons selected indeed by the Governor, but authorized by English (not Canadian) law to administer oaths."

Whether this restriction applies to the United States, and to the selection of those only who are authorized by that government to administer oaths, is not clear, but the inference would be that only such were admissible.

Again, in a letter 3d September, 1861, to the Lieut. Governor of Nova Scotia, of similar import, His Grace says:— "In framing Colonial Acts, it cannot be too carefully remembered, that those Acts have no effect beyond the limits of the Colony in which they are passed, and, on this principle, the Nova Scotia Legislature, while it has full power to declare what affidavits or other documents shall be received in evidence by the Nova Scotia Court, is not competent to clothe any person with the authority to administer oaths in other parts of Her Majesty's dominions—an authority which in

* The Duke of Newcastle's letter to the Lieut. Governor of New Brunswick, 10th April, 1861.

each place must be conferred and regulated by the Legislature of that place, or by Act of Parliament."

Now in creating such commissioners to act in foreign countries, the *authority* must reside *somewhere;* either in the *Imperial Government* of Great Britain, or in the *Colonial Government*, or in the *foreign country*. It cannot be in the first or last of these powers, because the Colonial Government may decline to select the nominee of the others; and the authority to administer *the oath* must emanate from some competent power; but for like reasons it cannot, in the case supposed, originate with, reside in, or be derived from, the *Imperial* or any foreign government; because the Colonial Government might not place confidence in the individual so authorized, and, without such concurrence, the other powers can give no extra-territorial force to the act of their own nominee.

The case of the Consul, before cited, is again in point, and the conclusion would seem irresistible, that where the authority to *select* a functionary in regard to local affairs resides, there also is placed the right of clothing such functionary with all powers needful for the exercise of his assigned duties; provided always that in so doing no powers are assumed to be conferred, such as actually or by implication conflict with the laws and rights of the country where the acts in question are authorized to be done.

The property to be affected is within Colonial Jurisdiction, and every act done in regard to it, *wherever done*, has power only by relation to the locality of the subject matter, and is of no effect until brought within the territorial limits of such Colonial Jurisdiction.

Is there anything in the act of the Commissioner inimical to the rights or interests of the foreign State of his residence, or conflicting with its laws, when he tenders* an oath relat-

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* Lord Ch. Justice Willes' opinion. Willes' R., 545.

ing to private interests or proceedings in the course of justice in another country, and records the fact that such oath was taken according to a prescribed form? The whole proceeding is as voluntary as though the deponent had sworn before a resident Consul, or before a local Magistrate of the foreign State where the oath is made. Neither Commissioner, nor Consul, nor the local Magistrate can, in the absence of local Statute provisions, *compel* such deponent to take his oath, if unwilling.

It is entirely on the principle of international Comity when such Statute provisions are made, and, without these, can the legal penalties for perjury be enforced within the jurisdiction of such foreign State, where a false oath is taken either before a Consul of another country or even before the local Magistrate? *

The foreign power cannot clothe *its own* officer with authority to act in regard to property situate out of its territorial limits, any more than the Imperial or Colonial Government of Great Britain can empower any one within the territory of the foreign power to act in the affairs of such foreign power.

Of what force, then, is the objection that the Colonial nominee must be one who derives authority from the Imperial or the Foreign Government to act in like cases within and for *his own* government?

Suppose the commissioner selected be a *resident in the Colony,* and that as such he is appointed to go and reside in the foreign country, and there act as proposed, (without any confirmation on the part of the foreign country), in Colonial matters of a purely private local nature, not conflicting with the rights, interests or laws of such foreign country or its

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* 1 Hawk. P. C., c. 69, sec. 1 to 4, incl.
4 Black. Com., 137.
II. Russell on C., 596.
5 and 6 Wm. IV., c. 62, sec. 13.
1 Binn. R., 543.

inhabitants; can there be a doubt of the right on the part of the Colonial Government to make such appointment?

And if this right cannot be questioned, where is the difference in their selecting and authorizing one who *is* actually resident abroad? Should this right be seriously controverted, the same difficulty arises where the *foreign* chosen functionary is selected also by the Colonial Government as required by the Duke of Newcastle's directions.

Is not, therefore, the case under consideration identical in principle with that where *A* gives *B* a power of attorney, and sends him abroad to act in the constituent's private business affairs? *B*, then, has full powers, *by virtue of A's appointment*, although he goes abroad and acts under the territorial jurisdiction of another country—remaining there and continuing so to act; provided he does not attempt, in exercising those powers, to infringe the laws of his foreign residence, or to use such powers in regard to any other business than that of *A*.

The colonial legislation on Postal affairs, among others which might be cited, furnishes an instance of the exercise of extra-territorial jurisdiction.*

The higher English and Colonial Courts, by virtue of powers conferred on them by their respective Legislatures, have long exercised authority extra-territorially, by issuing Commissions to take evidence in foreign countries.† These Commissions profess to confer all adequate powers on the party deputed to execute them, at least to the extent of adminis-

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* Rev. Stats. N. S. (2d series), c. 23, sec. 27.
Rev. Stats. N. B., c. 40, sec. 9, 15, &c.
Consol. Stats. Canada (1859), c. 31, sec. 14, 34.

† 1 Stark. Ev., 323.
2 Tidd's Pr., 810, 811.
1 B. & P., 210.
5 Nev. & M., 318.
Imp. Acts, 13 Geo. III., c. 63.
" " 1 Wm. IV., c. 22, sec. 4.
" " 19 and 20 Vic., c. 113.
Acts of N. B., 5 Wm. IV., c. 14, &c. &c.

tering the necessary oaths and appending all needful certificates, which are admitted to full faith and efficacy when returned to the tribunal whence they emanated.* In these cases no limitation is enjoined whereby the Commissioners selected should be such as are already authorized in like cases by and on behalf of the government where they reside; and in view of the facts before adverted to, that these acts relate strictly to private interests, do not conflict with any foreign laws, are ministerial only, and are of *no effect* until the evidence they are intended to authenticate is brought within the jurisdiction of the constituent tribunal, it may be seriously questioned whether any difference in principle really exists from that of Commissioners in the case proposed. In this, as in the former case, the Commissioner's office can be exercised only in relation to interests of a private, local character.

It is also worthy of consideration, that in conferring such powers, due caution should be observed in the selection of those only who possess the confidence of the constituent, both for their ability and integrity.

But what becomes of this security if the constituent be compelled to select from those appointed by powers or influences to which he is an entire stranger, whose merits he is ignorant of, and whose operations he cannot control! It is true the natural inference would be that those selected by a foreign country to act in its own behalf in like cases, *would* be worthy of trust; but as it is the *principle* which is under consideration, it would not be difficult to imagine extreme cases where most unfit appointments might be made in other countries under the pressure of corrupt influences or party claims; and yet, having no voice in the original choice, a

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* 1 Dowl. R. 291.
5 " " 181.
1 Cromp. and J., 510.
3 Bing. N. C., 67.
Ib. " 780.

colony might be *compelled* to "select" such officials to act in its own behalf; while, should such an unfit selection be originally made by the Colony in appointing its own Commissioner, the remedy would always remain with itself.

The preceding observations are mainly directed to the Constitutional question on which the objections to these appointments are expressed, but other considerations on the score of convenience are not wanting, some of which have been forcibly urged in the official correspondence on this subject between the Colonial and Imperial Governments.* Of this class, one claims special notice, and should not be overlooked.

The Statute laws of the different Colonies vary materially from one another; they vary also from those of the parent country, as they do likewise from the laws of foreign states where the services of a commissioner may be needed. In addition, all of these laws are modified or entirely changed from time to time; and it cannot be expected but that constant mistakes and informalities will thus arise, in executing the duties of such an office, if only those conversant with *one* set of laws are necessarily to be selected to fill it.

The experience of almost every professional man will readily suggest illustrations of this. While, on the other hand, in authorizing *their own* commissioner for such purpose, each Colony would have special regard to his acquaintance with their local laws, and would keep him advised, from time to time, of such changes as related to the exercise of his duties.

In the preceding pages a parallel has been drawn between the relative position of legislative powers possessed by the several States of the United States with those of the National Government, and a corresponding position which, it is claimed, is occupied by those Colonies where the system of

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* Report of the Attorney General of New Brunswick, inclosed in despatch of Lieut. Governor of N. B. to the Duke of Newcastle, 18th Feb., 1861.

Responsible Government prevails, in relation to the Imperial Government of Great Britain.

Viewed historically through the progressive steps which have led to that result, the self-governing position of the several States and of the North American Colonies, in relation to their respective National Governments, has been attained by an entirely different course; but it is with the result as it presents itself,—the conceded fact of such local self-government,—that we are to deal; and the analogy, it is claimed, *is* just and applicable in the connection in which it has been urged.

Upon the wisdom of that system known as "Responsible Government," when conceded to the British North American Colonies, wise and able men entertained opposite opinions.

But that system has been for a considerable period established, and instances of no distant date will be in the minds of Colonists where the Home Government has held them to the extreme working of that system, although requested by large representative influence to interfere.

The question, then, as to extra-territorial powers assumed by Colonial Legislatures, has presented itself under these circumstances, and must be viewed in the light of existing facts.

The several States are supreme in their legislative powers *as to local affairs*, and the United States Government is supreme in all matters of a national character involving the mutual relations and interests of the States in their collective capacity with those of foreign countries. In like manner the Imperial Government of Great Britain, in conceding their present system of government to her North American Colonies, declares in effect, "In all matters of a local, private character you may legislate for and govern yourselves according to the well-understood wishes of your people, supporting the expense of such government, providing for it by local taxation, and remaining loyal to the British Crown;

but a certain supervision over your proceedings must be exercised by the Imperial Government, in order that you may not assume powers which conflict with its constitutional rights or with those of foreign countries; with them, as with us, you may have free commercial intercourse; but, having no relations of a diplomatic character, the Imperial Government is answerable to foreign powers for you. Your legislation, therefore, must be subject from time to time to approval from the Home Government."

That approval follows as of course, it is submitted, in all cases where, as in the present instance, the subjects legislated upon are of a strictly local character, and where the laws of the Imperial or foreign governments are not, as a consequence of such local legislation, infringed or disregarded.

While, therefore, in framing Colonial Acts, due regard should be had to the limits of Colonial jurisdiction, it is equally important that, in reference to the administration of local affairs and interests, with all powers incident thereto, Colonial Legislation should be left to its fullest operation.

We have seen that between friendly foreign States the extra-territorial administration of their respective local laws is permitted on a principle of International Comity; and that an analogous system of legislation and local self-government prevails in Great Britain and her North American Colonies.

It will be conceded, also, that the Acts in question relate strictly to the private local interests of the respective Colonies.

With due deference, therefore, to the eminent authorities who have officially passed upon them, the conclusion appears inevitable, that in authorizing the appointment of Commissioners by the Acts under consideration, the Colonial Legislatures have not exceeded the just limits of their Constitutional Powers.

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