

in 1838 non-official members were added to the Council, a deadlock ensued.\* In 1841 the Government in London suspended the new constitution and instituted the Amalgamated Legislature, in which the members of both Houses sat together. This experiment proved a complete failure and, in 1848, the original constitution was restored.

Political events in the United Kingdom had led to the Reform Bill of 1832, the beginning of a long process of extending the popular basis of government, and the repeal of the Corn Laws, an important step in the direction of free trade. Thus the continued agitations of the people of Newfoundland for an executive responsible to their own legislature fell on more receptive ears. The principle of responsible government was finally conceded in 1855† as had already been done for the colonies of British North America on the mainland.

Newfoundland now had a Cabinet advising the Governor and responsible to the elected Assembly. General elections henceforth determined the nature and the term of the Executive Council, whose advice the Governor was obliged to accept within the ambit of his executive powers.

The legislature was nevertheless still a local one. Its measures had no effect beyond the territory of Newfoundland, nor within the territory itself where they conflicted with 'Imperial Statutes' extending to the colony. The conduct of foreign affairs continued in the hands of the Foreign Office in London and as between St. John's and London took chiefly the form of protests over the apparent sacrifice of the interests of Newfoundland to those of France in fisheries matters. The "Labouchere Letter"‡ records an advance for the colony in foreign affairs in these terms, "The proposals contained in the Convention [of 1857 between the United Kingdom and France] having been unequivocally refused by the Colony, they will, of course, fall to the ground . . . the consent of the community of Newfoundland is regarded by Her Majesty's Government as the essential preliminary to any modification of their territorial or maritime rights". Confederation discussions with the other British North American colonies too were conducted not through London but by representatives from Newfoundland.

While in theory the laws enacted by the local legislature could be repealed or altered by the Parliament in London, legislation of the United Kingdom Parliament relating to purely internal matters in the colony came to be regarded as unconstitutional. This practice was one example of the growth of local autonomy within the subordinate constitutional relationship of 'the Dominions' with the United Kingdom. These developments were explicitly recognized in 1931 by the Statute of Westminster. Although Newfoundland was named a 'Dominion' by the Statute, it did not adopt the clauses that provided for extra-territorial legislation by 'the Dominions' and for the extension to them of United Kingdom legislation only by their own request and consent.

At the time that the legislature adopted the Amulree Report‡ of 1933, the constitutional forms of Newfoundland were little changed from those of 1855.

\* This situation incidentally gave rise to the case of *Kielly v. Carson*, which established the extent of the privileges of colonial parliaments generally.

† Royal Instruction to the Governor of Newfoundland, May 5, 1855.

‡ Mr. Henry Labouchere, Colonial Secretary in the United Kingdom Government, to Governor Darling, 1857.

§ The Report of the Royal Commission asked for by the Newfoundland Legislature owing to the severe financial crisis in the country.