

more so because, as you will perceive by the enclosed Minute, Sir John Macdonald is inclined to share the misgivings of those who question the competence of the Canadian Parliament in this matter; but as the issue is one not of Colonial but of Imperial concern, and as Sir John tendered his opinion merely for my information, and not as my Adviser—indeed he intimated that he would be glad if I saw my way to assenting to the Bill—I felt at liberty to consult my own judgment, more especially as it may be presumed that my Government would not have promoted the “Oaths Bill” in the House of Commons and fathered it in the Senate, had the Minister of Justice entertained a decided conviction of its illegality.

My conclusions have been further fortified, not only by the opinion of many legal authorities whom I have consulted, but more especially by that of Mr. Alpheus Todd, the author of ‘Parliamentary Government in England,’ who, as your Lordship is aware, is exceptionally qualified to pronounce upon questions of this description, and who has been good enough to discuss the case in a short Memorandum, of which I enclose a copy.

The Earl of Kimberley,
&c. &c. &c.

I have, &c.,
(Signed) DUFFERIN.

CANADA.
Department
of Justice,
30th April,
1873.

1st May, 1873.

Enclosure 1 in No. 1.

Ottawa, September 8, 1873.

I, Robert Le Moine, Esq., Clerk of the Parliaments and Custodian of the Statutes of the Parliament of Canada, certify the subjoined to be a true copy of the original enactment passed by the Senate and House of Commons of Canada, in the first Session of the Second Parliament, held in the thirty-sixth year of Her Majesty's reign, and assented to in the Queen's name, by the Governor-General, on Saturday, the third day of May, one thousand eight hundred and seventy-three, and afterwards, on the twenty-second day of May of the said year, was disallowed by her Majesty in Council, and proclamation thereof made by his Excellency the Governor-General on the first day of July following.

ROBERT LE MOINE,
Clerk of the Parliaments.

An Act to provide for the Examination of Witnesses on Oath by Committees of the Senate and House of Commons in certain cases.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever any witness or witnesses is or are to be examined by any Committee of the Senate or House of Commons, and the Senate or House of Commons shall have resolved that it is desirable that such witness or witnesses shall be examined upon oath, such witness or witnesses shall be examined upon oath or affirmation, where affirmation is allowed by law.

2. Such oath or affirmation shall be administered by the Chairman or any member of any such Committee as aforesaid.

3. Any witness giving false evidence upon any such examination, shall be subject and liable to all the pains and penalties of perjury, as fixed by the criminal law.

4. The oath or affirmation aforesaid shall be in the following form: “The evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Enclosure 2 in No. 1.

“Department of Justice,
“Ottawa, April 30, 1873.

“The undersigned, to whom has been referred, by your Excellency, the Bill passed during the present Session by the Senate and House of Commons, intituled ‘An Act to provide for the Examination of Witnesses on Oath by Committees of the Senate and House of Commons, in certain cases,’ begs leave to report:—