

OTTAWA, January 24, 1936

MEMORANDUM FOR

THE RIGHT HONOURABLE THE PRIME MINISTER:

As requested, I have considered the question whether in view of the demise of the Crown a new proclamation requires to be issued for the summoning of Parliament, and, after conferring with Dr. Beauchesne and Mr. Coleman, have concluded that this question is to be answered in the negative.

Dr. Beauchesne raised the point solely because, the House of Commons not having yet met and elected a Speaker, and the organization of the new House therefore not being complete for its own purposes, there is, in his judgment, no complete Parliament within the meaning of section 2 of the Senate and House of Commons Act, chapter 147, R.S.C., 1927, which reads as follows:-

"No parliament of Canada shall determine or be dissolved by the demise of the Crown, but such parliament shall continue, and may meet, convene and sit, proceed and act, notwithstanding the demise of the Crown, in the same manner as if such demise had not happened."

I suggest, however, that even if Dr. Beauchesne be right in his view that Parliament is not yet completed, this circumstance would have no bearing upon the question whether the proclamation already issued summoning Parliament has been rendered void by the death of the King.

In the exercise of the powers vested in the Governor in Council the members elected to serve in the House of Commons have been commanded and enjoined to be and appear at Ottawa for the despatch of business on the 6th February, and I am of opinion that the elected members of the new Parliament are bound to meet in accordance therewith, notwithstanding the demise of the Crown.

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JAN 31 1936

W.L.M. King Papers, Memoranda and Notes, 1933-1939
(M.G. 26, J 4, volume 201, pages C139651-C140076)

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