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as to the validity of which doubts had been expressed."

The foregoing matter mentioned by Mr. Justice Clement is also referred to at length in Bourinot's Parliamentary Procedure, 4th Edition, 1916, by Flint, at pages 38, 39 and 40.

Professor Munro, of Cambridge University, in his treatise on the Constitution of Canada, referring to this same matter, on page 157 of his book, says:-

"In some cases and always in the case of private bills, witnesses are examined before the Committees, and by the 39 Vict. c. 7, witnesses may be examined on oath if the House thinks fit. Previous to this Act it was held by the law officers of the Crown in England, that the Canadian Parliament could not by statute, vest in itself power to administer oaths where such power was not possessed by the English House of Commons at the time the British North America Act 1867 was passed. And as until the year 1871, 34 and 35 Vict. (1) c. 83, the English House of Commons, except in the case of private bills, under 21 and 22 Vict. (1) c. 78, did not possess the power to administer an oath Canadian bills giving power to administer oaths generally were disallowed, 4 Can. Com. J. 1873, Oct. sess. p. 5.

"To obviate this difficulty an Act, 38 and 39 Vict. (1) c. 38, see App., was passed by the Imperial Parliament giving the Dominion Parliament the right to define by Act the powers, privileges and immunities to be enjoyed by the Senate and House of Commons, provided such powers, privileges and immunities should not exceed those enjoyed by the English House of Commons at the time of the passing of such Act by the Canadian Parliament.

"Under the provisions of this Act the Canadian Parliament in 1876 passed an Act, 39 Vict. c. 7, giving the necessary power to examine witnesses on oath or on affirmation."