

lature. By Section 1 of 38-39 Vic., c. 38, which was substituted for Section 18 of the British North America Act, 1867, it was enacted that the privileges, immunities and powers to be held, enjoyed and exercised by the Dominion House of Commons should be such as should be from time to time defined by the Act of the Parliament of Canada, but so that any Act of the Parliament of Canada, defining such privileges, immunities, or powers should not confer any special privileges, immunities or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom, and the members thereof. There is no similar enactment in the British North America Act, 1867, relating to the House of Assembly of Nova Scotia, and it was argued, therefore, that it was not the intention of the Imperial Parliament to confer such a power on the Legislature. But it is to be observed that the House of Commons of Canada is a legislative body created for the first time by the British North America Act, and it may have been thought expedient to make express provision for the privileges, immunities, and powers of the body so created which was not necessary in the case of the existing Legislature of Nova Scotia. By section 88 the Constitution of the Legislature of the Province of Nova Scotia was, subject to the provisions of the Act, to continue as it existed at the union until altered by authority of the Act. It was, therefore, an existing Legislature subject only to the provisions of the Act. By section 5 of the Colonial Laws Validity Act (28 and 29 Vict., c. 63) it had at that time full power to make laws respecting its constitution, powers, and procedure. It is difficult to see how that power was taken away from it, and the power seems sufficient for the purpose.

Their Lordships are, however, of opinion that the British North America Act itself confers the power (if it did not already exist) to pass acts for defining the powers and privileges of the Provincial Legislature. By section 92 of that Act the Provincial Legislatures may exclusively make laws in relation to matters coming within the classes of subjects enumerated, *inter alia*, the amendment from time to time of the constitution of the province with but one exception—namely, as regards the office of Lieutenant-Governor. It surely cannot be contended that the independence of the Provincial Legislature from outside interference, its protection and the protection of its members from