mitted to the common gaol of Halifax for forty-eight hours.

There was considerable excitement. The House was crowded in the evening. The order was passed, and the detectives and constables took Thomas to the county gaol on Saturday night. On Monday morning, as early as could be done, he was brought by Habeas Corpus before the Supreme Court of Nova Scotia and the case argued fully. The result was that they passed an order discharging on the writ of Habeas Corpus. Thereupon Thomas brought an action against the member of the House of Assembly for damages for false arrest, laying his claim at ten thousand dollars. The case was tried at Truro at the next sitting of the Supreme Court and several lawyers were appointed on the case, and the Judge ruled that the action should be dismissed against the Speaker and other officers of the House, but against the others under the provisions of the Statutes, 5th Series, Chap. 3, under which they claimed to have proceeded, were not within the competency of the Legislature. I may remark in passing that the trial afforded opportunity for presenting the case in all its aspects to the jury, and I proceeded to speak on behalf of the defendants in a manner which called in question the whole circumstances of the case and placed the action of the plaintiff in the most amusing and dangerous light that could possibly be considered. The verdict, however, acting on the ruling of the Judge, was awarded to the plaintiff and the sum of two hundred dollars damages, which amounted to practically eight dollars a head.

I felt, however, that the case was misconceived by the Court and that the act of the Legislature which by sections 29-30 and 33 constituted the House a Court of Record with the inherent power to punish insults and libels upon its members during its session and the appellants possessed the privileges of Judges of a Court of Record and that by section 26 they were exempt from any civil action or damages.

The Minister of Justice in 1869 had objected as being ultra vires an Act passed by the Legislature of Ontario to define the privileges, immunities and powers of the Legislative Assembly and to give summary protection to persons employed in the publication of sessional papers. The Act had the same effect in regard to the Ontario Legislature, that the Nova Scotia Act had in respect to the Nova Scotia Legislature, and in order to become perfectly assured that his position was right he referred the matter to the Secretary of State for the Colonies in order to obtain the opinion of the Attorney and Solicitor-General of England, and we have therefore on the 4th May, 1869, the following opinion:

"That we have considered the several Acts to which your Lordship has been pleased to direct our attention and we are of the opinion that it was not competent of the legislature of the Province of Ontario to pass such Acts or either of them, and consider them inconsistent with the provisions of Sections 92 and 96 of the British North America Act."

This is signed "R. P. Collier" and "J. D. Colridge". Both of these afterwards became distinguished members of the British Judiciary.

The provision in Nova Scotia had been embodied in the Revised Statutes of the country, and the Government did not care about disallowing the whole series of Revised Statutes, but drew attention that it was ultra vires and asked the Government of Nova Scotia to repeal the clauses to which I refer. As I was Attorney-General at the time I replied that we did not consider them ultra vires but strictly within the limits of our jurisdiction, and stated that we would agree to a case in which these enactments should appear and be discussed before the Supreme Court of Canada with an ap-