

CANADA.

Canadian Parliament could not vest in themselves the power to administer oaths, that being a power which the House of Commons did not possess in 1867, when the Imperial Act was passed. The Law Officers also reported that the Queen should be advised to disallow the Act.

"My attention has been called to the fact that by an Act of the Canadian Parliament, cap. XXIV. of 1868, provision is made by the first section for examining witnesses upon oath at the bar of the Senate, and that the Act has been allowed to remain in operation. It appears to have escaped observation both here and in the Colony that though such examination of witnesses is in accordance with the practice of the House of Lords, the powers of the Senate of Canada are limited by the British North America Act, 1867, to such powers as were then enjoyed by the House of Commons, and that the first section of the Canadian Act of 1868 was therefore in contravention of that Act.

"But though the Act of 1868 was not disallowed, I have to point out to you, that under the second section of 28 and 29 Victoria, cap. 63, this first section is void and inoperative, as being repugnant to the provisions of the British North America Act, and cannot be legally acted upon.

"So far as regards the powers given by the Act of 1868 to Select Committees upon Private Bills, they would appear to be unobjectionable, as like powers had, before the passing of the British North America Act, been given to the House of Commons by 21 and 22 Vict., cap. 78."

"I have, &c.,
(Signed) "KIMBERLEY."

Governor-General The Right Hon.
The Earl of Dufferin, K.P., K.C.B.,
&c. &c. &c.

At the Court at Windsor, the 26th day of June, 1873.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord President,
Earl Granville,

Earl of Kimberley,
Lord Chamberlain,

Mr. Gladstone.

"WHEREAS by an Act passed in the thirtieth year of Her Majesty's reign, entitled 'An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof, and for purposes connected therewith,' it is, amongst other things, enacted, that where the Governor-General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authenticated copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council, within two years after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a Certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor-General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification."

"And Whereas on the 3rd day of May, 1873, a certain Bill, passed by the Parliament of the Dominion of Canada, entitled 'An Act to provide for the Examination of Witnesses on Oath by Committees of the Senate and House of Commons in certain cases,' was assented to by the Governor-General of the said Dominion of Canada: and whereas the said Act of the Parliament of Canada has been laid before Her Majesty in Council, and it is expedient that the said Act should be disallowed by Her Majesty:

"Now, therefore, Her Majesty, in pursuance of the said Act of the Imperial Parliament, and in exercise of the powers thereby reserved to Her Majesty, as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare her disallowance of the said Act of the Parliament of Canada. And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

"ARTHUR HELPS."

"Colonial Office, Downing Street.

"I, John, Earl of Kimberley, being one of Her Majesty's Principal Secretaries of State, do hereby certify that the Act passed by the Senate and House of Commons of