

"31.—Every person who shall be guilty of an infringement or violation of this chapter shall be liable therefor (in addition to any other penalty or punishment to which he may by law be subject) to an imprisonment for such time during the session of the Legislature then being held as may be determined by the House before whom such infringement or violation shall be enquired into. The nature of the offence shall be succinctly and clearly stated and set forth on the face of any warrant issued for a commitment under this section."

It should be mentioned that by an act (Revised Statutes of Canada, 49 Vict., c. 11) the Dominion Parliament had already conferred on themselves the privileges, immunities and powers of the House of Commons of the United Kingdom.

If it was within the powers of the Nova Scotia Legislature to enact the provisions contained in section 20, and the privileges of the Nova Scotia Legislature were the same as those of the House of Commons of the United Kingdom as they existed at the date of the passing of the British North America Act, 1867, there could be no doubt that the House of Assembly had complete power to adjudicate that the respondent had been guilty of a breach of privilege and contempt, and to punish that breach by imprisonment. The contempt complained of was a wilful disobedience to a lawful order of the House to attend. The authorities summed up in *Burdett v. Abbot* (14 East, 1), and followed in the case of *The Sheriff of Middlesex* (11 Adol. and Ellis, 273), establish beyond all possibility of controversy the right of the House of Commons of the United Kingdom to protect itself against insult and violence by its own process without appealing to the ordinary Courts of law and without having its process interfered with by those Courts.

The respondent, however, argues that the Act of the Provincial Legislature, which undoubtedly created the jurisdiction and further indemnified members of it against any proceedings for their conduct or votes in the House by the ordinary courts of law, is *ultra vires*. According to the decisions which have been given by this Board, there is now no doubt that the Provincial Legislature could not confer on itself the privileges of the House of Commons of the United Kingdom, or the power to punish the breach of those privileges by imprisonment or committal for contempt, without express authority from the Imperial Legis-