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tion in the British North America Act, 1867, sec. 17, no doubt comes from the Victorian Constitution Act of 1855, sec. 36 of which contains a proviso that 'no such privileges, immunities or powers shall exceed those now held, enjoyed and exercised by the Commons House of Parliament, or the members thereof.' The substance of that restriction is contained in the Draft Bill of the Legislative Council of Victoria, by which it was provided that 'all the privileges, immunities and powers now held, enjoyed and exercised,' &c., should be enjoyed by the Legislative Council and Assembly in Victoria and their members. The South Australian Act of 1855-6 copied the Victorian section; and just as the Australian Constitutions of 1855 borrowed in many respects from the Canadian Constitution of 1841, it is reasonable to suppose that the framers of the Act of 1867 turned to the Australian Constitutions."

Todd at page 180 of the 2nd (1894) Edition of his treatise on "Parliamentary Government in the British Colonies," says:

"By an Act of the Imperial Parliament, passed in 1875, the 18th section of the British North America Act, aforesaid, was repealed, and a new provision substituted, under which it was declared to be competent to the parliament of Canada to pass any act to define the privileges, immunities, and powers of either House and of the Members thereof, respectively; but so that the same shall not exceed those held and exercised by the Imperial House of Commons at the time of the passing of such act."

Bourinot as already explained says that no new statute has been passed by the Canadian Parliament since the 1875 Parliament of Canada statute, defining such powers, privileges, etc., as were authorized by that Act. They remain the same as before that 1875 Statute was passed, and as at the time the 1867 B.N.A. Act and the 1868 Statute, Chap. 23, were passed.

Speaking of the origin and history of the Parliament of Canada Act, 1875, Mr. Arthur P. Poley, M.A. of Oxford, in his treatise entitled, "The Federal Systems of the United States and the British Empire" (1913), at page 226, says:-

"The legislative power of Canada was conferred by the British North America Act of 1867, in the following terms:

"There shall be one Parliament for Canada, consisting of the Queen, the Upper House (styled the Senate), and the House of Commons."

"The duration of the Parliament was fixed at five years, unless a sooner dissolution took place. Its privileges, immunities, and powers to be held, enjoyed, and exercised by both Houses, and by their members, were to be such as it might declare from time to time; but they were never to exceed those which in 1867 were held, enjoyed, and exercised by the Imperial Parliament and its Members."

"In 1875, in consequence of doubts as to the legality of an Act of the Dominion which had conferred powers upon Committees of the Senate to examine witnesses on oath and a subsequent Act which had given similar powers to both Houses, an Imperial Act was passed, 38 and 39 Vict. cap. 38, which defined the privileges, immunities and powers of both of the Canadian Houses to be such as might be defined by the Parliament of Canada, but they were not to exceed those possessed by the House of Commons in England at the time when any Canadian Act might be passed."

In a footnote, at the bottom of page 227, Mr. Poley also cites the case of Dill v. Murphy, a Privy Council decision, for the principle of law already referred to in the various memorandums prepared by me on this subject.

As illustrating the necessity for a further new statute of Canada, carrying out and making operative and in force the full authority and powers of the act of 1875 as embodied and authorized in sub-clause (b) of Chap. 147, sec. 4, previously referred to and the assuming and taking of the full and complete powers of the

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