

Appendix I

An Act to Amend the British North America Act, 1867
Drafted by the Committee for a Bill of Rights, 1947-1948

Whereas the Senate and the Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth;

Now, therefore, be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The British North America Act 1867 is hereby amended by adding thereto the following sections:

XU. Civil Rights

148. Notwithstanding anything in this Act, it shall not be lawful for the Parliament of Canada or the Legislature of any province to make laws:

- (a) Abridging freedom of speech and expression, or of the press or other means of communication, or freedom of religion, or the right of lawful assembly, association or organizations.
- (b) Requiring or imposing excessive bail or cruel or unusual punishment or exiling Canadian citizens.
- (c) Subjecting any person to unreasonable interference with his or her privacy, family, home or correspondence.
- (d) Subjecting any person to arbitrary arrest or detention or denying to any person the right after arrest to be promptly informed of the charges against such person and to trial within a reasonable time or to be released.
- (e) Suspending the right to Habeas Corpus or depriving any person of a fair trial or the right to be represented by counsel.

149. The rights provided in Section 148 *shall* be enjoyed without distinction on account of race, sex, religion or language and the right to be a member of or to vote for the election of members of the Parliament of Canada or the Legislature of any province shall not be abridged on account of race, religion, language or sex.

150. The rights conferred by Sections 148 and 149 of this Act shall not be deemed to abridge any existing right of any person.

2. This Act may be cited as the British North America Act 1948, and the British North America Acts 1867 to 1946, and this Act, may be cited together as the British North America Acts, 1867 to 1948.

Source: "Submission of the Committee for a Bill of Rights in Support of Statement for a Bill of *Rights* to the Special Joint Committee of the Senate and the House of Commons on Human Rights and Fundamental Freedoms," n.d. [May-June 1948], National Archives of Canada, *RI. Hon. Louis St. Laurent Papers*, MG 26 L, Vol. 15, File 86-1.