suppose that past legislation led to that, it would require the strongest language that it would be possible to employ. Every presumption was against it; it was entirely contrary to all British practice, and to all precedent. It would, in fact, be yranny to thus take away the right of any portion of the country to be represented in Parliament after having once recognized it. To make laws for that part of the country in common with the rest of the Province—to make special laws for it, as they had done for Algoma—without its being represented would be tyranny. The only precedent for any such course was where an English constituency had proved itself so utterly corrupt that the right of representation had to be taken from it. That was the only precedent that hon. gentlemen could cite in favour of the view that the House could be constituted without every constituency sending a member. There were special reasons why no Legislature should exclude Algoma, because it was such an enormous country. The late member for Algoma used to tell them that it was nearly as large as all the rest of Ontario put together, and according to the boundaries which were now conceded to the Province, it was as large as the rest of Ontario. Yet the contention on the other side was that there was a deliberate intention to deprive that vast country of representation unless the elections happened to occur there at the same time as in the rest of the Province or unless the return day happened to be the same day as for the rest of the country. One vote might change a Government. Their friends in Quebec had been carrying on the Government for some time with great success, and were kept in power only by the vote of one member. Yet though this importance might attach to one vote, his hon. friends opposite contended that the House could go on without giving Algoma an opportunity of being represented.

Mr. MEREDITH—We are all members for Algoma.

Mr. MOWAT said they were all members for London, yet it would be a monstrous thing to hold an election without giving London an opportunity of returning a representative. But though he thought many constituencies could do better than London (laughter), still London had a right to make its mistake if it chose. No one whose mind was perfectly unbiassed by party considerations, which were misleading hon. members opposite, now thought any construction of the statute possible which would have the effect that his hon. friend claimed it had. Supposing, however, the Government had taken the view that hon. gentlemen said they should have taken, and that in the absence of the member for Algoma they should after the next election—when they would come back with even a larger majority than they had now—(hear, hear) find it convenient to hold a session before the return of the Algoma writ, what would hon. gentlemen say of the proposition they were advocating now?

Mr. DEACON—Better amend the law.

Mr. MOWAT said there was no necessity for amending the law, and at all events Algoma should be there to have a voice in the amendment. (Hear, hear.) But if the Government were to take the course he had indicated, what a fierce outcry would there be from hon. gentlemen opposite at their proceeding without the representation of Algoma. And the outcry would be a just one, for if they were capable of committing such an outrage they deserved to pass from that side of the House to the other. What the hon. member had chiefly relied upon in support of his view was the fact that certain former proclamations had been issued from time to time which named a day for the meeting of the House antecedent to the return of the writ for Algoma, and in order to give weight to that view the hon. gentleman regarded these proclamations as solemn declarations of opinion and very important instruments in themselves, while the fact was that they were mere formalities—mere fictions, in fact. They professed to call the House together when there was no intention that the House should meet at the time named. The custom was an old one, and had been kept up, and when the proclamations had been brought to him he signed them as a matter of course. He had never had his attention called to these proclamations until the present year. It was to be observed, however, that none of the proclamations upon which the argument of his hon. friend was founded called Parliament together for the despatch of business.

Mr. MEREDITH—The first one does.

Mr. MOWAT said only in the sense that if Parliament did meet they might transact business, provided they were not prorogued. The proclamation for the despatch of business was the only substantial one, and there was not a single case of a proclamation for the despatch of business antecedent to the return of the Algoma or any other writ. Since this matter came up he had some investigations made of old proclamations, and he found that the mistake had occurred at an early period. In 1872, when Sir John Macdonald was Minister of Justice, all the writs in the Dominion, except those of Gaspe, Chicoutimi, and Saguenay, were returnable on one and the same day, and the writs for the latter constituencies were returnable on a subsequent day, and the proclamation called Parliament together on the last of these days. (Hear, hear.) The error had at that time evidently been discovered. The writs generally were returnable on the 3rd of September, 1872, and those for the three excepted constituencies on the 12th of October. Again, when Mr. Blake was Minister of Justice, all the writs were returnable on the 21st of November, 1874, with the exception of the three he had named, as well as British Columbia and Manitoba, which were returnable on the 12th March, 1874, and Parliament was not called till the latter date. He had also evidently discovered the mistake which was made in previous proclamations. They should remember that the proclamations could not alter the law; if the principle his hon. friend contended for was not a fair one it could not be made so by a proclamation. He quoted Maxwell on the construction of statutes in support of this view. A case in point had occurred in Lower Canada many years ago, and he would read from the Journals of that time to show what had been done. The writs were all returnable on the 11th of April, 1820, except that for the county of Gaspe, which was returnable on Thursday, the 1st of June following. Parliament came together in pursuance of the writs on the 13th of April, before the return day for Gaspe, and before the actual return of the writ. The House on meeting unanimously passed the following resolution:—

*Resolved*, That it is the opinion of this Committee that according to the proclamation of His Honour the President and Administrator of the Government of this Province, bearing date the ninth day of February last, the representation of this Province is not as yet complete, inasmuch as the day fixed by the said proclamation as the return day of the writ of election for the county of Gaspe is not yet arrived * * *, and this House is incompetent, and cannot proceed to the despatch of business.

Mr. SCOTT—The Governor did not accede to that view.

Mr. MOWAT said that if he did not he was wrong. The representatives of the people, at all events, refused to proceed to business until every part of the country had an opportunity of sending a member to Parliament, and the matter stopped there until the death of the King, when the Parliament was prorogued.

Mr. MEREDITH—How could they meet at all if their objection was good?

Mr. MOWAT—Perhaps they ought not to have met, but they might not have known the facts of the case until they came together. He then read the following extracts from letters he had received from Mr. Todd on the question:—

On one occasion, in Lower Canada (between 1820 and 1830), Parliament was convened to assemble before the return day for the Gaspe election writ had come, and the House of Assembly at once resolved that they were incomplete and incompetent to proceed to business, and they refused to sit accordingly. They were then prorogued until they could be lawfully and constitutionally assembled, and they were clearly right in this contention.

He read from a second letter which Mr. Todd wrote subsequently, as follows:—

Nevertheless, I am equally clear from constitutional precedent and analogy, as cited in my letter of the 19th inst., that when all the returns have not been appointed for the same day, the last day on which any writ is returnable must be considered as the determinate date of the commencement of the existence of Parliament to legislate. Before that date the body is not complete, and is not competent toact.

This view being in accordance with that he (Mr. Mowat) had himself formed, he did not feel at liberty to take any other course than to advise His Honour that such

Jan 30