the defect, which, according to his hon. friend, existed in the village of Shelburne. All correspondence except that of a confidential nature would be produced. The hon. gentleman was mistaken as to his having been informed that he must not appoint Conservatives as magistrates. Nothing of the kind had occurred.

Mr. MEREDITH said the question touched upon by his hon. friend was an important one, and one in regard to which he thought the Government had not adopted the proper course. They had been in the habit of using their power of making appointments to the position of magistrate for the purpose of aiding in the election of their political friends. Such appointments ought not to be made upon party grounds, as magistrates ought to be the best men who could be found without respect to their political opinions.

Mr. STRIKER remarked that when he was suggesting names to the Attorney-General of individuals to be appointed as magistrates, he (the Attorney-General) had told him that he would not issue a commission unless it contained the names of a large number of Conservatives.

Mr. MOWAT said that he had endeavoured in issuing commissions to appoint Conservatives as well as Reformers, although the selection might not have been made of gentlemen recommended by his friends opposite.

Mr. WIDDIFIELD said that in making recommendations for magistrates in the North Riding of York the Attorney-General had made the same suggestion as he had to his hon. friend, and the consequence was that a large number of Conservatives were appointed, in proportion, he believed, to the strength of that party in the riding.

Mr. LAUDER had some acquaintance with the village of Shelburne, and he agreed with the hon. member for Dufferin that appointments were withheld on political grounds. In some cases persons had been appointed as magistrates who were unable to read or write. Such a practice he considered a reprehensible one.

Mr. MOWAT had never recommended any individuals unless he believed them capable to fill the position of magistrate. Of course it was impossible to get refined and cultured magistrates in all cases, but the Government did the best they could. He believed the number of magistrates unable to discharge their duties was much larger amongst the Conservatives than the Reformers. (Hear, hear,)

Mr. RICHARDSON said in 1876 he had presented a petition signed by a large number of electors of his county recommending the appointment of a certain gentleman as magistrate, but no appointment had been made, and no explanation had ever been given by the Government.

Mr. CHISHOLM thought hon. gentlemen opposite recommended a course now different to that which they followed when in power. The last appointments they had made numbered three hundred, and there were only a very few Reformers amongst that number. (Hear, hear.) If the number of magistrates were increased in his county there would be very few people left to act as constables. (Laughter.) The hon. member for Dufferin was fond of finding fault with the Government, but he should remember that he was elected as their supporter. (Hear, hear, and no.) He was prepared to prove that such was the case.

The motion was carried.

SEPARATE SCHOOLS.

Mr. BELL renewed the motion which he made some days ago for returns relating to Separate Schools, which was carried.

HURON AND ONTARIO SHIP CANAL.

Mr. BELL moved that the petition of the Huron and Ontario Ship Canal Company, presented during the present session, be referred to a Special Committee, to be composed of Messieurs Bell, Deroche, Hunter, Lane, Lauder, Long, Miller, and Parkhill, to report thereon.

Mr. MOWAT presumed that the Committee was for the purpose of obtaining information, and not to make recommendations to the Government. With that understanding he had no objection to its appointment, with the addition of the names of Messrs. Chisholm and Widdifield.

Mr. BELL—I have no objection.

The motion was carried.

DURATION OF THE LEGISLATURE.

Mr. MEREDITH resumed the debate on this question. He expressed surprise that the hon. member for Stormont should hold the opinion that the House could not proceed to business in the absence of a single member, and also that the duties of the House might be discharged after the House ceased to have a legal existence. He regretted the partisan view which had been taken of the question by hon. gentlemen opposite, and the fact that the Government had considered the matter before the 17th of September showed that they were contemplating linking their fortunes with the Dominion Government. But it had been stated that a gentleman who was engaged in organizing the Reform party during the last election had sent to his chief a declaration that Ontario had gone mad on the protection question, and it might be in view of that declaration that the Government considered the inadvisability of holding the elections while that state of things existed. He admitted the learning of the hon. Attorney-General, but he submitted that he had not answered the argument of the hon. member for Peterborough that one constituency might prevent this Province from having a Parliament for five or seven months in the year, except by the *ad captandum* argument that it would be tyranny for this House to assume to transact business in the absence of a representative for Algoma. He proposed to discuss the question as it was affected by the British North America Act. If the contention of the hon. member for Stormont were correct that this House could not be properly composed for doing business in the absence of a single representative, it would follow that if one member of the House of Lords or the House of Commons were absent, legislation could not there go on. He referred to several instances in the history of the English Parliament in which this was done. In 1805, when the House of Commons met, Knaresborough was unrepresented, and the House proceeded to business and ordered a new writ to be issued for that constituency.

Mr. BETHUNE—The writ had issued in the first instance.

Mr. MEREDITH said it was, but was not executed. In 1831 the Caernarvon case occurred, in which a writ had been issued, but not executed, and the House of Commons ordered the issue of a new writ. Then in our own Province, in 1841 the House proceeded to business in the absence of a return from the county of Kent. The Dominion House of Commons, on the 12th May, 1868, also dealt with the case of Kamouraska, for which no return had been made, and ordered a new writ to be issued. These instances, he thought, conclusively disposed of the argument that the House could not proceed to business in the absence of one representative. He submitted that the case cited of the old Province of Canada, in 1820, had no authority on this point. The House of Assembly at that time was in conflict with the Governor, and, assuming itself to be properly constituted, elected a Speaker, resolved itself into a Committee, and passed a resolution. If they were not a Parliament how could they perform these acts legally? The Attorney-General had based his argument chiefly on the words of the Confederation Act relating to the return of the writs. If his construction were correct, the existence of Parliament would depend upon a returning-officer properly attending to his duties. The literal construction of these words should, therefore, be contended, be abandoned, and their intentional meaning sought for. He quoted several English cases, as well as the cases of all the nine elections held in Canada from 1837 to the year of Confederation, to show that on every occasion the date of the return of the writs and the time at which the Crown summoned Parliament to meet were the same.

Mr. FRASER—All the writs were returnable on the same day.

Mr. MEREDITH—Yes; and it would be found that in no less than five of these nine cases did the Parliament of Canada meet on the day mentioned in the proclamation.