

He undertook to assert that the issue of the proclamations previous to 1872 was not a mistake, as the Attorney-General had stated. From 1851 to the time of Confederation, although the elections in Chicoutimi, Gaspé, Saguenay, and Charlevoix were held at a later time than the rest, the construction invariably placed on the statute was that Parliament should assemble on the day that the body of the writs were returned, and not the exceptional writs. This procedure was followed under both Reform and Conservative Administrations.

Mr. FRASER—Did Parliament meet on these days, and how did the Legislature as a Legislature recognize these proclamations?

Mr. MEREDITH presumed that the hon. gentleman knew that the effect of a prorogation was that the House, being properly constituted, met in the chamber, and was there and then prorogued by the Crown either in person or by an agent.

Mr. FRASER—That is no answer. He then repeated the question.

Mr. MEREDITH said he would come to that. The fact of Parliament being prorogued from 1851 to the time of Confederation, as he had stated, clearly proved that the House assented to the view held by the Executive. The reason of the change in 1872 was that it was desirable that Manitoba and British Columbia, which had just been admitted into the Union, should be represented in the House. ~~He~~ did not intend to propose any resolution on this question. (Hear, hear.) He left with hon. gentlemen opposite the responsibility of any legislation which took place in the House after the 2nd of February. Whatever conclusion they came to, every hon. gentleman must admit that the power of this Legislature to sit after that date was involved in very great doubt. Whatever view the legal members took of the question, the people would say that hon. gentlemen opposite had, by means of a doubtful technicality, attempted to interfere with the rights of the people by prolonging this Legislature for a longer time than they were entitled to do, in order to prevent the people from expressing their views on the Administration of the day, and they would conclude that there must be some motive for this course which was not in the interest of the people, but rather in the interest of hon. gentlemen opposite. (Opposition cheers.)

Mr. BETHUNE said he would discuss this matter apart from all party feeling. His hon. friend the leader of the Opposition had not been able to come to any more definite conclusion than that the question was involved in very great doubt. The contention of the hon. member for Peterborough was that this House might meet in the absence of the representative for Algoma; but it was impossible to come to any other conclusion than that the safety of the people, as opposed to the prerogative of the Crown, required a mandatory construction to be placed on the word "shall" in the 70th section of the British North America Act, providing that the Legislature should consist of 82 members. This would not be a representative body if so large a section as Algoma were unrepresented. He contended that his view did not involve any interference with the prerogative of the Crown, as alleged by the hon. member for Peterborough, but there were cases in which it was in the power of the House to alter and limit the duties of the Lieutenant-Governor. As the Attorney-General had pointed out, some time must necessarily elapse between the dissolution of one Parliament and the calling of another. Once the great seal was fixed to the proclamation dissolving the House, the members of the dissolved House no longer represented the people. A couple of months would necessarily elapse before Parliament could be called. It was merely a matter of degree as to how long a time might elapse, and section 84 of the British North America Act gave this House power to deal with it. If Algoma should be unrepresented, why not Cornwall, or any other single constituency, or more? From the time of Magna Charta the rule was that Parliament could not meet while one constituency was unrepresented, and in that document itself it was provided that Parliament should proceed to business when all its members were summoned, whether they appeared or not. In later

times the sheriff was directed to return all the writs before the time for the meeting of Parliament. He read from several English authorities in support of the same view. If the hon. member from London were correct that all the members represented any one constituency, it followed that when one constituency was unrepresented the representation was incomplete. A good deal had been said about the prerogative of the Lieut.-Governor, but express power was given him under the Royal Commission to dissolve the Parliament.

Mr. DEACON asked if his hon. friend had found any instance of the writs in England having been returned at different dates.

Mr. BETHUNE said he had not, but he had found instances where many of the writs were returnable at a longer period than the others. It was no interference with the prerogative to allow the writ for Algoma to be returnable at a longer period than the rest. If that was an interference, the whole working of the election law was equally so. The prerogative right was to call the whole House together, not eighty-one eighty-seconds of it. The Lieutenant-Governor had no power to call an Assembly together that had no existence.

Mr. MEREDITH—That is what has been done.

Mr. BETHUNE said that such was the case, but he had all along contended that the proclamations were all wrong.

Mr. DEACON—Have we not the right to allow Algoma to return a representative once only in two years?

Mr. BETHUNE said that a regularly constituted Assembly had the power to do so, but in order to a regularly constituted Assembly the representation of Algoma was necessary. A Parliament once a year was quite often enough to meet the requirements of the country. If the laws they had made rendered it impossible to hold a Parliament once in every year, that fact would operate as a repeal of the provision which enacted that it should do so. He could not, however, conceive of any circumstances that would hinder a Parliament meeting once in every year. When the representation of Algoma was wanting, they would either have to go on without it or wait until Algoma was represented, but in order to go on without it, they would require an express provision of the Legislature to that effect. He argued that it was not material to issue the writs for a new election immediately upon the dissolution of Parliament. His hon. friends opposite were elevating the form above the substance in placing so much importance upon the form of the writ. The mistake of professing to call the Parliament together when it did not exist had been fallen into by following the old English form of writ. The difference between the system in England and Ontario was that the former had no written Constitution, while the latter had. The form of the writ was a trifling matter in comparison to the fact of holding the election, which was the important thing. Even if the Legislature would come to an end on the 2nd of February, he did not apprehend any difficulty, for there was no authority in the land that had power to override their legislation. A very great difference existed between the strong language employed in the Ontario statutes which regulated the number of representatives, and that used in the statutes governing the Constitution of the Parliament of Old Canada. The former said that eighty-two members should be elected, while the latter merely provided that the members duly elected should constitute the House. But he did not take his stand solely upon the strict letter of the law, for as a matter of principle he thought it would be utterly unsafe to lay down any other rule than that the Assembly should consist of eighty-two members. If the Lieutenant-Governor could legally dispense with one member so he might with sixty-six, retaining only a number sufficient to form a quorum. And what was to hinder the Ministry issuing the writs to twenty-two constituencies favourable to them? And if that Assembly were a constitutional one, it could keep the Ministry in power indefinitely against the will of the people.

Mr. CREIGHTON—That is provided for by our law, which provides that the Parliament shall consist of representatives from