

all the constituencies in the Province save one.

Mr. BETHUNE said that that one might prove the turning point. The spirit of the law was that the representation of the Province should be complete, and every lawyer would admit that such was the case. He cited an instance which had occurred in one of the New England Colonies, in which the Legislature was declared by Lord Mansfield to be incomplete in the absence of five members who had been returned by certain constituencies newly created by the Crown, and whom the rest of the members had excluded. He was of opinion that the return day of the writ meant just what it said, and that the return was complete when the writ was received by the Clerk of the Crown in Chancery. He thought it quite right that the matter should have been discussed, but it was not one of much practical consequence, because there was no machinery whereby the courts of justice could inquire into the legality of the laws passed after the 2nd February, even if the Legislature should be defunct at that time. The limitation of time was of use, because no one would wish to sit there and take part in legislation that might afterwards be called in question.

Mr. MORRIS, before addressing himself to the question, referred to the remark that the Attorney-General had made, that when considering the question of the duration of the Parliament before the 17th of September, he had no idea that the elections would result as they had done. He could quite believe that remark. (Hear, hear.) They on that side of the House had been taunted with importing Dominion politics into the discussions of the House, but if the Attorney-General desired to exclude them, he should not set a bad example by introducing them himself. One feature of the question had not been referred to during the discussion, viz., that the statute fixing the duration of the Parliament was not only a Confederation law, but it was also one which had been deliberately adopted by this Parliament. The arguments of the Government led to the conclusion that the duration of the Parliament was four years and a half, but such a conclusion, though it might be convenient to his hon. friends in the Government, was entirely contrary to the legislation that had been enacted. He thought the form adopted in the writ was not a mistake; the issuing of the proclamations was a necessary consequence upon the writs. The writ for the election in Algoma summoned the House together on the 2nd of February, and he maintained that that fact showed the Government to have occupied a different position then than now. If the proclamation proroguing the House had not been issued before the 2nd of February the House would have met on that day.

Mr. FRASER—Would it have been competent for it to proceed with the despatch of business?

Mr. MORRIS said it would certainly have been competent, and according to the argument of the hon. member for Stormont, it would have been a *de facto* Assembly. But it was scarcely for a member of the Government to ask him what would have been the consequence of a Governmental mistake. The second proclamation which the Government had issued upheld his contention that the Government considered at that time that the House would be complete without the representation of Algoma. His hon. friend the member for Stormont had said that the legislation of a defunct Parliament could not be inquired into, but they had already had instances of Acts, prepared as carefully as the Algoma Act, being disallowed. He also disagreed with him in his statement that the Courts could not disallow such legislation. Such was the state of things in England, but the position was different in Ontario. It being almost six o'clock he would not detain the House any further.

The matter was then dropped.

RETURNS.

Mr. HARDY presented several returns, including those relating to railway accidents, and the annual report of the Council of University College, Toronto.

Mr. MOWAT moved the adjournment of the House.

The House adjourned at six o'clock.