

## A Brief Sitting at the Queen's Park.

### DURATION OF PARLIAMENT.

#### Mr. Whitney Recalls a Seventeen-year-old Case.

Sir Oliver Mowat's Reply—Solemnization of Marriages by Non-Resident Clergymen—Other Questions Answered.

Monday, March 2.

The only event of a brief sitting of the House to-day was a question of privilege, which was raised by Mr. Whitney, as to the duration of Parliament; he brought up a case which occurred in 1879, when the Ontario Legislature decided that the duration of the Legislature depended on the date of the last writ returned, and suggested that this would have a bearing upon the present situation in Ottawa. Sir Oliver Mowat replied that the cases were dissimilar in several points which he specified, and the matter dropped.

A few bills were read a first time as follows:—

Mr. McNeil—An act to amend the ditches and watercourses act of 1894.

Mr. Richardson—An act to consolidate the debt of the Village of Markham.

Mr. Crawford—An act respecting the City of Toronto.

### DURATION OF PARLIAMENT.

Upon the orders of the day being called Mr. Whitney rose to a question of privilege, his subject being the legal duration of the House. The question had come up with regard to the Legislature in 1879, and the reason for his bringing it up here was that it was at present being debated a great deal by the newspapers and Parliamentarians with regard to the House of Commons in Ottawa. The latter case, he admitted, did not directly concern the House, and he would refer to it only in so far as was necessary. Mr. Whitney then referred to the fact that by the British North America act the duration of the Provincial Legislature is stated at four years from the time of the return of the writs; the Legislature, however, has power to change this, differing in this respect from the House of Commons, and there is an arrangement that the writ for Algoma shall not be returned except between the months of May and November. In 1875 the other writs were returned on February 2, the Algoma writ being returned in August. On February 2, 1879, the House had existed four years from the return of the other writs, and the question arose. Sir Oliver Mowat held then that the duration of the House was determined by the date of the return of the last writ, and the House accordingly sat until four years and 87 days after February 2, 1875. In the Dominion election of 1891, Mr. Whitney added, the writs were returned on April 25, with the exception of that for Algoma, which was returned on June 3, while the House met on April 26, two months before that. Accordingly it might be argued that the House was de facto defunct on April 26 next, and the matter was being vigorously discussed. He personally was inclined to accept Sir Oliver Mowat's view that the House would not cease to exist until the date of the return of the last writ. If the House of Commons were to decide otherwise, the decision would have a bearing on the procedure of the Legislature in 1879, and special acts to legalize the acts passed after Feb. 2, 1879, among which was the act incorporating Guelph as a city, might be necessary.

Sir Oliver Mowat, in replying, said his hon. friend must have had in his mind the time when he would occupy a position at Ottawa similar to the one he now occupied. The question of privilege, which Mr. Whitney raised, was one affecting the present House of Commons, and not the Ontario Legislature. The question of the duration of the Ontario Legislature in 1879

was not the same question as the affecting the present House of Commons, but the object of Mr. Whitney was undoubtedly to get something said here and now that would be of service to his friends at Ottawa in their wish to make out that the duration of the House of Commons did not expire on the 26th of April; but the two cases were entirely different as to the facts on which they depended. The duration of either body counted from the time of the writs being returnable, not of their being actually returned. The Ontario Legislature sat within four years after the last of the writs, namely, the writ for Algoma, was returnable, and therefore within the time specified in the British North America act. On the other hand, the Dominion writs of 1891 were all returnable at the same time, and five years from that time will expire, on the 26th of April. That was not the only thing that made the two cases different. The Dominion Parliament had no power to extend the term for which the House should endure, but the Province had power to extend the term for which the Assembly should endure, larger powers having been granted to the Provinces than to the Dominion in that respect. There were several other material distinctions, but those mentioned showed that the precedent of 1879 afforded no argument for the House of Commons of the present year. He had taken the opportunity of stating this in answer to Mr. Whitney, but the question was not a matter of privilege in this House at the present day.

Mr. Whitney replied that he thought it would be more proper to interject it in this way than to introduce it into the budget debate.

The matter was then allowed to drop.

### QUESTIONS ANSWERED.

In reply to questions by Mr. Langford, Hon. Mr. Hardy said there had been no returns for pine timber cut on two lots in the Township of Oakley, Muskoka; also that the Government had sold the "Back Pond" lot of 504 1-2 acres at \$1 an acre in the Township of Elizabethtown. The purchaser was a man named Smith, and the sale was made in the ordinary way.

In reply to a question by Mr. Howland as to the right of clergymen not resident in Canada to solemnize marriage, Sir Oliver Mowat replied that he did not know of any cases in which marriages had been performed by clergymen not so resident, and he added that the Government were of opinion that the restrictions of the present law were desirable in order to prevent frauds. If cases had occurred in which marriages were solemnized by foreign clergymen in ignorance of the law and the facts were communicated to the Government, they would consider the propriety of some sort of legislation legalizing them.

All the motions on the order paper were allowed to stand over. Mr. Crawford was very much inclined to press his anti-remedial legislation resolution, but Sir Oliver Mowat pointed out that it would be impossible to bring the matter to a vote to-day, and so it was left over. Mr. Crawford asked that a day be set for it, and the Premier replied that it could be brought up any Wednesday. One private bill, Mr. Crawford's, respecting the Hospital for Sick Children, and one public bill, Cleland's, to amend the municipalities by allowing towns the same privileges as that now enjoyed by cities, of having certain disputes settled by the County Judge instead of by arbitration, were given their second readings, and then the House adjourned at 3.55 p.m.

### NOTICES OF MOTION.

Mr. Haycock—Order for a return showing the cost of the machinery, the cost of repairing and maintaining the same in order and the cost of raw material used in connection with the manufacture of binder twine in the Central Prison, giving the aggregate amount for each year from the beginning of the said industry to date, the amounts annually paid as commissions for the sale of the product, the cost of packages, freight, salaries of extra officials and all other expenditures incurred in connection with or occasioned by said manufacture, the annual receipts from sales of binder twine during said period, and the estimated value of the machinery, plant, material and stock on hand when the said industry was transferred to its present managers.