

statement that he had been informed that the hon. member for East Middlesex also received a load of scrap iron in the deal which he made when disposing of the animal elicited an earnest denial from the hon. gentleman.

The Debate.

Mr. Douglas, East Northumberland, resumed the address, after referring to the various evolutions in the Conservative zoological policy from the calf with a cough down to the ram from Middlesex County. The speaker had a protest hanging over his head, and Mr. St. John had visited the Conservatives of the riding to urge that such action be taken. And yet the member from Centre Simcoe resented outside interference. The petition circulated in East Northumberland praying for the retention of Hon. Mr. Dryden was largely signed by Liberals and Conservatives alike. As a practical farmer and the son of a farmer the speaker defended the establishment and curriculum of the Agricultural College. He resented the Conservative imputation that the main interest to excursionists at the school was a good square meal. Farmers and their wives preferred to visit the college and secure the information so valuable to them rather than spend their hard-earned holiday at a horse race. Personally he had secured many valuable pointers from merely conversing for a short while with a young graduate of the college. He pointed out the benefit effected by the college in the fruit industry, and went on to justify the appointment of a good roads commissioner. The Government had been held responsible by the members of the Opposition for the rise in the price of binder twine. Why not also give the Government credit for the rise of wheat?

Mr. Foy's Argument.

Mr. J. J. Foy, Q.C., hoped that the fisheries bill would be taken up promptly and would be considered in all calmness and deliberation, so that it would not afterwards be found ultra vires. The one fact which had been made patent by the debate upon the constitutional questions involved in the retention of their portfolios by Ministers who had not retained their seats in the House was that there are precedents which ought to be avoided as well as those which ought to be followed. He had been struck with the thought when the Attorney-General was addressing the House that the party lash was being raised over his hon. friends to the right of Mr. Speaker for the purpose of showing them that if the Attorney-General is wrong in his present contention they were elected as his supporters and should stick to him, right or wrong. (Opposition applause.) The position taken by hon. gentlemen opposite was that a Minister who has been defeated ought not to be asked to resign as long as there is a reasonable hope of his being able to regain his seat, and he was not disposed to quarrel with that contention. He further agreed that what is a reasonable time must be determined according to the attendant circumstances of the case. In the present case two Ministers are holding office as advisers of the Crown,

spending the Provincial funds, advising upon the calling of the members together, and upon the legislation that is to be submitted for the consideration of the House; five months have elapsed since their defeat, and the House is called together while they are still without seats. It had been hinted that other seats than Hamilton and South Ontario might be found for them. There was nothing before the House to show that the protests which have been filed by the Ministers would be prosecuted. The crucial point was that under responsible government when the Legislature meets the Ministers ought to be in their places to give an account of their stewardship and of the advice they have given to the Crown. (Applause.) The calling of Parliament was a material consideration in the determination of what is a reasonable time to allow. At some length Mr. Foy quoted precedents in support of his contention, and laid special stress upon the precedent created by the resignations of Mr. Blake and Mr. Mackenzie in 1872, in the discussion upon which Sir Oliver Mowat pointed out in extenuation that at that time the House was not in session, and there was no likelihood of the House being called together at an early date. Sir Oliver had also declared that the Morrison case, which had been quoted as a precedent, "was indefensible, having regard to the British constitutional system under which we live."

The principle recognized under our system is that the Minister of the Crown must have the confidence of the people, and the reason why the Minister was required to go back to the people for approval after taking office was for the purpose of preventing undue influence being exercised by the Crown upon members of the House through offers of office. The necessity of the presence of Ministers in the House was shown by inquiries that had been made in the House in reference to matters pertaining to the Departments of Agriculture and Crown Lands. Since he ceased to hold a seat in the House the Commissioner of Crown Lands had been sitting in judgment on questions arising out of the administration of his department and had given decision in at least one important case before him.

A Question For the Courts.

Mr. Foy next took up the discussion of the constables' vote and urged that if the contention of the Attorney-General that the constables always have had the right to vote is correct there was no necessity for calling the House together. Personally he was not called upon to give an opinion upon the matter, and had not been sent there for the purpose of determining what the meaning of the law was, but to make new laws and change the law for the future if necessary but not for the past. The question at issue was for the Judges to determine, and the Legislature should not interfere. He expressed pleasure that the debate had elicited an expression of opinion from both sides of the House antagonistic to ex post facto legislation. If the section of the act which dealt with the matter under discussion is loosely constructed, as con-