

the old Parliament of Canada, he cited one in 1857, another in 1859, one in 1861 and one in 1866. In the Ontario statutes they had instances of retroactive legislation, in 1868-9 repealing 31 Vic., chap. 3, sec. 3; in 1869 33 Vic., chap. 21 (0), sec. 4, regarding insurance for the benefit of wives and children; 1870-1, 34 Vic., chap. 13—an act to make valid certain commissions for taking affidavits by the Court of Queen's Bench; in 1874 an act respecting the operations of statutes of Ontario—38 Vic., chap. 4; 1879—an act abolishing distinction between residents and non-residents as regards limitations of actions; 1881, an act for protecting the public interest in rivers, streams and creeks. Mr. Ross explained that some reference was made in this act to suits pending, the Judge being empowered to order the costs of the suit to be paid by certain parties. Col. Matheson said that that did not interfere with vested rights, and Mr. Ross raised a laugh by pointing out that the hon. member evidently thought costs were vested rights. Another retroactive act in regard to insurance was passed in 1881, and another in 1883 to render valid certain marriages conducted by ministers not designated in the revised statutes. Another in 1884 related to attempts to corrupt members of the Legislative Assembly "whether such attempts were made before or subsequently to the passing of this act." Section 48, to remove doubt, it is hereby declared that it has been and is the policy of the election law and the intention and meaning of the several statutes in that behalf, that no election was or is void for any irregularity on the part of the returning officer. Another in 1885, relating to the controverted election act, dealt with every case "which has heretofore arisen, or is now pending, or which shall hereafter arise, as if the words and provisions hereinbefore in the next preceding section set forth were in the said act at the time of the passing thereof, and effect, as aforesaid, is to be given thereto, notwithstanding any order, judgment or decision heretofore made or pronounced in the case by the Court of Appeal or trial Judge." Sections 17 (3), 18 and 19 of the same act are retroactive.

"I think," said Mr. Ross, "I have brought hon. gentlemen down close enough to the present time to show beyond dispute that the policy of Parliament, of the British House of Commons, of the Canadian House of Commons and in this Legislative Assembly, has been to deal in a sovereign part with such questions as naturally and properly come before them, and to deal with them in the public interest with a view to remove any injustice, inconvenience or wrong to any class of her Majesty's subjects. If it is to be held that we have no power, that we are curtailed and limited and restricted as to our rights in dealing with the rights of the constituents who send us here, then let us know that our powers are limited; let us know that a mandate has gone forth from some quarter that from this time forth Parliament is shorn of its important power, and that so far as their rights are concerned we are powerless to help them. I do not so understand the rules of this House, nor do I so understand it to be my duty, nor have I learned it from the cases in this House, from watching the legislation

that has been passed by it, or from a study of the statutes of the Dominion of Canada or of any other country. (Liberal cheers.)

#### Mr. Whitney's Bill.

"But if my hon. friend, the leader of the Opposition, will not accept the decision on the authorities or on the precedents I have quoted, perhaps he will accept his own course as a precedent in regard to some legislation which he introduced into this House. (Applause.) I have a bill which was introduced into the eighth Legislature of this Province in 1885, duly entitled "an act respecting certain county drainage work," first reading March 18, 1885, counter-signed 'Mr. Whitney.'" (Liberal cheers.)

One clause of that bill declared that notwithstanding anything contained in the act of 1884 in case any by-law that has been passed under that act and which has been acted upon in whole or in part and does not provide sufficient funds to complete the work, the Council may from time to time issue further debentures under the by-law to carry out the original intention of the by-law. The purport of this act was to enable the Council to dispense with the necessity of obtaining the consent of the people to the additional charges. This was a small specimen of retroactive legislation, indicative of what his hon. friend thought on the subject at that time. (Cheers.) He had another bill of the hon. gentleman relating to the Stormont Electric Light & Power Company, which was retroactive in its provisions. Anyone knew that there is instance after instance of similar legislation, retroactive in its nature, in connection with the municipalities. They had shown over and over again that the constables have voted for 50 years, and he asked the hon. gentleman opposite if he had the power to rid himself of that strong party spirit upon which he prides himself, and to rise to the situation and say that he will be no party to legislation for depriving the constables who have voted for 50 years of any right which they have exercised, and which has been the recognized law of this land. Was the hon. gentleman pursuing a manly course, he asked, when he tried to cross the floor of the House upon any such technicality? He appealed to them to deal with the electors of this country as they would wish the electors to deal with them. Every line in the bill declares that the Government want to go to the courts, that they are not evading the courts. They said that the candidate has no right to the seat gained by striking off the votes of constables who have been voting legally for 50 years, and they did not propose to allow any such candidate to take a seat. If hon. gentlemen had such confidence in the people they would go to the people. The Government are willing to go to them and to accept their verdict. Hon. gentlemen opposite were endeavoring to shirk the popular vote and attain success by means of a technicality. (Cheers.)

#### The Attack on Mr. Garrow.

Mr. Ross then referred to Mr. Whitney's attack upon the member for West Huron, which was not a very gracious attack, and was not, according to par-