

Correspondence.

ELECTION LAW—PARLIAMENTARY VACANCIES.

To the Editor of CANADA LAW JOURNAL.

SIR,—Some matters of interest as to Constitutional law have recently arisen in Ontario and seem worthy of discussion. Of the least of two evils by which he is just now confronted the Premier of Ontario would probably find it wiser to choose dissolution. Reconstruction, with the attendant feature of clearing off the by-elections, has difficulties peculiar to itself. It is said that portfolios are to be offered to the Speaker and the member for Brockville, if not to the representative for North Grey as well. But is it competent for any of these gentlemen to resign or otherwise bring about the vacation of their seats and come before their old constituencies for re-election?

Section 16 of c. 12, R.S.O. 1897, which treats of the case of a member accepting office, has the following provision:—"If any member of the Legislative Assembly becomes a member of the Executive Council . . . his election shall thereby become void, and his seat shall be vacated, and a writ shall, in the manner provided by sections 36 and 37, issue for a new election as if he were naturally dead; but he may be elected if he is not declared ineligible under the Act." Referring to sections 36 and 37, which are therein spoken of as those proper to be invoked, they seem to comprehend a vacancy arising during a session of the assembly, or a notification of which, at all events, must await its inauguration. This view was deliberately set up by the Attorney-General in the North Renfrew instance to break the force of the Opposition's protest against the long delay in bringing on the election there. He repudiated on the strength of these enactments the charge of default occurring at any stage earlier than the meeting of the House.

Section 36 reads: "If a vacancy happens in the Legislative Assembly by the death of a member, or his accepting any office, commission or employment" [does "office" here mean membership in the Cabinet], "the Speaker, on being informed of the vacancy by a member of the said assembly in his place, or by