

bias, which might not be said of the conclusion to which this Parliament might come.

Mr. MILLS (Bothwell). The election courts have decided against that view in regard to Gaspé.

Mr. HAZEN. Will the hon. gentleman give me the case in which they have so decided?

Sir CHARLES HIBBERT TUPPER. I would like to make a few observations on this question, because one hon. gentleman who expressed an opinion upon it, referred to those holding a different opinion as not being known—as those whose names were not before the House or the country. I have no hesitation in saying that I have a very strong opinion myself as to the settlement of one part of this question, while the other part gives me a good deal of difficulty. We may have had a right to meet on the 29th of April, 1891, as we did; but whatever the settlement of that question may be, I am not able to see how hon. gentlemen conclude that it settles the other question as to how long this Parliament lasts. The very section that seems to lead some hon. gentlemen to the conclusion at which they have arrived, leads me to an entirely different conclusion in regard to the length of the life of this Parliament. Section 50 of the British North America Act does not definitely fix the life of Parliament at five years. There is a difference between the language of the Act fixing the term of our Parliament and that of the Septennial Act in England. In the latter Act the question as to the length of the life of Parliament seems to be made absolutely and definitely clear. It is there provided that the duration of Parliament shall be seven years, "to be counted from the day on which, by the writ of summons, this Parliament hath been, or any future Parliament shall be, appointed to meet"; whereas, in our case, as the hon. Minister of Justice, I think, said, it had been contended before him, section 50, instead of saying definitely that the duration of Parliament shall be five years, says that it "shall continue for five years from the day of the return of the writs."

Mr. MILLS (Bothwell). That is the same.

Sir CHARLES HIBBERT TUPPER. My difficulty is as to whether we had, in this case, any right to sit before the month of June. But that the other question is not altogether as hon. gentlemen have suggested, I am led to believe by what I understand to be the opinion of the Attorney General for Ontario, Sir Oliver Mowat, given on the occasion to which the hon. member for West Ontario (Mr. Edgar) has referred to-day. In referring, not to the Ontario Act, but to the British North America Act, Sir Oliver Mowat, on January 30, 1879, said that, in his opinion, the language in section 50, "from the day of the return of the writs for choosing the House," meant the return of the last

Mr. HAZEN.

writs. That hon. gentleman, of course, is an eminent authority.

Mr. EDGAR. He meant the day they were returned.

Sir CHARLES HIBBERT TUPPER. Whatever he meant, that is what he said.

Mr. EDGAR. That is not what I read to-day.

Sir CHARLES HIBBERT TUPPER. This is an extract from the debates of the Ontario legislature of January 30, 1879.

Mr. MILLS (Bothwell). That was under a different statute altogether.

Sir CHARLES HIBBERT TUPPER. Not at all. He did refer to the Ontario statute, it is true; but when referring to this section in the British North America Act, he used the language I have attributed to him. He argued on that occasion, too, that it would be a monstrous thing if a Lieutenant-Governor should have the power of calling Parliament together when only some of the constituencies were represented. We may have done wrong. This Parliament met at a time when, according to the Attorney General of Ontario, it had no right to sit, because it had only the right to sit from the day of the return of the last writ. The hon. Minister of Justice (Mr. Dickey) has put in my hand the British North America Act, section 55 of which provides that every legislative assembly of Ontario and Quebec shall continue for four years from the date of the return of the writs. There is a very great similarity in language.

Mr. EDGAR. It is the same exactly.

Sir CHARLES HIBBERT TUPPER. Yes. I point out the position he took, for it has had great weight with me, and has stirred up the difficulty as to the correctness of the procedure in calling Parliament together in April instead of June. He argued that if a Lieutenant-Governor had the power with regard to one constituency, he would have it with regard to another. Now, then, the construction put upon this Act by those who have advised the Governor General in days past—in 1872, for instance, when the writs for Gaspé and Chicoutimi and Saguenay were made returnable on October 12th, all the others being returnable on the 3rd September, the proclamation for Parliament to meet issued the 12th October, that being the date on which the last writ was returnable; and the question is whether there has not been departure from that correct principle in connection with this very Parliament.

Mr. EDGAR. No, the writs were all returnable on the 25th April.

Sir CHARLES HIBBERT TUPPER. I mention this case because, while I do not propose to go into a lengthy argument, I would like to say why I have reached, right-