

and the documents relating to the election having been referred to the Committee, the Committee reported the following resolutions:—*Resolved*.—That it is the opinion of this Committee, that, according to the proclamation of His Honour, the President and Administrator of the government of this Province, bearing date the ninth day of February last, the representation of this Province is not as yet complete, inasmuch as the day fixed by the said proclamation as the return day of the writ of election for the County of Gaspé is not yet arrived. *Resolved*.—That it is the opinion of this Committee that the writ of election for the County of Gaspé being dated the 22nd of February last, and returnable on the 11th of the month of April inst., is contrary to the said proclamation, and to the Provincial Act of the 42nd year of the reign of His Majesty George III., chapter 3.* *Resolved*. That it is the opinion of this Committee that, according to the enactments of the Act of the Parliament of Great Britain, of the 31st year of His Majesty George III., chapter 31, intituled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," this House is incompetent and cannot proceed to the despatch of business. The several resolutions were put separately and concurred in. They

*The Act provides as follows:—'Whereas, from the remote and local situation of Gaspé, it has been found from experience that the fifty days prescribed for making the returns aforesaid are insufficient for that purpose, be it enacted . . . that it shall and may be lawful for the Governor to extend the period in which any writ for a member to serve in the Provincial Parliament for the County of Gaspé aforesaid shall be made returnable to a number not exceeding one hundred days from the day on which the writs of election for the aforesaid County of Gaspé shall hereafter be dated, any law to the contrary notwithstanding.'

were then unanimously adopted. The House next proceeded to nominate a Committee to wait upon the Administrator and request him to appoint a time for the presentation of the resolutions. But further proceedings in the matter were suddenly arrested by the news arriving of the death of the King, which had the effect of dissolving the Parliament.

The Lower Canada Legislature did not, it will be observed, refuse to proceed merely because the representative from Gaspé was not in his place, but because the Executive in convening Parliament for the despatch of business had violated the terms of the proclamation issued under a law which ensured to Gaspé a longer and necessary interval wherein to hold the election. The case is precisely analogous to that of Algoma under the Ontario Act, by virtue of which the writs generally, for the general election of 1875, were made returnable by proclamation on the 2nd February, and the writ for Algoma on the 14th August, while the nominations and pollings were respectively held on the 11th and 18th of January in the other electoral districts. That so long a time was allowed in the case of Algoma after the 20th May may be attributed to the fact that, the Legislature having held its annual session in November and December, 1874, no necessity for haste presented itself. Had the Ontario Legislature been called for the despatch of business prior to the 14th August, a protest similar in terms to the one adopted by the Lower Canada Assembly would doubtless have followed.

The action of the Legislative Assembly of Lower Canada was fully in accordance with at least one eminent authority. In the year 1744 the Governor of New Hampshire, Mr. Benning Wentworth, acting upon his interpretation of the powers vested in him by virtue of his commission, and those of his predecessors in the same office, undertook to issue writs

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