

of the construction of the British North America Act, in view of facts which, as I say are undisputed. Now, Sir, the hon. gentleman says there is no doubt about the law. The hon. gentleman is a practising barrister, and I am quite sure he has engaged in very many cases in his day in which he started out with the same high hopes—nay, absolute certainty—of the law being in his favour that he holds to-day in regard to this question, but in which he found, when he got to the higher courts, that unfortunately some small point which he had overlooked, had upset his calculations, and the law which he supposed was without doubt turned out to be in the opposite direction. Nothing is more certain than the glorious uncertainty of the law; and any hon. gentleman on either side of this House must, I am sure, feel that there is great difficulty in his arriving at an absolutely unbiassed opinion upon a question like this, which is mixed up more or less with politics. I confess myself to feeling some difficulty in deciding that any judgment I might offer on the matter would be quite unbiassed. I might suggest to the hon. gentleman—not as adopting them, but by way of conveying them to him—some arguments that are put forward with reference to this matter; and I may tell him that I have knowledge of a very widespread opinion in the profession to which we both belong, as to the proper legal aspect of this question. The hon. gentleman would agree with those who hold the opposite view to this extent, that if the date of the Algoma election were mentioned in the proclamation calling Parliament together, the life of this Parliament would date from the date of that return, which, we will assume for the present, to be the 3rd of June, so that really the question at issue is not a very large one.

Mr. DAVIES (P.E.I.) Do I understand the hon. gentleman to suggest that if all the writs were made returnable on the 25th April, with the exception of one writ, and that, all the writs but one having been returned on the 25th April, Parliament met, but that the one not returned was made, for local reasons, returnable a month later, the period of parliamentary life would nevertheless begin to run from the return of the last writ, although Parliament had met previously.

Mr. EDGAR. I did not take into consideration in any way the question of Parliament having met or not before the return of the last writ. If Parliament had not met until after the last writ was returned, then I admit it would be a very open question, but that is not the case here at all.

Mr. DICKEY. The hon. gentleman asked me the whole question in a nutshell, and I have already declared that I have no intention of expressing an opinion myself on the merits of the case. I am simply endeavour-

ing to present some arguments which are used, to my knowledge, by gentlemen in the profession holding views opposite to those which the hon. member for North Ontario (Mr. Edgar) holds. What I was proceeding to say is that I think the hon. gentleman conceded with me that the date of the return of the writ means the actual date on which the writ was returned and would mean the date on which the last writ was returned. That seems to me tolerably obvious, because it is competent for this House to make writs returnable when it chooses. It may make these writs returnable one after the other during the whole six months. It may group the counties differently. It may hold the elections according to provinces; and obviously it seems to me that whatever is the correct definition of the return of the writ, it must mean the return of the whole of the writs or the return of the last writ, as otherwise your argument would be reduced to this, that the life of Parliament should count from the date of the return of the majority of the writs.

Mr. DAVIES (P.E.I.) You might take the date when the writs are returnable as the date from which to count.

Mr. DICKEY. With reference to that, it is argued that the date of the return of the writs is not equivalent to the return day of the writs—that it does mean the day upon which, as a matter of fact, the writs were returned. Now comes the question upon which the hon. gentleman raised, and that is the distinction which exists between this case and the Ontario case of 1879. In the Ontario case of 1879, the writ for Algoma was returnable by proclamation at a date subsequent to the date fixed for the return of the writs of all the rest of the counties. In the present case all the writs by proclamation were returnable by the 25th April. Now, the argument made, whatever it may be worth—and it is of such a character as to convince many gentlemen of the profession—is that section 14 of the Elections Act gives the returning officer for certain districts, Algoma amongst them, a statutory time within which to make the return; and the question is whether the Governor General, by fixing a date for the return of the writ of Algoma instead of the date within which the return might be made under the statute, can limit the discretion of the returning officer at Algoma and limit the time which the statute allows him within which to make his return. The returning officer for Algoma, when a writ is placed in his hands, has a certain time fixed by statute within which he may exercise his discretion in making the return of his writ. In the present instance, the returning officer for Algoma and the returning officer for Chicoutimi took that view of their duty in the elections of 1891, exercised their statutory right under section 14 of the Act, and made their proclamations legally, unless the Governor Gen-