

thing. There is a glorious uncertainty about the decisions on points of law here and there, but there are many questions about which there is no doubt; and on which there cannot be any reasonable doubt. The question here is, not whether any very acute lawyer can suggest a possibility of doubt, but whether reasonable men bringing their trained intellects to bear upon the section which govern this Act, can entertain any reasonable doubt upon the matter at all. In coming to a conclusion upon the matter, I think it well to look at two or three of the sections of the British North America Act, which more or less bear upon the subject. In the first place, from the provisions of the British North America Act we must try and evolve if we can, a correct idea of what the scheme of government is. We have it laid down in the 20th section: that there must be a session of Parliament once, at least, every year. So that, it is not in the power of the Crown, even if the Crown desires to do so, to leave the country without an existing House of Commons for any time. They must call Parliament once every twelve months at least, and the country is secured in that sense from any exercise of improper power on the part of the Crown or its representative. Now, who is to call the House together. The 38th section says:

The Governor General shall from time to time, by an instrument under the great seal, summon and call together the House of Commons.

The House of Commons, we all know, is a constituent part of the Parliament, but the other parts of the Parliament remain, while the House of Commons comes and goes and the Governor General is to call us together. Now, when is there a House of Commons constituted? It is not necessary to have 215 members to constitute a House of Commons. There may be many reasons why 215 members cannot be got together. *Magna Charta* expressly provides that it shall not be necessary for all the burgesses who are summoned to attend, in order to make a legal House of Commons; but the British North America Act comes in and solves any doubt, and states the law so clearly that there can be no doubt about it. The 48th section of the Act says:

The presence of at least 20 members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers.

So that other things being equal, and subject to some exceptions, if you have 20 members of the House of Commons appearing in answer to the proclamation of the Governor General after the return of the writs, you have a House of Commons competent to exercise all the powers which the House of Commons can exercise under the constitution; and then we come to the section which the hon. member for Albert (Mr. Weldon) has just read. Now, I humbly submit this to the House, as a thing which is not open

to reasonable doubt: That the British North America Act in the 50th section, did not contemplate several days for the return of the writs. It contemplated that the Governor General in exercising his statutory prerogative of issuing the writs for an election, should make one return day. It does not say that there shall be "days" for the return of the writs. It says, that the House of Commons shall continue for five years—from what? From the "day" of the return of the writs. That, to my mind, indicates that the intention of the law was: That the Governor General in issuing his proclamation for the writs, should fix a single day for them all, and as a matter of fact that is the practice. That is what he did in this case. If that construction of the law is correct, then the day for the return of the writs is a fixed period about which there can be no doubt, and the five years term runs from that period, and expires of course at a time about which there can be no possibility of doubt. It says:

For five years and no longer.

That sets at rest the question, whether by any possibility, there can be a period of time longer than the five years during which the House of Commons could sit. Now, then, that is evidently intended to be definite. There is no doubt at all to my mind, that the draughtsman intended to fix a definite time from which the period should begin to run. I humbly and respectfully submit, that he has done so, when he declares that the five years shall run from the day of the return of the writs—plural for "writs," singular for "day." What took place, as a matter of fact? The Governor General issued his proclamation, and I find that in that proclamation dated the 3rd day of February, he says:

I have this day given orders for issuing our writs in due form for the calling of Parliament in our said Dominion, which writs are to bear date the 4th day of February inst., and be returnable on the 25th day of April next.

So that every one of the writs for the election which was to be held in 1841, was to bear date the 4th day of February, and every one of the writs had a uniform return day, viz., the 25th of April. That is practically in conformity with the express words of the section and the spirit of the section, so that we have not only a law laying down what ought to be done, not only a law fixing the definite day from which the five years ought to run, but we have the Governor General issuing his proclamation pursuant to the statute fixing an identical day for the return of each and every of the writs. How can there be a doubt? If the Governor General had been advised to make a different return day, and if there were different return days in the writs, there might be some possibility of doubt suggested. But when the British North America Act says that the five years shall run from the day of the re-