

question, any meeting of the House was intended. But, in the next place, the proclamation bears on its face the proof that it was a merely formal document. Even the words which occur in some subsequently issued, but equally inoperative—‘therein do as may seem necessary,’ and the injunction, ‘Herein fail not’—are omitted. It is a bald, meagre notification only. There is not the slightest indication that ‘the despatch of business’ was contemplated. The subsequent proclamations proroguing the House from the 2nd of February to the 15th of March, from the 15th of March to the 24th of April, from the 24th of April to the 3rd of June, from the 3rd of June to the 12th of July, from the 12th of July to the 21st of August, from the 21st of August to the 30th of September, and from the 30th of September to the 9th of November, do contain the words just quoted but omitted in the first proclamation, although no intimation is given that ‘the despatch of business’ is contemplated. But the final proclamation, fixing the 24th of November as the day of meeting, concludes as follows: ‘That personally you be and appear FOR THE DESPATCH OF BUSINESS, to treat, act, do and conclude upon those things which in our Legislature of the Province of Ontario, by the Common Council of our said Province, may, by the favour of God, be ordained.’ The contrast between the language of the proclamation just quoted and its predecessors supplies an inference far stronger against the presumption that any meeting of the House on the 2nd of February was intended, than any that can be drawn from the mere issuing of the proclamation of the 2nd of February, in order to justify an argument in its favour. The fiction thus preserved in the issuing of these proclamations calling together a Legislature that never responds to the command is analogous to that which the old Chancery summons bore on its face when it ordered

‘that laying all other matters aside, and notwithstanding any other excuse, you *personally* appear before Us in Our said Chancery the day of inst., wheresoever it shall then be, to answer,’ &c. There is just this difference, however, that whereas some simple-minded folks did actually and at much inconvenience now and then present themselves personally to the Court of Chancery on the day named, no legislator was ever known to arrive at the place of meeting until ordered to do so ‘for the despatch of business.’

A reference to the past practice in regard to these proclamations corroborates the view we have thus far taken of them. By the Act of Union, as already mentioned, *fifty days* were allowed in all cases between the *teste* and the day named for the return of the writs for a general election. Up to 1851-2 no exception was made on behalf of any remote constituencies, the fifty days being apparently regarded as sufficient for all. *And on no occasion was Parliament convened without a complete return.* In 1841 the writs bore *teste* February 19th, and were returnable on the 8th April. The first proclamation called Parliament together for the 8th April, it was then prorogued to the 26th May, and then to the 14th June, when it was summoned to meet ‘for the despatch of business.’ In 1844 the writs bore *teste* Sept. 24, and were returnable on the 12th November. The proclamation summoned the new Parliament to meet on the 12th November; it was prorogued to the 28th Nov., and was then summoned to meet ‘for the despatch of business.’ In 1847 the writs bore *teste* Dec. 6. They were returnable on the 24th January, 1848, and the proclamation summoned Parliament for that day. It was prorogued to the 4th March, but afterwards called together ‘for the despatch of business’ on the 25th February. In 1851 the writs were issued on the 6th November, and made