

is to guide him. Why, if a returning officer could hold the execution of a writ back until 3rd June, 1891, instead of having sent it here by 25th April, he might hold it back for one year, for two years, or ten years, and the Parliament might last for five or ten years, at the option of that individual. If he can do it for a month and a half, he can do it for a year and a half; therefore, the thing is absolutely absurd. I would like to know if it can be seriously contended, that the Governor General, in a case like that, where he found one of the writs on 25th April had not been returned, if he should keep on proroguing this Parliament from time to time until that writ was sent in by the returning officer. As my hon. friend suggests, if he did prorogue Parliament for more than twelve months, if he did not call a meeting of Parliament within twelve months from the meeting of the last session of the House, he would be running against another section of the British North America Act; which would also be absurd. Now, I do not know whether the House has noticed it, but the Algoma return was not the only one which was not before this House on the date this House met; on 29th April, the Chicoutimi return was not put in; therefore, was the meeting of the 29th nugatory by reason of that, and was the meeting of this House all the time a mere sham, because of another returning officer's delay?

I have seen it stated in the press that the position taken by the Ontario government on a similar question was relied upon by those who have argued that the duration of this Parliament will not expire until 3rd June. The position in that case was entirely different from the present one. In the first place, there was a special day fixed by proclamation for holding the Algoma election in August, whereas, the other elections were to be held in February. It was contended by Sir Oliver Mowat, and held by hon. members of that legislature—I think properly held that in the case like that, from the day of the return of the last writ, the life of the legislature lasted for four years under the special proclamation making the Algoma writ returnable on a certain day later than the other writs.

There is, Sir, another distinction between that case and this one. There was a special Act of the Ontario legislature passed, providing specifically that no elections should be held in Algoma at any time of the year except between May and November. That Act may, perhaps, have had the effect of extending the term of the legislature beyond four years, and if so, the provincial legislature had a perfect right to do it. We have no power to extend the life of this Parliament one day beyond the five years. The provincial legislatures have power to do so: they can alter, as we know, their constitutions in any matter except in regard to the office of Lieutenant-Governor. They can abolish the Upper House, and extend the

term of the legislature, if they choose; and so the effect of the Ontario Act coupled with the proclamation, was to do that which they had the right to do. At all events, the case of the provincial legislature is entirely different from this case. Every one in this country gives great weight to the constitutional opinions held by Sir Oliver Mowat. Only a few days ago, he was asked by a member of the Ontario legislature a question which, if answered, compelled him to give his opinion on the case now before this House, and I think I will not weary the House if I read the remarks which Sir Oliver Mowat is reported to have made on that occasion. Sir Oliver Mowat, in reply to the question asked, said:

His hon. friend must have had in his mind the time when he would occupy a position at Ottawa similar to the one he now occupied. The question of privilege, which Mr. Whitney raised, was one affecting the present House of Commons, and not the Ontario legislature. The question of the duration of the Ontario legislature in 1879 was not the same question as that affecting the present House of Commons, but the object of Mr. Whitney was undoubtedly to get something said here and now that would be of service to his friends at Ottawa in their wish to make out that the duration of the House of Commons did not expire on the 26th of April; but the two cases were entirely different as to the facts on which they depended. The duration of either body counted from the time of the writs being returnable, not of their being actually returned. The Ontario legislature sat within four years after the last of the writs, namely, the writ for Algoma, was returnable, and therefore within the time specified in the British North America Act. On the other hand, the Dominion writs of 1891 were all returnable at the same time, and five years from that time will expire, on the 26th of April. That was not the only thing that made the two cases different. The Dominion Parliament had no power to extend the term for which the House should endure, but the province had power to extend the term for which the assembly should endure, larger powers having been granted to the provinces than to the Dominion in that respect. There were several other material distinctions, but those mentioned showed that the precedent of 1879 afforded no argument for the House of Commons of the present year. He had taken the opportunity of stating this in answer to Mr. Whitney, but the question was not a matter of privilege in this House at the present day.

What is the practical effect of the contention that this Parliament lasts until 3rd June? If the term does not end until 3rd June, 1896, the first session of the seventh Parliament was called into being only on 3rd June, 1891, "for it shall continue for five years and no longer." If Parliament dies on 3rd June, 1896, at the age of five years, it must have been born on 3rd June, 1891. The two hundred-odd members elected, who assembled in this chamber on 29th April, 1891, were only a mob of gentlemen. The Speaker chosen on that occasion is no Speaker of the House of Commons, though the Crown invited this body to elect a Speaker,