the Crown calls together the Council of the nation, from no enfranchised portion of the nation shall the opportunity of being represented be withheld. If, by accident or negligence, the representative is absent, then his constituency must take the risk of any possible injury to its own or common interests. In the language of the Great Charter, already quoted, 'The 'business shall proceed on the day ap- 'pointed according to the counsel of 'those present, although all who had 'been summoned have not come.'

In the recent debate in the Legislative Assembly, Mr. Meredith, the leader of the Opposition, cited instances of the Parliament of Great Britain or Canada meeting while certain constituencies were unrepresented. He named the Knaresbro' case in 1805; the Carmarthen case, in 1831, both in Great Britain; and the Kent case in 1841, and the Kamouraska case in 1867–8, both in Canada. But not one of these is in the least applicable as a precedent in relation to the present discussion. It is alleged that Parliament has virtually caused the disfranchisement of Algoma in certain circumstances. In every one of the four cases mentioned there had merely been a failure to carry out the law, a matter against which no Legislature can absolutely provide. At Knaresbro' a by-election was required, owing to the sitting member having accepted the Chiltern Hundreds. A riot took place, which prevented the Returning Officer from obeying the writ, and a return was made by him accordingly. At Carmarthen, in 1831, there was also a riot arising out of the Reform Bill excitement. The Sheriffs consequently did not hold the election, and were censured by the House of Commons for failing to do their duty. At the Kent (Canada) election, in 1841, the Returning Officer refused to return the member who had the largest number of votes. This was reported to the House (the first Legislative Assembly of Canada after the Union) on the 15th June, its day of meeting, and, two days later, the excluded member took his seat, the return having been, by order of the House, amended in his favour. The election for Kamouraska, in 1867, was interrupted by a disturbance. A special return to that effect was made. The House of Commons referred the matter to the Committee on Privileges and Elections, and that body reported the facts, and declared the Returning Officer unfit to perform his duties. So that none of these cases bear at all upon the point at issue.

It has also been suggested as *prima facie* evidence, at all events, of the Government of Ontario having regarded the present Legislature as complete on the 2nd February, 1875, that they had advised the issue of a proclamation summoning the new Assembly to meet on that day, and it is claimed that they had thus given life to the Legislature, and so had put themselves 'out of court.' No proclamation, however, can change the law, or be valid unless within the four corners of the law. No illegality or error of the Executive, or officer of the Executive, can be set up as a plea for over-riding a Statute. But an examination of this particular proclamation, and of the circumstances under which it was issued, as well as of the practice in regard to such proclamations in the past, will show that the argument founded upon its issue is worthless. Nothing is clearer than that the proclamation fixing the 2nd February, 1875, as the day for the Legislature to meet was a mere compliance with custom or usage, and was never intended to bring those of the members-elect, of whose elections returns had been made, to Toronto. The previous Legislative Assembly had voted the supplies for 1875, and no emergency called for the summoning of its successor, which, as a matter of fact, did not meet until November, 1875. So that it is utterly absurd to suppose that, by issuing the proclamation in