

provided that should such a contingency as that suggested arise the old member shall retain his seat until a new one is elected for Algoma.

ENACTMENTS RELATING TO THE LEGISLATIVE ASSEMBLY.

First, in order, we have the British North America Act, sec. 41, continuing, in the case of the Dominion, the Election Laws of the several Provinces until otherwise provided. (2) In section 65, powers are given to the Local Legislatures 'to abolish or alter' powers, authorities and functions' exercised by the Lieut.-Governors. (3) The 70th section declares that the Legislative Assembly of Ontario shall be composed of eighty-two members to represent the eighty-two electoral districts set forth in the first schedule to the Act (Algoma being one). (4) Section 84 contains a provision for the temporary continuance of the existing electoral laws of Canada in respect of the two Provinces of Ontario and Quebec. (5) Section 85 provides, that the Legislative Assembly shall last four years and no longer (subject to earlier prorogation). (6) The 86th section enacts that there shall be a session once at least in every year. (7) The 92nd section gives power to the Provinces to amend their constitutions except as regards the office of Lieut.-Governor.

We have now exhausted the list of the several provisions in the British North America Act bearing upon the subject under consideration. Reading them together as we are bound to do, we must come to the conclusion: (1) That in every sense (save in the one exception relating to the office of the Lieutenant-Governor) the Local Legislatures were to have full power to alter or amend their constitutions, including those constitutional provisions above mentioned and expressly enacted under the 3rd, 5th, and 6th heads. (2) That the 70th section fixing the number of

members at 82, could have no less force than the 85th and 86th relating to the duration and holding of parliament. If it be held that parliament would lapse, and its Acts be void if the Statute were infringed by the session lasting one day over the four years, surely it must be equally void if constituted of only 81 members instead of 82.

We come next to the Ontario Acts. The Act of 1868-9 (32 Vic. c. 21, s. 18, sub-sec. 4) extends the period for making the Algoma writ returnable, to ninety days in the winter season. Then, in the Representation Act of 1874 (38 Vic. c. 2, sec. 1), the number of members is increased to eighty-eight, and by the 38 Vic. c. 3, sec. 21, the period for holding an election in Algoma is limited to the months of June, July, August, September and October. This is slightly enlarged and more precisely stated in 39 Vic. c. 10, s. 13, which provides, that the nomination or polling shall be held in any year at some time from the 20th day of May to the end of November, and between those days only.

Now, how, in a legal sense, does this last enactment contravene any we have quoted preceding it in order of time? Not certainly the first (sec. 41, B. N. A.), for it does not relate to the Dominion Law; not the second (sec. 65, B. N. A.), for it is of the very essence of that clause that the Legislature should abolish or alter any of those prerogative rights, which, without express direction to the contrary, the Crown would exercise independently of such a check or regulation; not the third (sec. 70, B. N. A.), because it gives aid to the effectual constitution of the Assembly by naming a time suitable for the election of the full complement of members; not the fourth (sec. 84, B. N. A.), because that is a mere continuance of former Acts, pending such provisions as the later Act comprises; not the fifth (sec. 85, B. N. A.), for the four years' date will run as easily from the return of the

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