

of business. Now, the writs for the election of this Parliament were issued pursuant to that proclamation, and Parliament did meet on the 29th of April, pursuant to the other proclamation. Surely the statutory life of this Parliament, therefore, expires in five years from the 25th day of April, 1891, the date the writs were made returnable, and four days before this Parliament actually met and transacted business. Now, what have been the Canadian precedents in this matter? How have Parliaments been called before? How has the return date of the writs been fixed for the former Parliaments of Canada since confederation? I find that in 1867, the proclamation orders the writs returnable on the 24th September; but it goes on and says, what this proclamation of 1891 does not say: "except, however, the writs for Chicoutimi and Saguenay, which writs will be returnable on 24th October next." The House met on the 6th November. There was a special provision by proclamation for a later exceptional date for the return of a certain writ. But I find nothing of that kind in the year 1891. In 1872 there was an ordinary proclamation, fixing the writs returnable on 3rd September, except, again, for Chicoutimi and Saguenay, which were returnable on 12th October following, and that writ contained the further exception of the writs for the elections in Manitoba and British Columbia, which were also postponed, and only made returnable on 12th October. Then, in 1874, the proclamation issued making the writs returnable on the 1st February, except for Chicoutimi, Saguenay, Manitoba and British Columbia, which were made returnable on 12th March. But, in order to cover the case of Algoma, which was apparently overlooked when the issue of the proclamation in 1874 was made, on 2nd January, a special proclamation was made on 8th day of January, 1874, extending the time for the return for the Algoma election, and making the writ for that returnable on 12th March. Now, there we have proclamations giving special dates for a return of the writs in certain counties. If we were to be asked to construe the 50th section of the British North America Act in those cases, there would be a good deal of argument in favour of saying, that a date five years from the date of the return of the writs meant the date of the return of the last writs as fixed by proclamation. I suppose, that would be so. But here we have no proclamation for any writ to be returnable after 25th April. The proclamations of 1879, 1882 and 1887, as well as the proclamation of 1891, contained no exceptional provisions for the return dates of any writs, but I suppose they gave what they considered would be ample time for the return of the latest of the writs. They gave ninety days in some cases, and eighty in other cases, a great deal more than was necessary for an ordinary return; but that does not matter; they fixed the return

Mr. EDGAR.

dates of the writs. Now, why has another date for the expiration of this Parliament's life been suggested than the 25th April? Well, Sir, for this reason, that on 3rd June, 1891, while Parliament was in session, when Parliament had been in session for some thirty-nine or forty days, a return was presented by the returning officer of an election of a member for Algoma.

Sir CHARLES HIBBERT TUPPER. What is the date of the writ?

Mr. EDGAR. The proclamation says that all these writs shall be dated on 4th February, 1891, which I am talking of now. I understood the hon. gentleman to ask, what was the date of the issue of the writ of 1891. The proclamation says, that the date shall be 4th February.

Sir CHARLES HIBBERT TUPPER. No other writ being issued for that date.

Mr. EDGAR. I assume there was not; but I do not think it would make any difference, for, if it was not issued at that date, it was a negligence.

Sir CHARLES HIBBERT TUPPER. I thought my hon. friend might know.

Mr. EDGAR. I do not happen to know. If it was issued later on, it may be a nullity altogether. If it was issued, for instance, after the date of the return day of the writs ordered by proclamation, I doubt very much whether it would be a valid writ. Now, it appears that there was a neglect somewhere by an officer to have that election held according to the proclamation, and according to the writ, which recites the day of the meeting of Parliament to be 25th April. The Dominion Elections Act specially provides for a case of accident or of error. Section 15 of the Dominion Elections Act provides, that, if, from any unforeseen accident or error of the returning officer, the returning officer cannot fix the nomination day as ordered in the issue of the writs by the Government, or as fixed by himself, as in the case of Algoma, then he can extend the time, he can fix another day. But, if he does that, he has to make a special return to Parliament. In this case no special return was made; but, if it was an error of an official, as it must be, either at this end or the other end of the writ, it was an error of an officer, and not in any shape or way affecting the legal position of the life of this Parliament. Now, surely nobody can contend seriously, that any official, a returning officer, or a Clerk of the Crown in Chancery, or whoever is entrusted with the carrying out of the law laid down in that proclamation, can for one moment alter the life of this Parliament, can make another date for the writ to be returnable, and can absolutely ignore the directions of the proclamation, which, for the purposes of holding an election, are the absolute law which