

or legal meeting of Parliament. Let me call the hon. gentleman's attention to this, that it is not the period when, as a matter of fact, the last writ is returned, but the period fixed in the proclamation for the return of the writ, that determines the question. Why, it could not be otherwise. How comes this House together? By what authority does it meet? Why, it meets by authority of the Crown. This House is sitting here as a council of state for the purpose of advising the Crown. The Crown has called it together for that purpose; the Crown fixes the time when it shall meet; it states that date in the proclamation; and that proclamation having fixed a day for the return of all the writs, the hon. gentleman cannot go behind that legal fact, that important constitutional fact, upon which the very existence of Parliament itself depends, for the purpose of determining and fixing in some other way when Parliament shall legally begin to exist. Look at the facts, Mr. Speaker, in this case. This House is the judge of its own privileges, and, as such, it decides when its life began. Now, the Crown assumes that this House legally began to exist, and that this Parliament began its legal life, on 25th April, when the writs were made returnable. When Parliament met on 29th, it met at the command of the Crown. It was summoned here for the purpose of deliberating upon such matters as the Crown chose to submit to it, and such other matters as the public interest called for. Well, I say this House is estopped from inquiring whether it had a legal existence at that moment; the Crown is estopped from making an inquiry, from the fact that the Crown called this House together for the purpose of transacting public business. Then, with these facts before us, how is it possible that the hon. gentleman can refer to some neglect of duty, some failure in the discharge of duty, either by the advisers of the Crown or by some officer of the Crown, whose misconduct is going to override the proclamation of the Governor General, and fix another date than that which the Governor General by that proclamation has fixed? Why, if he can do that, the tenure of our life would be extremely uncertain. The hon. gentleman undertakes to say, that this Parliament may exist, as a matter of law, for a longer period than five years.

Mr. DICKEY. No.

Mr. MILLS (Bothwell). Well, then, what does his illustration mean?

Mr. DICKEY. I suggested that as an argument made by others.

Mr. MILLS (Bothwell). He, therefore, suggested it as a legal interpretation of this clause of the British North America Act.

Mr. DICKEY. Not as my own view of it.

Mr. MILLS (Bothwell). Whether it be the hon. gentleman's view or not, he suggested it as a possible view. Now, the hon. gentleman gives, as an illustration, the fact, that the five years might have been made to begin and run, say, from 31st December. Supposing that were so, it would not be a period of five years and no longer, because the very terms the hon. gentleman has employed for the purpose of expressing a hypothetical proposition, are terms which would make the period five years, plus all that portion of the first year that had not yet expired, the year in which the election occurred. Well, that is embraced in addition to the five years, that time is embraced in the statement made by the hon. gentleman himself; and, if that were embraced in the statute, it would always be a period of more than five years, reckoning from 31st December. That would be a new provision, altogether different from the language contained in the British North America Act. Now, the British North America Act says that the life of Parliament shall begin from the period of the return of the writs. I say that expression "return of the writs," has in parliamentary law received a well known and settled interpretation: it means the time from which the last writ by the Royal proclamation is made returnable. It does not mean anything else. You do not go behind that fact. That, I say, is a well-settled principle of parliamentary law. Well, that being so, we look at the proclamation to see when these writs are returnable, and that is the time when the life of Parliament begins; and from that time Parliament, by the provision of the law, is to continue and exist for a period of five years, and no longer. There is nothing more than five years, you cannot protract it either beyond the expiry of the five years, nor can you supplement the period by adding something at the beginning. There is no provision in the statute by which that can be done; and that being so, there is nothing in the law which will permit Parliament to begin at any other period than that which is named in the proclamation. Now, formerly, before 1878, the practice had existed here of fixing different periods of time for the return of the writs from different constituencies, and, under a regulation of that sort, of course, no Parliament could exist until the last writ was made returnable, not being returned, as a matter of fact, before the last period fixed in the proclamation for the return of a writ. That fixed the period when Parliament began to exist. But you have no existence of Parliament before, and you could not call a session, you could not undertake to transact public business, nor could Parliament proceed to the election of a Speaker—none of those things which you have done in this case, could have been done until the last writ was returned or returnable under the proclamation. Now, what has been done since 1878? There has