

House of Commons Debates

SIXTH SESSION—SEVENTH PARLIAMENT

HOUSE OF COMMONS.

MONDAY, 16th March, 1896.

The SPEAKER took the Chair at Three o'clock.

PRAYERS.

MESSAGE FROM HIS EXCELLENCY— DEATH OF PRINCE HENRY OF BATTENBERG.

Sir CHARLES TUPPER presented a Message from His Excellency the Governor General.

Mr. SPEAKER read the Message, as follows:—

ABERDEEN.

The Governor General transmits to the House of Commons, the accompanying copy of a despatch dated 26th February, 1896, from the Right Honourable the Secretary of State for the Colonies, in reply to the Addresses of the House of Commons to Her Majesty the Queen, and Her Royal Highness the Princess Beatrice, expressing sympathy on the death of His Royal Highness Prince Henry of Battenberg.

Government House,
Ottawa, 13th March, 1896.

Copy—Canada—No. 69.

(Mr. CHAMBERLAIN TO THE EARL OF
ABERDEEN.)

Downing Street,
26th February, 1896.

My Lord,—In accordance with the request contained in your despatch, No. 38, of the 1st instant, I have the honour to inform you that the Address of sympathy from the House of Commons of Canada to Her Majesty the Queen has been laid at the foot of the Throne, and that I have forwarded to Princess Beatrice the Address which you request may be submitted to Her Royal Highness.

The purport of these Addresses was, as I had the honour to inform Your Lordship by telegraph, communicated to Her Majesty and Her Royal Highness on receipt of your telegram of the 28th ultimo.

I am now commanded to express more fully the value which Her Majesty attaches to these assurances of loyal devotion and sympathy in her affliction, from the representatives of her people in the Dominion of Canada. And Her Majesty also commands me to say how deeply touched Her Royal Highness Princess Beatrice has been by the kind feelings expressed by them for her in her bereavement.

I have, &c.,
(Sd.) J. CHAMBERLAIN.

Governor General,
The Right Honourable,
The Earl of Aberdeen, P.C., G.C.M.G.,
&c., &c., &c.

DURATION OF PARLIAMENT.

Mr. EDGAR. Mr. Speaker, before the Orders of the Day are called, I should like to draw the attention of hon. members for a short time to a subject of very considerable importance to the House, and before I sit down I propose to put myself in order by a motion. It has been announced to the House that the Government has under consideration the reference of the duration of the present Parliament to the Supreme Court of Canada. I would very much like to bring before the House what seems to me to be the extraordinary nature of that suggested or contemplated reference. What, Sir, is the statutory life of this Parliament? This Parliament has a life clearly and distinctly defined by the section of the British North America Act. Section 50 of that Act has these words:

Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

Now, under that section, the simple question which we have to ask ourselves is: What was the day of the return of the writs? If that question can be satisfactorily answered, it seems to me it ends all controversy on the subject. Now, surely the day of the return of the writs is the day fixed by law for the return of the writs. To find what day was fixed by law for the return of the writs in 1891, we have to look at the proclamations which were issued by the Governor General, to be found in the Journals of 1891. There are four proclamations in those Journals, and to these proclamations we must go to justify the existence of the Parliament. One of these proclamations is a dissolution of the last Parliament. Another, which is also dated on the 3rd February, 1891, contains these specific words with reference to the writs:

We have this day given orders for issuing our writs in due form for calling a Parliament in our said Dominion, which said writs are to bear date on the 4th day of February instant, to be returnable on the 25th day of April next.

That then is clear enough, surely. Another proclamation of the same day calls the new Parliament to meet on this same 25th day of April. Another proclamation contained in these Journals of a later date prorogues Parliament from the 25th of April to the 29th of April, and then to meet for the despatch