

field Macdonald however refused to yield his post in face of a succession of adverse votes, until ultimately defeated by a majority equal to a majority of the whole House. And, immediately after the new Government had been installed in office and had met the Legislature, an Act was passed whereby power was given to the Speaker, or if there were not a Speaker, to the Clerk of the House, to issue his writ to the Clerk of the Crown in Chancery for a new election, immediately on the receipt of the Judge's report of an election having been declared void. (35 Vic. c. 2, s. 4.) The same provision is made in the Dominion Controverted Elections Act, 1874 (37 Vic. c. 10, sec. 36). Moreover, so jealous is Parliament of the right of constituencies to be represented, that it even prefers to allow a member charged with corrupt practices to sit and vote rather than, by permitting a trial, at which his attendance is necessary, to proceed during the session, to take him away from his duties. (38 Vic. c. 10, s. 1, Dominion Statutes; Consolidated Statutes, Ontario, c. 11, s. 48.)

THE LAW RELATING TO THE HOLDING
AND DURATION OF THE LEGISLATIVE
ASSEMBLY OF ONTARIO.

While, undoubtedly, the prerogative power is vested in the Lieutenant-Governor of calling together, of proroguing and of dissolving the Legislature, this power is subject—as in fact is that of the Sovereign—to statutory limitations. By the 65th section of the British North America Act (30 and 31 Vic. c. 3) it is enacted:—‘All powers, authorities, and functions, which, under any Act of the Parliament of Great Britain, . . . or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union, vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, . . . shall, so far as the

‘same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised, by the Lieutenant-Governor of Ontario and Quebec respectively, . . . subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain), to be abolished or altered by the respective Legislatures of Ontario and Quebec.’ By the 92nd section of the British North America Act it is enacted, that the Provincial Legislatures may exclusively make laws in relation to certain subjects, and the first recited is: ‘The amendment, from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the OFFICE of Lieutenant-Governor.’ Read in connection with the 65th section the term ‘office’ must, it is submitted, be understood as meaning the office or appointment *per se*, with which, as it is conferred by Dominion authority, the Provincial Legislatures cannot interfere. It cannot mean the ‘powers, authorities and functions’ incidental to the office, because they can, as the 65th section expressly provides, be ‘abolished or altered’ by the Legislatures at pleasure.

It may not be out of place here to notice, as possessing a certain significance, the different language employed in the British North America Act in regard to the summoning of the Legislatures of the present Provinces by the Lieutenant-Governors, from that of the Act of Union (3 and 4 Vic. c. 35) in defining the powers of the Governor of Canada. It may be convenient to place the respective enactments in parallel columns:

UNION ACT.

3 & 4 Vic. c. 35, s. 30.

‘And, be it enacted, That it shall be lawful for the Governor of the Province of Canada, for the time being, to fix such place or places within any

B. N. A. ACT.

30 & 31 Vic. c. 3, s. 82.

‘The Lieutenant-Governor of Ontario and Quebec, shall, from time to time, in the Queen's name by instrument under the Great Seal of the Province,

part of
Canada
for ho
every
Legisla
Assemb
vince a
such ti
be after
varied,
may ju
most c
eral co
public
ficient
also to
Legisla
Assemb
time an
by pro
wise w
deem l

It
of the
the P
a pov
tiona
not a
Canad
Gove
no g
were
the c
to tim
conte
respe
ment
minis
trast
Act o

The
furth
‘E
‘tari
‘of C
‘year
‘the
‘ject,
‘soon
‘Gov
‘long
‘is pro
‘of th
‘that
‘year
‘inter
‘the
‘one
‘next
No