

the matter the hon. gentleman has raised : It is the statute of William III. that is in force in this country with regard to elections, and that statute assumes that the writs will be issued forthwith, and that the parties who are entrusted with the issue of those writs will discharge their duty in that regard. The issue of the writs was on the 4th of February. How is it that the whole of that time elapsed, from the 4th February until 18th April, before the nominations took place? Was that due to the action of the returning officer, or was it due to some misconduct of some other officer, or to the neglect of the Government that has divested certain officers of the functions of returning officers, and taken the law into its own hands?

Mr. DICKEY. The hon. gentleman admits, I suppose, that it was strictly within the time allowed by the statute—

Mr. MILLS (Bothwell). No.

Mr. DICKEY—setting aside the proclamation?

Mr. MILLS (Bothwell). I wish to call the hon. gentleman's attention to this fact—that the nomination was within the period, but the election was held on the 18th of May, and the writ itself had expired on the 25th of April.

Mr. DICKEY. Under the proclamation.

Mr. MILLS (Bothwell). Under the proclamation, the writ has no vitality and no legal life after the 25th of April, and, that being so, the hon. gentleman will see that the quotations he makes from the statute, or rather the references that he makes to the statute, are altogether inapplicable. If that writ had been issued in proper form at the proper time; if the Government had advised the Governor General as to the advisability of appointing a returning officer, as its duty was, and the Clerk of the Crown in Chancery had had made known to him at the proper time who was the returning officer, so as to issue that writ to him, it was possible to conform with the statute, and still keep within the proclamation. Why did the returning officer disregard the maximum time allowed by the proclamation? It must have been that either the Administration, or some officer of the Administration here failed in their duty to the public with regard to this election. Then, Sir, there is more than that. I say, that being so, here was an election held, here was a return made when there was no writ authorizing it; therefore, that return was improper and void. There can be no doubt with regard to that.

Now, let me call the attention of the House to some provisions of the law with regard to this matter. The primary provision of the law is a very ancient one, it is chapter 14 of Magna Charta, a part of which is as follows:—

Mr. MILLS (Bothwell).

And besides, we will cause to be summoned in general by our sheriffs and bailiffs, all those who hold of us in chief, at a certain day, that is to say at the distance of forty days (before their meeting), at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons; and, the summons thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who have been summoned have not come.

Now, under that provision there must be an opportunity for every member to be returned. An election cannot be held, under that provision of Magna Charta, within forty days. If it is held within that time, and it has been held in England and here, it is an improper return, and the member is not entitled to sit. But if all the members do not put in an appearance, having had an opportunity of being returned within the time allowed by law, Parliament may sit. But, Sir, if there has been any election, the writ for which expired after the date at which Parliament has been called, if there has been any attempt on the part of the Crown, upon the advice of the Ministers, to call Parliament at an earlier date than the day on which the last writ is returnable, then that calling is an illegal summoning of Parliament. That was held in the case of James Monk, in February, 1820. This matter was referred to a committee of the House, and the committee reported upon it. The member had been elected within the time which the law allowed, and the committee states as follows:—

That it is the opinion of this committee, that, according to the proclamation of His Honour the President and Administrator of the Government of this province—

That is the Province of Quebec.

—bearing date the 9th day of February last, the representation of this province is not as yet complete, inasmuch as the day fixed by the said proclamation as the return day of the writ of election for the county of Gaspé is not yet arrived.

Resolved, That it is the opinion of this committee that the writ of election for the county of Gaspé being dated 22nd February last, and returnable on the 11th of the month of April inst., is contrary to the said proclamation, and to the Provincial Act of the 42nd year of the reign of His Majesty George III., chapter 3.

Resolved, That it is the opinion of this committee that, according to the enactments of the Act of the Parliament of Great Britain, of the 31st year of His Majesty George III., chapter 31, intitled: "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intitled: 'An Act for making more effectual provision for the Government of the province of Quebec, in North America, and to make further provision for the Government of the said province,'" this House is incompetent and cannot proceed to the despatch of business.

Now, there is a determination of this question by a former legislature of Quebec, that until the period of time expired fixed by the last proclamation, there can be no regular