

notice in writing under the hands and seals of two members of the said assembly, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacancy, and a new writ shall issue according." Section 37 reads: "If when a vacancy happens, or at any time thereafter, before the Speaker's warrant for a new writ has issued, there is no Speaker of the said assembly, or the Speaker is absent from the Province, or if the member whose seat is vacated is himself the Speaker, then two members," etc. [direction to the same effect as in s. 36].

The first appears to deal with a vacancy created by the action of an ordinary member, the last of the Speaker himself. Removing both from consideration as being inapplicable, one has to fall back on either section 34 or 35 for the *modus operandi* where a session is not in progress.

Section 34 enacts that "a member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be made and delivered either during a session of the Legislature or in the interval between two sessions; and the Speaker shall, upon receiving such declaration, forthwith address his warrant under his hand and seal for the issue of a writ for the election of a new member in the place of the member so resigning."

To say nothing of the circumstance that none of the expected vacancies would involve resignation, does the section contemplate the case of a member resigning with the purpose of appealing anew to his constituency? Does it not refer to distinct personalities when providing that a new member should be chosen in the place of the member resigning? In putting such interpretation on the Act the writer is aware that it would deprive a member of the privilege he is deemed to possess of seeking approval of his course in Parliament at any time. The obdurate clause nevertheless seems to stand in the way.

As to the Speaker, section 35, making provision for his forwarding his declaration to two members of the Legislature, speaks of "the issue of a new writ for the election of a member (whether ordinary or not) in the place of a member so notifying his intention to resign." The changed position of the adjective might be