

answer to a question, admitted that the conditions precedent required by s. 6 had not been complied with, and that no contract had been prepared or even discussed; but he nevertheless urged the public to vote for the by-law, which, though it purported to be made pursuant to the statute, gave none of the information which the legislature provided should be given to electors to enable them to record an intelligent vote. There would seem therefore to be no doubt that the by-law is illegal, and the vote not the expression of the will of the people in the manner desired and intended by the legislature.

It is not material for the present discussion whether the Commission or its Chairman or the municipal council of the City of Toronto is to blame for the defective and therefore illegal by-law, which was sent to the people. The fact remains that both the Chairman and the Commission and the Mayor and Board of Control of the city were very active in favour of obtaining an affirmative vote on the by-law.

All this presents a somewhat striking spectacle and one which is not merely of passing interest, for it concerns the administration of the laws of the land by those entrusted therewith. The Commission being given judicial powers in certain cases it is necessary that its members should act judicially in all matters connected with the Commission. The governing body of a municipality has also large powers and great responsibility and should act with due regard thereto. It may safely be said that in this very important matter they have one and all acted without that consideration and regard to the obligation imposed upon them by their respective positions to observe the law which they undertook to administer.

Apart from the question as to whether it is desirable or dignified for a member of the Government and one holding a judicial position to travel the country and make strong appeals to the electors to avail themselves of the services of the Commission of which he is the head (which is perhaps more than a mere matter of taste), it certainly is desirable to comment upon the more important features of this matter to which we have already