

Direct Legislation for Manitoba

The most important piece of legislation passed by the Legislative Assembly of Manitoba at its last session was "an act to enable electors to initiate laws, and relating to the submission to the electors of acts of the legislative assembly." This act was passed without the blowing of trumpets or great public celebration, yet it marks a fundamental change in our system of government. Until now our laws have been enacted by His Majesty, with the advice and consent of the Legislative Assembly of Manitoba. Now the people have been taken into the law-making partnership and hereafter they must give their advice and consent, either openly or tacitly, to all laws which are passed. It is true that the Direct Legislation Bill is to come into effect on proclamation by the Lieutenant-Governor in Council, but this step was taken as a matter of convenience, and there is little doubt that all future legislation will be subject to the Initiative and Referendum Act.

We quote below the main provisions of the bill:

The Initiative

"Any electors, not less in number than eight per cent. of the total votes polled at the general provincial election last held previous to the date of the petition herein referred to, whose names appear on the lists of electors last made and revised under 'The Manitoba Election Act' previous to the date of the petition herein referred to, may, by petition in writing presented to the Legislative Assembly within two weeks after the commencement of any regular session thereof submit a proposed law to the Legislative Assembly."

"Such proposed law, unless enacted by the Legislative Assembly at the session at which it is submitted without change, other than changes approved of by the Speaker and certified to by him as not altering the meaning of such proposed law, shall, subject to the provision of the next following section, be submitted by the Lieutenant-Governor in Council, in manner hereinafter provided, to a vote of the electors of the province to be taken at the next general provincial election, unless a special referendum vote is asked for in the petition."

"A proposed law so referred to the electors and approved of by a majority of the votes polled thereon shall, unless a later date is specified therein, take effect and become law, subject, however, to the same powers of veto and disallowance as are provided in the British North America Act or as exist in law with respect to any act of the Legislative Assembly, as the such law were an Act of the assembly, on a date to be fixed by proclamation to be made by the Lieutenant-Governor in Council, which date shall not be later than thirty days after the clerk of the Executive Council shall have published in The Manitoba Gazette a statement of the result of the vote on said law."

The Referendum

"Upon petition in writing of any electors, not less in number than five per cent. of the total votes polled at the general provincial election last held previous to the date of the petition herein referred to, whose names appear on the lists of electors last made and revised under 'The Manitoba Election Act' previous to the date of the petition herein referred to, addressed to the Lieutenant-Governor in Council, requesting that any act of the Legislative Assembly or part or parts thereof, whether now or hereafter in force, or not yet in effect by reason of section 12 hereof, or any law enacted under the provisions of sections 3 to 7 of this act, be referred to the electors, the Lieutenant-Governor in Council shall, in the manner hereinafter provided, subject, however, to the provisions of subsections (2), (3) and (4) hereof, submit such act or law, or part or parts thereof, to a vote of the electors of the province to be taken at the next general provincial election, unless a special referendum vote is asked for in the petition."

"Where a special referendum vote is asked for, the same shall be taken not

more than six months after the date of the presentation of the petition; provided, however, that, where, at the date of the presentation of the petition, a less period than two years has elapsed from the date of the holding of the last preceding general election or referendum vote upon the same, or substantially the same, proposed law, said special referendum vote shall not be taken earlier than the expiration of the said two years."

"In the event of such act or law or part or parts thereof not being approved of by a majority of the votes polled at such referendum, such act or law, or part or parts thereof so disapproved, shall, at the end of thirty days after the clerk of the Executive Council shall have published in The Manitoba Gazette a statement of the result of the vote on such act or law, or part or parts thereof, become and be deemed repealed."

"No act of the Legislative Assembly shall take effect until the expiration of three months after the termination of the session at which such act was passed, except where the same shall be declared to be an emergency measure. Such declaration shall be made in a preamble and shall state the facts constituting the emergency and that it is therefore desirable in the public interest that the act should go into effect immediately or sooner than the expiration of the said period of three months. A recorded vote of the Legislative Assembly shall be taken on the preamble, separate from the vote on the act or any part of it, and the preamble must be carried by a two-thirds majority of the members of the Legislative Assembly voting thereon. No grant of any franchise or renewal or extension thereof either in respect of time or the area of its operation, and no subsidy or guarantee of bonds or other financial aid to any public service corporation, shall be declared to be an emergency measure. Any act or part or parts thereof not in force at the time it is referred to the electors under sections 9 to 11 shall, either as to the whole or as to such part or parts thereof, be suspended from taking effect until it becomes law upon approval by the electors upon such referendum vote."

"None of the provisions of the foregoing sub-section shall apply to a supply bill or appropriation act, except as to items providing for capital expenditure of amounts exceeding the sum of \$100,000."

The Publicity Pamphlet

"The Lieutenant-Governor in Council shall provide for the public dissemination of information and arguments on acts, laws or part or parts thereof to be referred to the people as follows:—

(a) Arguments may be prepared for and against each act or proposed law or part or parts thereof to be submitted to a referendum vote. The length of such arguments shall not exceed twelve hundred words for each side. A committee nominated in the petition shall frame the arguments for the petitioners and a committee of three or more persons appointed by the Lieutenant-Governor in Council for those opposed to the petition.

(b) The clerk of the Executive Council shall mail to each elector, not less than sixty days prior to the taking of the referendum vote, the full text of the acts, laws, or parts thereof to be voted upon at such referendum vote, also a copy of the arguments for and against each, and a copy of the official ballot, all of which shall be indexed and bound in a pamphlet. The expense of printing, binding and distributing said pamphlets shall be borne by the provincial treasury."

Guide readers who wish for a complete copy of the bill can secure the same by writing to the King's Printer, Legislative Buildings, Winnipeg.

—F.J.D.

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