

founded assumption that any public sympathy which he might execute would not influence the votes of partisans to any material extent. This practical consideration is sufficient to demonstrate the futility of the comfortable theory (see III., *infra*,) that, if a legislature has passed an unjust Act, the people, its "constitutional judges," may safely be left to inflict the appropriate punishment upon the guilty members. Setting aside the operation of corrupt and selfish motives, the determinative elements in an election are the opinions of citizens with regard to questions of general and local interest. The supposition that the mass of voters could be induced at any given election to fix their attention upon a single unjust statute, and cast their ballots against candidates on the sole ground that they were responsible for its passage, can only be characterized as an aimable fiction. It may be readily admitted that, if the party which was in the ascendant when the statute was adopted should be defeated, the position of the applicant for redress would be somewhat more hopeful, although his grievances might have had nothing to do with that defeat. But the history of Provincial politics shews that a sufferer whose ability to obtain recognition for his claims should be expectant upon a transfer of power might have to suffer an experience similar to that of the unfortunate suitors in the unreported, but oft-cited case of *Jarndyce v. Jarndyce*. It is assuredly not a very violent supposition that, as practical statesman, the framers of the Federation Act were aware of the difficulties which must be encountered by a person who applies to a legislative body for relief against a statute enacted by itself. If as a matter of fact their attention was directed to this aspect of the matter, the further supposition may well be entertained, that one of the objects which they had in view when they inserted the clause respecting disallowance was to provide a more certain and accessible remedy for persons injured by improper Provincial legislation.