

Canada Law Journal.

VOL. XLVII.

TORONTO, APRIL 1.

No. 7.

THE REFERENDUM.

That so democratic a measure as the proposal to decide by a popular vote great constitutional questions should be seriously considered by any British politicians is sufficiently remarkable. That it should be put forward as an essential feature in his policy by the leader of the Conservative party shews how recent agitation has affected the very foundations of the British constitution.

The reason for resorting to such means for settling great national questions is no doubt due to the change which has taken place in the High Court of Parliament wherein all such matters are of right and wont to be considered and disposed of. So long as the nation was divided into two parties only, the one naturally averse to change, and the other constantly desiring it, and the leaders of each pursuing a well-defined policy, there was no difficulty in finding out to which side the majority inclined. But when, instead of the two parties, we have three or four of such numerical strength that it is in the power of any one of the number to control the course of events, though not itself having the support of a majority of the electors, the situation becomes very different. There is in such a case no means of knowing what the opinion of the electorate really is on a question so dealt with, and the action of Parliament might be in opposition to the wishes of those whom it represents. It is to find a means of meeting this difficulty, and having also in view the possibility of government by a single chamber, or with a second chamber deprived of the power to control the action of the first, that has caused the question of the referendum to become a practical issue in Imperial politics.

The passage of what is known as the Veto Bill would reduce the functions of the second chamber to those of a merely consul-