
Correspondence.

WAS THE REFERENDUM VOID?

To the Editor CANADA LAW JOURNAL :

The controversy opened by this question is raised in *Rex v. Walsh*, and goes, in *Rex v. Foster*, to the Court of Appeal.

Under the constitution, legislative power in the Province of Ontario is vested in two authorities, of equal standing and importance—the Lieutenant-Governor and the House of Assembly. These two are complementary, and the sphere of duty of neither tolerates interference from outside. The people at large have no place in the scheme of the B.N.A. Act, which entitles them to modify, much less govern legislation which the Chamber has under way, or has passed on to the Lieutenant-Governor, as ripe for his approval. The commonalty's influence is not suffered to be anything more than indirect, petitioning the House to enact measures in accord with their views being the chief engine they may summon to their aid.

Two principal grounds of attack upon the feature in question of the Liquor Act, 1902, as embodying something repugnant to the Constitution, would seem to be afforded; the divesting by the legislature itself, through its adoption, of responsibility cast upon it, and the narrowing of the prerogative of assent by the Crown to laws introduced which it causes. First, as to the House's patent evasion of burdens. Representative Government, conforming in essentials with the model in the parent state, has, in this part of the sovereign's dominions, prevailed for some generations. The fundamental point of the system is that the people, guaranteed by it freedom of suffrage, accredit, by a vote in the different localities into which, for the sake of convenience, the country is divided, a particular individual to a central gathering, whom they trust to carry out their formally tabulated wishes. The electors' choice, by their action, obtains every immunity and shoulders every obligation pertaining to superintendence over the community; resignation of authority by the constituency is unqualified.

Legislation should issue from the mould into which it has been run by the House a developed cast which requires nothing beyond the Lieutenant-Governor's impress upon it to become serviceable;