

CHAP.  
XXI

Upper and Lower Canada in 1865, and in 1866 by Nova Scotia and New Brunswick (in the last case after a general election on the question), the resolutions were then embodied in a Bill, to which legal effect was given in 1867 by an Act of the Imperial Parliament. It was not till 1873 that Prince Edward Island elected to come under the Act. In Australia a series of Conventions produced a series of drafts, the last Convention completing its work in 1898. The scheme was then submitted by the parliaments of each colony in the form of a carefully drafted Bill to the electors themselves. And just because the scheme was cut and dried to the last detail, the people of Australia were able to adopt it knowing exactly what it was they adopted. In South Africa the same procedure was followed so far as Natal was concerned. In the other colonies the scheme for union was accepted by each parliament without a referendum or general election. But the principle was the same in every case. A popular decision, whether given indirectly through parliaments or directly by general election or referendum, was impossible until a Convention had sat and had framed a scheme upon which public opinion could register a decision.

The Convention  
a procedure  
necessary  
for the  
expression  
of public  
opinion.

The process by which public opinion is brought into existence, rendered articulate, and enabled to control the action of government, is a question of procedure, that is to say, of method. Constitutional writers have recognized this, and have lavished their attention upon the parliamentary procedure whereby ministers are rendered amenable to popular control. But they have failed to realize that when