

that would be an extraordinary course for this House to take—and a course which I think would not be considered by the country at large a very becoming one. (Hear, hear.) If the other plan be what my hon. friend intends by his notice, then I say it is a process of ascertaining the popular sanction entirely unknown to the British Constitution. It is a process unknown even to our friends on the other side of the line, except in those cases where the general or state Constitution expressly provides for it. Where such provisions are not contained in the state constitutions, it is invariably held that submission to the popular vote, in order to give the force of law to any legislative act, is unconstitutional and void. In reference to the practice, SEDGWICK, an eminent American authority, says :—

Efforts have been made, in several cases, by the state legislatures to relieve themselves of the responsibility of their functions, by submitting statutes to the will of the people, in their primary capacity. But these proceedings have been held, and very rightly, to be entirely unconstitutional and invalid. The duties of legislation are not to be exercised by the people at large. The majority governs, but only in the prescribed form. The introduction of practices of this kind would remove all checks on hasty and improvident legislation, and greatly diminish the benefits of representative government. So when an act to establish free schools was by its terms directed to be submitted to the electors of the state to become a law only in case a majority of the votes were given in its favor, it was held in New York that the whole proceeding was entirely void. The Legislature, said the Court of Appeals, have no power to make such submission, nor had the people the power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the Constitution. The government of this state is democratic, but it is a representative democracy, and in passing general laws the people act only through their representatives in the legislature. In Indiana, the principle is now framed into a constitutional provision which vests the legislative authority in a Senate and House of Representatives, and declares that no law shall be passed the taking effect of which shall be made to depend upon any authority except as provided in the Constitution. And under these provisions it has been held that so much of an act as relates to its submission to the popular vote was null and void.

That is the general principle, according to American practice. And as I have said, the process of submitting any statute to the popular vote, in order to give it the force of law, is unheard of in British constitutional practice. (Hear, hear.) I shall not detain

the House by going into the question of expense, as I promised to do. I will simply say in conclusion, that I do think it is our duty as patriotic men, as men actuated by an honest desire to extricate our country from the difficulties in which it is placed, to deal fairly with this scheme, and as no other has been presented—as those who oppose it have not presented for our consideration any other—have not even suggested the possibility of any other to extricate us from the evils of our position—and believing that in the main this scheme, as regards its great leading outlines, will effect that purpose—then, I say, it is our duty as honest and patriotic men, to approve of it and to sanction it by voting for the resolutions in their integrity. (Hear, hear.) I have resolved, like my honorable friend from the Western Division, and my hon. friend from the Brock Division (Hon. Mr. BLAIR) to vote against all amendments which may be offered to it. We have been told distinctly by the members of the Government that we must either accept or reject it as it is—that amendment is impossible. I can very well understand the reason of that. It was adopted as a compact between the representatives of the different provinces who had assembled in Conference for the express purpose of framing this Constitution. Were we to make any inroads upon those resolutions, then the other provinces might claim and might exercise the same right. This instrument is not perfect. We all admit that there are points in it to which we object; and there are points in it, I dare say, to which our friends in the Lower Provinces object. It is a compromise, and I think it is a very able, and in the main a very fair compromise. It is such a compromise as ought to commend itself to every reasonable and candid mind. I think, therefore, that all amendments should be vetoed. And I am not afraid that, in taking that course, we shall not be justified by the people at large. (Hear, hear.) The people understand the meaning and effect of these amendments perfectly well. Perhaps I should not call them “buncombe,” but they savour very much of that kind of thing. I think the members of this House need have no fears of public opinion in this matter. As regards the people of Upper Canada—for whom I am in a better position to speak than for the people of Lower Canada—I am satisfied they will endorse our approbation of the resolutions; although, as we do, they may object,