

if you can have any better mode of ascertaining the views of the country at large, and therefore I would favor the reference of this question to the people, not that I would do it as a general rule, but as an exception which might properly apply under the circumstances."

Then, again, Mr. Mills in 1898, six or seven years after his first expression of opinion on the question, referred to the same matter when the bill for the plebiscite was before the Senate of that year. There the question was raised as to the propriety of the course and as to its constitutional effects. Mr. Mills, speaking in the Senate in 1898, said:—"Ordinarily the work of legislation ought to be carried on by Parliament, and the Government ought to assume the responsibility of determining what they propose, because in a great many instances the questions that, as a Government, they are pledged to and that they are called upon to deal with are questions with reference to which the elections have turned. Now, this is not an ordinary question of legislation, and no question relating to a sumptuary matter can be, because it is not what is best in the abstract, but it is what the people are ready to sustain, that you are bound to determine."

#### Constitutionality of the Referendum.

Further evidence shows that Sir John Macdonald and Sir Mackenzie Bowell, and all who had any status in Parliament in fact for the last ten or fifteen years, either by their vote or by their speeches accepted the constitutionality of a referendum. If, therefore, we are

making a departure, we are making it on high legal sanction, the sanction of the British House of Commons, the sanction of the Australian Commonwealth, the sanction of the Canadian House of Commons, the sanction of the great leaders in constitutional law on both sides of the Atlantic. We are making it in view of the difficulties to a certain extent which are involved in legislation of this kind, and I would be rather disposed, in a conservative way, to echo the view expressed by Sir Louis Davies, that we must not allow ourselves to be too strongly bound by precedents. Precedents are useful in steadying the decision of the court, and therefore useful, too, in legislation, but we pass—I was almost going to say daily—in this House bills for which there has been no precedent. How is society to grow, how are the liberties of the people to expand, if you are to sit down and study musty volume after musty volume in order to ascertain if our grandfathers or great-grandfathers or ancestors a hundred years ago did so and so? Should we

then, while recognizing the good sense, the prudence and judgment and loyalty to the liberty of the people, and to popular institutions of our ancestors, should we be for ever in leading-strings, should we be restrained by hands that practically have mouldered years ago and gone to their original dust? We are in the living present. We have the responsibilities of living legislation before us and the full realization of that larger sense of manhood we enjoy, some of which we have inherited from our fathers.

#### A Philosophic Expedient.

That leads me to the next view. Is the referendum a mode of procedure which one might reasonably expect to meet with the approval of thoughtful men? Legislation to be effective, and to maintain its dignity, must keep within the lines of the best thought of the people. If we are too conservative we are discarded, and very properly so; if we are too radical, we may introduce revolutions and changes which will be very disturbing and very unconstitutional. The golden mean in legislation must always be our aim. Does the referendum commend itself to

those who have given it thought, the leaders of the great movements which are crystallized in legislation? I have no less an authority than the Premier of England, Lord Salisbury, on that point. Lord Salisbury said, and I believe that anything on a question like this coming from a man such as Lord Salisbury is full of thought and significance—Lord Salisbury said: "I believe nothing could oppose a bulwark to popular passion except an arrangement for deliberate and careful reference of any

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