

may even bring about an amendment to the Constitution to protect all Canadian legislators, and give all Houses equal authority over their affairs.

**John Holtby**

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**LAWMAKING BY THE PEOPLE: REFERENDUMS AND PLEBISCITES IN CANADA** by J. Patrick Boyer, Butterworths, Toronto, 1982, 304 p.

This is the second in a series of five books by J. Patrick Boyer on the subject of Canadian election law. In addition to the book which is the subject of this review, this series is designed to breakdown the subject of elections into its legal framework, financing, federal and provincial election laws, and finally local and municipal elections in Canada.

*Lawmaking by The People* deals in a comprehensive manner with the law of referendums and plebiscites by reviewing

the legislation presently in force in the central government and the provinces as well as the Yukon and Northwest Territories.

For purposes of discussion the book may be divided into two distinct parts. The first four chapters deal with the theory of the referendum and plebiscite. The author has chosen to deal with this topic from an historical vantage point. While it is interesting to have this information compiled into one volume, it is unfortunate that there are few original thoughts or conclusions presented in this section.

For example, the final chapter of this "theory section" entitled "Advantages and Disadvantages of Referendums and Plebiscites" contains a one and a half page conclusion which is void of any value judgement on the effectiveness or propriety of referendums. Instead the author sums up by stating: "In the last resort, a plebiscite or referendum can give an aura of authenticity and a form of legal sanction to an otherwise informal and perhaps suspect opinion poll."

The second part of the book is composed of thirteen chapters each one dealing specifically and separately with the legislation covering plebiscites and referendums put in place by the central government, each province, and the two territor-

ies. The explanation of the operation of the legislation is clear and concise. If the particular government in question has had a history of the usage of either of these two devices, the chapter begins with this historical viewpoint. For example, the chapter dealing with the federal government commences with an analysis of the voting under the *Canadian Temperance Act* and the *Dominion Plebiscite Act, 1942*. These chapters are well organized and indexed, containing an excellent explanation of the subject legislation. They form the strongest part of the book but again there is very little critical analysis presented.

In conclusion, the positive aspects of this book for the legal profession and those involved in the mechanics of organizing referendums and plebiscites outweigh the negative ones. It is unfortunate that the author, after having completed this comprehensive study had not seen fit to provide a concluding chapter, presenting a comparative study of the legislation and a critical evaluation of the relative methods utilized.

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