

form of Government which is not always in accord with the written law on which it is nominally based. This unwritten constitution has during a long series of years been passing through the phase of its development and one of the remarkable results which have followed, is, that the Commons, the lower House in name, has become the upper House in fact. The popular assembly is the actual ruling power in the State, and as the historian Freeman puts it in "The growth of the English Constitution," "we have cast aside the legal subtleties which grew up from the thirteenth century to the seventeenth, and have gone back to the plain common sense of the eleventh or tenth, and of times earlier still."*

As relates to Canada the chief features of our unwritten or conventional constitution may be briefly set forth.

1. The Crown, the visible symbol of power and authority is represented by the Queen, her heirs and successors.
2. The Queen's representative in the Dominion is the Governor General.
3. All Legislative power and executive authority is derived from the people.
4. The power and authority of the people is vested in Parliament, consisting of the Senate and House of Commons.
5. The power vested in Parliament, is transmitted to an executive committee or council of Crown Ministers, known as the "Ministry" to be exercised for the common welfare.
6. All executive functions of Government are reposed in the Ministry.
7. The Ministry consisting of members of the Senate and House of Commons is appointed by the Governor General, subject to the approval of Parliament. As a body it is responsible to Parliament and the members composing it can remain in office so long only as they possess the confidence of the House of Commons.
8. The Members of the Senate are nominated by the Governor General on the recommendation of the Ministry.
9. The Members of the House of Commons are chosen by the people.
10. There are at present 78 members of the Senate and 215 members of the House of Commons.

The above presents in outline the theory of our constitution as it is generally understood. The essential fundamental principle is that the people is the origin of power and authority and that all power and authority proceeds through representatives of the people, to Parliament, constituting that body supreme. That is the theory, and in it we have a vital feature of the political constitution which we are privileged to possess; unhappily however we have never been able to carry the theory into practice with any measure of success.

It is assumed that the people is represented in Parliament and that the power and authority proceeding from the people is vested in the assembled representatives. Our electoral usages fail to attain this end; in effect they disfranchise a large majority of the electors and the true principle upon which Parliament should be constituted is not acted upon. This departure from the spirit of the constitution by which so large a number entitled to be represented in the councils of the Dominion, are left without any voice in state affairs, exercises an undesirable influence and constitutes a grave political injustice to the great bulk of the community.

If we enquire into the primary cause of this extraordinary irregularity, in the writer's view it may be traced to an early date. Parliamentary Government came into being in feudal times and has been developed to a large extent out of feudal materials. If we bear in view that the principles of feudalism were diametrically opposed to every theory of popular government we obtain a clue to the recurrences of grave difficulties which have continually arisen. To this circumstance, that is to say to the interpenetration of conflicting and directly antagonistic elements, viz. freedom and feudalism, may be attributed many of the struggles recorded in the history of the past six eventful centuries. We may trace to the same seemingly far remote origin, some of the obstacles which are met at the present day in the working out of the Parliamentary system.

Feudalism prevailed in Europe from the 10th to the 17th centuries. This remarkable organization with its various ramifications, extended in all directions throughout the whole social and political fabric. It was first established we are told as a means of common protection and defence, but whatever its necessity or supposed advantage, it had