

A Study in Canadian Citizenship

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(CONCLUSION)

III.

THE HOUSE OF COMMONS

We are all so familiar with this body that little need be said about it. A brief enumeration of its functions may, however, be useful, as these functions are much more numerous and interesting than we sometimes imagine. Its chief functions, then, are the following:—

1. **Selective Functions.** The House of Commons selects the Cabinet, or as we sometimes instinctively and quite correctly call it, the Government. This is really one of its most important functions. It is true that *pro forma* the King calls the Prime Minister and the Prime Minister selects the members of his Cabinet. But the Prime Minister selects only from a charmed circle. In selecting a Cabinet say, of eighteen members, he is usually limited to about twenty-two marked members of the Commons and two or three from the Senate. It is true that no formal election is held, but the members of the Cabinet are, nevertheless, selected by Parliament and ultimately by the people just as effectively, and probably more effectively, than if the selection were by show of hands or by secret ballot. Parliament is really

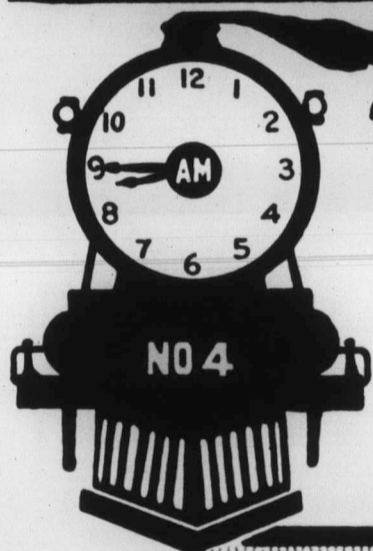
nothing more or less than a large panel of back benchers by and from which the Cabinet is chosen from time to time and by whom, being so chosen, it is charged with the administration of the King's government and the general direction of policy in the state until recalled.

2. **Administrative Functions.** This is probably really the oldest function of the House of Commons. The House of Commons really took on its present form and power in British history as a result of the insistent demand of the people to be heard finally on all measures imposing any tax or impost or appropriating any part of the public revenue. This is why the Budget is always the most important event in the session and why until this day with us in Canada the only prerogative right of the House of Commons is to initiate all money bills. So sensitive is the responsibility of the Commons to keep a close watch on the Exchequer that it is literally true that the poorest person in the community who buys a penny stamp may, through a Member of the House, question and find out from the administration what ultimately became of the penny he paid or its equivalent. It would be difficult to devise, in theory at least, a more sensitive system of free government than this.

3. **Legislative Functions.** This function of Parliament is probably distinctly overestimated at the present time. We have come in recent years, indeed, to speak of Parliament as "The Legislature." As a matter of history, however, this passion for making laws in the form of Statutes is largely a development of the last century. Previous to the last century the Courts of Common Law and Equity, faithful to the traditions of the free unwritten laws of England, administered with the force of law the common prevailing customs and usages of the community recognized, approved and adopted by the people for their own government. Whether or not this passion for reforming the common law by compulsory parliamentary enactment has really improved the administration of justice is a very doubtful question. In any case, what with our three sovereign law-making bodies, Imperial, Federal and Provincial, the statute law of Canada has come into a very unwieldy, unworkable condition at present. The craftsmanship is always appalling and the meaning usually obscure and doubtful. A rule or law of human conduct really takes on no new force by dint of being written in a book. It is not the enactment but the interpretation and administration of the written law which really count and the interpretation and administration depend upon Courts and upon the police and not upon the legislature. In actual practice Parliament enacts the words and the Courts the meaning of the statute, and it surely calls for no very great amount of philosophical insight to see that the meaning, the interpretation, is everything and the *ipsissima verba* really nothing. This conflict of function between the Legislature and the Courts is really one of the most pressing and perplexing problems in present day politics. It is probable, too, that one of the chief reasons why sessions of Parliament have recently become so long and futile is due to the fact that the field of statutory legislation has become well-nigh exhausted, while the passion for making men good by legislation has in no way abated.

4. **Deliberative Functions.** The House of Commons is also a deliberative body. It is, indeed, the greatest deliberative body in the history of Government. It is essentially an annual public conference on all matters of public interest. Like all deliberative bodies, its function is to carefully and dispassionately hold high conference upon all questions of public policy affecting the peace, order and prosperity of the people, approving what is right and condemning what is wrong. The aim of its deliberations, like the aim of any other committee, corporation or group of minds thinking together, is to come to some agreement, to arrive at a united composite mind containing all that is best in the suggestions of its individual members. The element of persistent contention and debate has probably been carried far too far in most modern parliaments. Deliberation need not be contentious in order to be effective. In fact the element of contention, being indeed a kind of warfare, is always more or less destructive and wasteful. This, then, is another potent reason why sessions of Parliament have become so long and futile in recent

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