

## "DIGNUS VINDICE NODUS."

Although England is acknowledged to be the Mother of Parliaments, the word itself is of French not of English origin, and its primary meaning may be said to be the same as that of our word "colloquy". There is some obscurity as to the date when the term Parliament was first applied to a deliberative assembly, it was however used in 1146 when Louis VII of France called a council to organize the second Crusade. During the following century the term came more into use and henceforth it has been retained, bearing generally the meaning which it now possesses. We do not find in English history any mention of a Parliament earlier than 1215 when the Magna Charta was granted by John the term *Parliamentum Runnenede* was used incidentally a few years later in the documents which narrate that event. In 1246 a national assembly was held in London, some historians speak of this meeting as the first Parliament, but the assembly generally accepted as the origin of the House of Commons met in 1265 when Henry III. was a captive in the hands of Simon de Montford, after the battle of Lewes. On that occasion two Burgesses from each city and Borough in the kingdom and two Knights from each County were summoned to take their seats in the national Council. This was not however the first occasion on which Knights took part in the assemblies summoned by the King. There is a record which goes to show that in 1254 Royal writs were issued directing the election and attendance in parliament of two Knights from each shire (Stubbs, Vol. II. p. 232). All previous State councils since the conquest by William (1066) were composed of Noblemen and Ecclesiastics of Rank. The parliaments mentioned (1215 and 1265) and others in the 13th Century mark the first successful efforts to shake off the fetters of despotism and restore the liberties and rights enjoyed at an earlier period by the English people. The Great Charter forcibly obtained from King John, and fifty years later the assembly of the memorable Parliament of Earl Simon, the reputed father of the House of Commons, were two cardinal turning points in English history. From the 13th century to the 19th century, the constitution has been moulded by circumstances; it has step by step been adapted to the varying necessities which have arisen; and the many struggles during the six hundred intervening years, have given the British constitution the character it to-day possesses.

While the constitution of the Dominion of Canada so far as circumstances admit, is a reflex of that of the United Kingdom, it differs from its prototype in some important respects. The most conspicuous of these distinctions is in the second Chamber. In the British Parliament the House of Lords has a character of its own and cannot be reproduced in any part of the outer Empire; it is the product of innumerable influences traceable to the past which in no way have existed on this side of the Atlantic; it may indeed be held to be the lineal descendant of the General Councils of the Barons which assembled during the centuries of feudalism. Whatever the desire to transplant to Canada the institutions of the Mother Country the House of Lords is the one which defies successful imitation. We have however created a substitute in the Canadian Senate and as such, this second house has functions to perform of the first importance. If the Senate is not directly elected by the people it may indirectly be affiliated with the popular suffrage for its members are nominated by the executive Government known as the "Ministry" in whose hands the power and authority of the people is placed by their representatives in Parliament.

The following in brief form, presents the legal constitution of Canada, established by statutory enactments:—

1. The Executive Government is vested in the Queen of Great Britain and Ireland, represented in Canada by the Governor General.
2. The Executive Government is exercised by and with the advice of the "Queen's Privy Council."
3. The "Queen's Privy Council" is nominated by the Governor General.
4. The Parliament consists of the Queen, the Senate and the House of Commons.
5. The Privileges, Immunities and Powers of Parliament shall never exceed those of the House of Commons of the British Parliament, at the passing of the British North America Act 1867.

In Canada as in the United Kingdom are recognised certain political theories and principles which do not appear on the Statute Book. There has grown up a conventional

form of C  
nominally  
ing throug  
followed.  
fact. Th  
Freeman  
legal subt  
gone back

As r  
may be bi

1. T  
Queen, he

2. T

3. A

4. T  
Senate an

5. T  
council of  
welfare.

6. A

7. T  
appointed  
is respons  
only as tl

8. T  
mendation

9. T

10. '  
of Comm

The  
stood. T  
authority  
to Parlian  
vital feat  
however  
success.

It is  
authority  
electoral  
electors a  
upon. T  
entitled t  
state affai  
to the gre

If w  
view it m  
feudal ti  
bear in v  
of popula  
continual  
flicting a  
many of  
may trac  
at the pre

Feud  
able organ  
whole soc  
common |