

Canadian Parliament begins in London

A study of Canada's Parliament might well begin in London. For Canada, in its evolution from British colony to independent nation, has produced a look-alike daughter of the Mother of Parliaments. The resemblance applies even to the legislatures of Canada's 10 provinces: on a visit to Halifax in 1842, Charles Dickens watched a session of the Nova Scotia legislature and felt, he said, as though he were watching his own Westminster in action.

The similarities that struck Dickens in Halifax can also be found in Ottawa. First of all in architecture: the Palace of Westminster in London, with its Gothic-style buildings, reminds many Canadian visitors of the neo-gothic structure on Ottawa's Parliament Hill. Inside, they would find that Ottawa has to a large extent modelled its procedures, traditions and rituals also on London.

As Canadian writer Wilfrid Eggleston notes in his book, *The Queen's Choice*, the very term House of Commons was taken over from Westminster and is "so rich in connotative associations that any change is inconceivable."

Even the debating chamber is physically much the same in the two cities. Both are rectangular, with government facing opposition across an open space, the Speaker sitting in dignity at one end of the chamber, with the historic Mace on a nearby table. The Speaker's Chair is an exact model of the one that, at Westminster, was destroyed in the bombing of the British Parliament in 1941.

Incorporated in the chair are portions of old oak from Lord Nelson's flagship, Victory, and from the hammer-beam roof of Westminster Hall, the lofty structure built in 1397 that is part of the complex of parliamentary buildings at Westminster. It was from the Speaker's Chair in the London chamber that the historic motion of March 1867 originated creating the British North America Act, which brought the Dominion of Canada into being.

There is thus justification for adapting to the evolution of Canada's Parliament a phrase used by British jurist Lord Sankey. He called the constitution of Canada a living tree whose roots, transplanted from the United Kingdom, are now nourished on Canadian soil.

More elbow room

There are minor differences of detail between the two Parliaments. Canadian members have more elbow room. There are



The Parliament Buildings - Ottawa.

fewer members - 264 compared with 630 in London - and more floor space at 72 feet by 54 feet compared with 68 by 45½ feet for the British Commons.

In Ottawa, parliamentarians sit on chairs at separate desks, arranged in pairs. Each MP has his own regular desk. British lawmakers sit or crouch, often huddled together, on ascending rows of leather benches. On budget days and other big occasions, it's a case of standing-room-only for the British MPs. There are not enough places for all, no matter how tightly packed, and occasionally even ministers have to stand in the gangways or at either end of the chamber. The British like things cosy: the late Sir Winston Churchill, embodiment of eternal England and tenacious defender of its parliamentary institutions, said the close confines made for greater intimacy of debate.

As in London, so in Ottawa in many parliamentary spheres. At the opening of a session, in both Parliaments, there is the

same traditional ceremony of the Gentleman Usher of the Black Rod, making his appearance in the Commons after three knocks on the doors of the chamber to summon members to hear the Crown's representative deliver the Speech from the Throne, as the Queen's Speech is called in Canada. And on ordinary working days, in both places, the Speaker enters the Commons with the Sergeant-at-Arms before him carrying the Mace, the ancient symbol of power.

Another example of Canada's debt to Britain, the Mace - a goldplated war club - was adopted by Canadian legislatures as early as 1845. It was in its appointed place in November 1867 when the first Parliament of Canada convened in Ottawa.

An observant visitor might note one amusing difference relating to Mr. Speaker. The Canadian "Orateur," as the French-Canadians call him, is bareheaded; the British Speaker clings to his wig, as befits a Parliament that was in being centuries

before the first settlers reached Canada from Britain and France.

Canada's experts

Today, in citing precedents, Canadian parliamentarians may invoke two noted British authorities, May or Campion. But there are more frequent references to such Canadian authorities as Arthur Beauséne and John Bourinot, former Clerks of the Commons in Ottawa.

British North America Act which stipulated that Canada was to have "a constitution similar in principle to that of the United Kingdom."

There was one notable difference in the constitutional setup. The United Kingdom is a unitary state in which the component local authorities are governed under legislation passed at Westminster. Before 1867, it appeared for a time that Canada might follow suit. This was because Ontario, one of the most influential provinces, favoured a unitary state, or what was then called a legislative union.

But it was soon clear that the Maritime provinces, and French-speaking Quebec, were opposed to giving blanket legislative jurisdiction to a central power. This left as the only practical solution the forging of a federal system, reserving to provincial legislatures law-making rights on questions of mainly local concern. As a result, a section of the British North America Act gave the provinces authority over administration of justice, municipal institutions, maintenance of prisons, hospitals, asylums and charitable institutions, among other things. The provinces were also empowered to impose their own direct taxes for provincial purposes and to look after education, subject to certain safeguards for Roman Catholic and Protestant minorities.

In legal theory, Canada's Parliament is a triumvirate composed of Monarchy, Senate and the House of Commons. Each Act of Parliament formally opens with the words: "Her Majesty, by and with the consent of the Senate and the House of Commons of Canada."

The Commons, in Canada, is a body elected by secret ballot from 262 electoral districts, two of them dual constituencies. Built of oak and limestone, the Commons Chamber is sometimes called the Green Chamber. The 102-seat Canadian Senate, corresponding to the House of Lords in Britain but regarded as having perhaps

slightly more power, has desks of black walnut in a magnificent setting of crimson and gold. The paintings on the walls are from a collection presented by the late Lord Beaverbrook, the Canadian-born British newspaper publisher, after the First World War.

Sir John A. Macdonald, Canada's first Prime Minister, called the Senate a "sober second thought" for legislation.

Crown's role

The Monarch's powers are carried out in Canada by the sovereign's representative, the Governor-General. The powers are exercised on advice of Canadian ministers and appointments to the Governor-General's office, though nominally made by the sovereign, are always in accord with the Canadian government's wishes. Members of the Senate, too, are appointed by the Governor General - but always on the nomination of the Prime Minister.

The Crown no longer has more than a formal, traditional voice in Canadian legislation - as in Britain, the real political power has long reposed in the cabinet and the House of Commons. The Governor-General's theoretical right to withhold assent to legislation passed by the Canadian Parliament or to have it reserved "for the signification of the Royal Pleasure" has not been used for 50 years. But the symbolic ceremony of granting Royal Assent for each piece of legislation is still held regularly in the Senate chamber as part of the Canadian parliamentary process.

The person holding the office of Governor-General, once always chosen from British society, is now just as inevitably a respected Canadian citizen. The first Canadian to be appointed Governor-General was Mr. Vincent Massey, a former Canadian High Commissioner to Britain. He was appointed in February 1952.

The Canadian Parliament, like Britain's, has a legal life of five years but the habit

Parliament apart, Britain's influence as mother country has made itself strongly felt on the Canadian constitution.

In the words of E. Russell Hopkins, Law Clerk of the Canadian Senate, both the written and unwritten parts of Canada's constitution bear the unmistakable imprint of British ancestry. Constitutional conventions and traditions established in Britain over many centuries, and enjoyed by Canadian provinces even before Confederation in 1867, were made part of Canada's heritage by the preamble of the

Right

Queen Elizabeth will stay in Rideau Hall, Government House, Ottawa, from 31 July until 4 August during the opening days of the first Commonwealth Heads of Government conference ever held in Canada.

