

tion, under which each province could legislate on its own local affairs, while a common Parliament was established for all the provinces agreeing to enter the federation.

**Confederation.**—While suggestions for the union of the British North American provinces date as far back as 1789, the first legislative action looking to this end was taken by the Assembly of Nova Scotia in 1861. In 1864 delegates from Nova Scotia, New Brunswick and Prince Edward Island assembled in Charlottetown to confer in reference to a union of these provinces. A second convention, at which the Province of Canada was represented, met at Quebec on Oct. 10, 1864, at which seventy-two resolutions, which afterwards formed the basis of the British North America Act, were adopted and referred to the respective legislatures for their concurrence, which was finally given. The British North America Act received the Royal Assent on Mar. 29, 1867, and came into force on July 1 of that year.

### Subsection 2.—The Constitution of the Dominion at Confederation

**Constitution of Canada.**—In the preamble to the British North America Act\* it is stated that the Provinces of Canada, Nova Scotia and New Brunswick “have expressed their desire to be federally united into one Dominion, with a Constitution similar in principle to that of the United Kingdom”. Thus the Canadian constitution is not an imitation of that of the United States; it is the British Constitution federalized. Like the British and unlike the United States Constitution, it is not wholly a written constitution. The many unwritten conventions of the British Constitution are also recognized in the Constitution of Canada; the British North America Act is a written delimitation of the respective powers of the Dominion and Provincial Governments, and an enactment of the terms of the Confederation Agreement. The British North America Act simply divides the sovereign powers of the State between the provincial and the central authorities.

The British North America Act declares that the executive government of Canada shall continue to be vested in the Sovereign of the United Kingdom (Sect. 9), represented for Dominion purposes by the Governor General, as for provincial purposes by the Lieutenant-Governor. The Governor General is advised by the King’s Privy Council for Canada, a committee of which constitutes the ministry of the day.

The Dominion Parliament consists of the King, the Senate and the House of Commons. It must meet at least once a year, so that twelve months do not elapse between the last meeting in one session and the first meeting in the next. Senators, 72 in number at Confederation, appointed for life by the Governor General in Council, must be at least 30 years of age, British subjects, residents of the province for which they are appointed, and possess \$4,000 over and above their liabilities. (See Table 6, p. 66.)

Members of the House of Commons are elected by the people for the duration of the Parliament, which must not be longer than five years. At Confederation the membership of the House was 181, divided as follows: Ontario, 82; Quebec, 65; Nova Scotia, 19; New Brunswick, 15. Under Sect. 51 of the B.N.A. Act (see p. 46) Quebec was to retain the fixed number of 65 Members and the representation of the other provinces was to be in the same proportion to their populations as the number 65 bore to the population of Quebec. †

\* The original legislation is reprinted at the end of this article with such notes regarding amendments as are necessary to a general understanding of the main changes that have been made to date.

† A table at p. 30 of the 1941 Year Book gives the representation at each Dominion general election from 1867 to 1940. Readjustments in representation in the House of Commons on the basis of 1941 Census figures will result in a reduction of 7 seats. The present membership is 245, but at the time of the next election it will be 238.