

principles of equality of status was accorded in the Statute of Westminster of 1931, which provided for the removal of the remaining limitations on the legislative autonomy of the Dominions.

Thus, Canada has, under the Crown, equality in status with Great Britain and the other Dominions in both domestic and foreign affairs; its government advises the Crown in the person of the Governor General on all matters relating to Canada; it has membership in the United Nations Organization; makes its own treaties; appoints its own ambassadors and other representatives abroad; levies its own taxes; makes its own laws which are executed by a government dependent on the will of a majority of the Canadian people; and maintains its own military, naval and air forces. In short, Canada has achieved the full status of democratic nationhood within the British Commonwealth of Nations.

PART I.—THE CONSTITUTION AND GENERAL GOVERNMENT OF CANADA

The two basic characteristics of the Canadian constitution are that it is federal and that, apart from the federal aspect, it is modelled closely on the British Parliamentary System.

Federation occurred in 1867 with the union of three colonies, Nova Scotia, New Brunswick, and Canada, which was divided into two provinces, Ontario and Quebec. The colony of British Columbia joined in 1871 and Prince Edward Island in 1873. Three other provinces were created out of Hudson's Bay Company lands acquired in 1868: Manitoba in 1870, Saskatchewan and Alberta in 1905.

The federal aspect of the constitution is defined by the British North America Act, 1867, and amendments. This Act divides the field of legislative and executive power between national and provincial authorities. It provides also the legal framework for national and provincial political institutions, but leaves the provinces full discretion to amend their own constitutions except with respect to the office of Lieutenant-Governor, the formal head of provincial government, and except that no provincial legislative authority may invade the field allotted by the Act to the Parliament of Canada.

The British North America Act must, however, be understood in the light of law, custom and the British constitution. Representative institutions were deeply rooted in the colonies before federation, and responsible (or cabinet) government had become the accepted practice in the maritime colonies and Canada. The British North America Act omits all reference to the cabinet system or the conventions under which it operates; the Act simply assumes that the cabinet system will obtain in both the national and provincial field. This has been the case, although modifications of British practice have been introduced to meet local conditions.

Section 1.—The Evolution of the Constitution Down to Confederation

The process of the development of free government in the Dominion of Canada down to Confederation is given in an article appearing at pp. 34-40 of the 1942 Year Book. Also in an Appendix to that article, pp. 40-60, the text of the British North America Act is presented.