

nations. Membership in the League of Nations and, more recently in the United Nations, the exercise of treaty-making powers and the establishment of separate diplomatic representation in a number of foreign countries have characterized this phase in the growth of Canada. More explicit recognition of the implications of the 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 Commonwealth nations.

Thus Canada under the Crown, has equality of status with Great Britain and the other Commonwealth nations in both domestic and foreign affairs; its government advises the Crown in the person of the Governor General on all matters relating to Canada. Canada has membership in the United Nations; 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 people; and maintains its own military, naval and air forces. In short, Canada has achieved the full status of democratic nationhood within the 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, and Saskatchewan and Alberta in 1905. Newfoundland, by a majority vote in a national referendum taken on July 22, 1948, decided to enter Confederation and union as a province of Canada took place on Mar. 31, 1949.

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 who is appointed by the Governor General in Council and is 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.

### Section 1.—The Evolution of the Constitution prior to Confederation

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