

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 portions of Rupert's Land and the North-Western Territory held by the Hudson's Bay Company and transferred to Canada, June 23, 1870: 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 became a province of Canada on Mar. 31, 1949. (See also p. 64.)

The British North America Act, 1867, and amendments, 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.

An outline of federal-provincial relations between the Dominion-Provincial Conference of December 1936 and the conclusion of the post-war tax agreements of 1947 will be found in the 1948-49 Year Book, pp. 116-122. Further developments are outlined in the 1951 edition, pp. 102-105.

See list of Special Articles in Chapter XXVIII for reference to the Evolution and Development of the Canadian Constitution and the Terms of Union of Newfoundland with Canada.

**Canada's Status in the Commonwealth of Nations.**—The several stages in the development of the status of Canada have been authoritatively described in the reports of successive Imperial Conferences including that held at London in 1926, which defined the group of self-governing communities consisting of the United Kingdom and the Dominions as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations". That Conference also recognized that, as a consequence of this equality of status, the Governor General of a Dominion "is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain", and that "it is the right of the Government of each Dominion to advise the Crown in all matters relating to its own affairs". Simultaneously, with this change in the constitutional relationship between the several parts of the British Commonwealth of Nations, there developed, as a complementary aspect of nationhood, the assumption by the several Dominions of further responsibilities and rights of sovereign States in their relations with other members of the community of 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

\* For the power of the Federal Parliament to amend the constitution of Canada, see "The British North America (No. 2) Act, 1949", printed in Vol. II of the *Statutes of Canada* for 1949.