

The source of the powers of the Provincial Governments of Canada is the British North America Act, 1867 (30-31 Vict., c. 3 and amendments). Under Sect. 92 of the Act, the Legislature of each province may exclusively make laws in relation to the following matters: amendment of the constitution of the province except as regards the office of Lieutenant-Governor; direct taxation within the province; borrowing of money on the sole credit of the province; establishment and tenure of provincial offices and appointment and payment of provincial officers; the management and sale of public lands belonging to the province and of the timber and wood thereon; the establishment, maintenance and management of public and reformatory prisons in and for the province; the establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province, other than marine hospitals; municipal institutions in the province; shop, saloon, tavern, auctioneer and other licences issued for the raising of provincial, local or municipal revenue; local works and undertakings other than interprovincial or international lines of ships, railways, canals, telegraphs, etc., or works which, though wholly situated within one province, are declared by the Federal Parliament to be for the general advantage either of Canada or of two or more provinces; the incorporation of companies with provincial objects; the solemnization of marriage in the province; property and civil rights in the province; the administration of justice in the province, including the constitution, maintenance and organization of provincial courts both of civil and criminal jurisdiction, and including procedure in civil matters in those courts;* the imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province relating to any of the aforesaid subjects; and generally all matters of a merely local or private nature in the province.

Further, in and for each province the Legislature may, under Sect. 93, make laws exclusively in relation to education, subject to certain provisions. The purpose of these provisions was to preserve to a religious minority in any province the same privileges and rights in regard to education which it had at the date of Confederation, but the Provincial Legislature was not debarred from legislating on the subject of separate schools providing it did not thereby prejudicially affect privileges enjoyed before Confederation by such schools in the province. These powers, given to the four original provinces in Confederation, have, with some slight changes, been retained ever since and the more recently admitted provinces have assumed the same rights and responsibilities on their inclusion as units in the federation as were previously enjoyed by the older provinces.

Provincial Franchise.—The main qualifications for persons entitled to be registered as voters in provincial elections are given below and apply, with minor modifications, to voters in all provinces:—

Every person, male or female, at the age of 21 years, who is a British subject or a Canadian citizen and was resident in the province of registration 12 months prior to the election date and with two months residence in the electoral district of polling, and who falls under no statutory disqualification, is entitled to be registered as a voter.

The principal exception to the above gives voting privileges to persons in Saskatchewan and Alberta at the age of 18 years and 19 years, respectively.

Residence required in the Province of Quebec for provincial elections is two years and in British Columbia six months. In Manitoba a residence period of three months in the electoral district is necessary for registration. Further details connected with disqualifications, etc., may be found in the Election Act of each of the provinces.

* A description of the provincial courts is given in the 1951 Year Book, pp. 76-82.