

Governors General, and Orders in Council passed pursuant to the British North America Act also form part of the Canadian constitutional system. In addition the Constitution of Canada includes well-established usages and conventions. The preamble to the British North America Act states that it was the desire of the original provinces to be united "with a constitution similar in principle to that of the United Kingdom" and, accordingly, many of the usages and conventions of government that have been developed in the United Kingdom over the centuries are followed in Canada. For example, the Cabinet system of responsible government as developed in the United Kingdom obtains in Canada although no mention thereof is made in the British North America Act.

No provision was made in the British North America Act of 1867 for amendment thereof by any legislative authority in Canada but both the Parliament of Canada and the provincial legislatures were given legislative jurisdiction with respect to some matters relating to government. Thus, for example, the Parliament of Canada was given jurisdiction with respect to the establishment of electoral districts and election laws and the privileges and immunities of Members of the House of Commons and the Senate, and each provincial legislature was empowered to amend the constitution of the province except as regards the office of Lieutenant-Governor. By an amendment to the British North America Act passed in 1949 the authority of the Parliament of Canada to legislate with respect to constitutional matters was considerably enlarged and it may now amend the Constitution of Canada except as regards the legislative authority of the provinces, the rights and privileges of provincial legislatures or governments, schools, the use of the English or the French language, and the duration of the House of Commons other than in time of real or apprehended war, invasion or insurrection.

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 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 the United Kingdom 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 naval, military and air forces. In short, Canada has achieved full status of democratic nationhood within the Commonwealth of Nations.

* A more detailed account is given in the 1952-53 Year Book, pp. 101-104.