by the British North America Act. The repugnancy rule still applied to the British North America Acts, 1867 to 1930. That is, no Canadian legislature could either amend them or pass legislation inconsistent with them, except as provided by the British North America Acts themselves.

The restriction on the right to amend the Canadian Constitution in Canada, as continued by the Statute of Westminster, was in part removed by the British North America (No. 2) Act, 1949. This Act inserted a new Subsect. (1) into Sect. 91, which conferred on the Parliament of Canada the power to amend the British North America Act except in respect of provincial and educational rights safeguarded in the Constitution, and the rights to the use of the French and English languages. It also provided a special procedure for amendments that would either modify the provision for the annual meeting of Parliament or extend the life of a Parliament beyond the five-year maximum laid down in the British North America Act.

Formal Amendments to the British North America Act—Initiating Procedures

While the United Kingdom Parliament was the sole authority for amending the British North America Act, it was long recognized that the initiative for such changes should come from Canada. The requests for a few of the earlier amendments came from the Canadian Government but the practice soon became established that this should not be done without prior consent of the Canadian Parliament. A resolution carried in the House of Commons by 137 to none in 1871 asserted that "no changes in the provisions of the British North America Act should be sought by the Executive Government, without the previous assent of the Parliament of this Dominion". The proper form of initiating an amendment has thus become an Address from both Houses of Parliament to the Sovereign, praying that an amendment be laid before the United Kingdom Parliament. It is now customary to append to this Address a draft bill embodying the proposed amendment. The agreement of both Houses, of course, gives the Senate the right to veto or modify an amendment initiated in the Commons—the Senate was able to secure modifications of proposed amendments in 1915 dealing with parliamentary representation, and in 1960 dealing with the retirement of judges. The Senate also refused to concur in a requested amendment of 1936 which would have limited the rights of provinces to borrow money and clarified the distribution of taxing power under the Constitution.

Since the procedure antecedent to the presentation of an amending Bill is not governed by statutory requirements, the degree of consultation of affected interests is governed only by convenience and practice. The provinces have no legal right to be consulted on constitutional amendments, and have no *locus standi* with the British Government or Parliament either to promote or oppose an amendment. However, in matters affecting the legislative powers of the provinces, they are invariably consulted and their agreement obtained before an Address to the Sovereign is presented from Parliament.

Amendments to the British North America Act—The Present Position

At present there are three quite separate procedures for amending different parts of the British North America Act. Only one of these methods is still a subject of difficulty—that which applies to what are called the 'safeguarded' parts of the Act. This is the method yet to be 'repatriated' to Canada and replaced by an agreed procedure which satisfies the need to entrench basic provincial and minority rights and has sufficient flexibility to ensure that the Constitution can be changed to meet changing circumstances. The present methods of amendment are as follows.

1. *Amendment of 'Safeguarded' Parts of the Act.*—These parts of the British North America Act must still be amended by the United Kingdom Parliament. An amendment is initiated by an Address of both Houses of the Canadian Parliament to the Sovereign, praying that a proposed amendment may be laid before the Parliament of the United Kingdom. It is established practice to consult the provinces before seeking such amendments, and to secure the agreement of all provincial governments to the terms of the proposal. However, the consent of the provincial legislatures does not seem normally to