

Subsection 2.—The Legislature

The federal legislative authority is vested in the Parliament of Canada consisting of the Queen, an Upper House styled the Senate, and the House of Commons. Bills may originate in either the Senate or the House subject to the provisions of Sect. 53 of the British North America Act, 1867, which provides that Bills for the appropriation of any part of the public revenue or the imposition of any tax or impost shall originate in the House of Commons. Bills must pass both Houses and receive Royal Assent before becoming law. In practice most public Bills originate in the House of Commons, although there has been a marked increase recently in the introduction of public Bills in the Senate, at the instance of the Government, in order that Bills may be dealt with in the Senate while the Commons is engaged in other matters such as the debate on the Speech from the Throne. Private Bills usually originate in the Senate. The Senate may delay, amend or even refuse to pass Bills sent to it from the Commons, but differences are usually settled without serious conflict. (See Chap. XXVI for current legislation.)

Under Sect. 91 of the British North America Acts, 1867 to 1960, the legislative authority of the Parliament of Canada extends to the following matters: the amendment of the Constitution of Canada (subject to certain exceptions); the public debt and property; the regulation of trade and commerce; unemployment insurance; the raising of money by any mode or system of taxation; the borrowing of money on the public credit; postal service; the Census and statistics; militia, military and naval service, and defence; the fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada; beacons, buoys, lighthouses and Sable Island; navigation and shipping; quarantine and the establishment and maintenance of marine hospitals; sea coast and inland fisheries; ferries between a province and any British or foreign country or between two provinces; currency and coinage, banking, incorporation of banks and the issue of paper money; savings banks; weights and measures; bills of exchange and promissory notes; interest; legal tender; bankruptcy and insolvency; patents of invention and discovery; copyrights; Indians and lands reserved for the Indians; naturalization and aliens; marriage and divorce; the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters; the establishment, maintenance and management of penitentiaries; such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by these Acts assigned exclusively to the legislatures of the provinces.

Under Sect. 95, the Parliament of Canada may make laws in relation to agriculture and immigration concurrently with provincial legislatures although federal legislation is paramount in the event of conflict. By the British North America Act, 1951 (Br. Stat. 1950-51, c. 32) it is declared that the Parliament of Canada might make laws in relation to old age pensions in Canada but no such law shall affect the operation of any provincial laws in relation to old age pensions.

The Senate.—From an original membership of 72 at Confederation, the Senate, through the addition of new provinces and the general growth of population, now has 102 members, the latest change in representation having been made on the admission of Newfoundland to Confederation in 1949. The growth of representation in the Senate is traced in the 1940 Year Book, pp. 47-49, and is summarized by province in Table 7.

Senators are appointed for life by the Governor General by instrument under the Great Seal of Canada on the recommendation of the Prime Minister. The actual power of appointing Senators resides by constitutional usage in the Prime Minister whose advice the Governor General accepts in this regard. In each of the four main divisions of Canada, except Quebec, Senators represent the whole of the province for which they are appointed; in Quebec one Senator is appointed for each of the 24 electoral divisions of what was formerly Lower Canada. The deliberations of the Senate are presided over by a Speaker appointed by the Governor General in Council (in effect by the Government) and government business in the Senate is sponsored by the Government Leader in the Senate.