

Section 2.—Provincial and Territorial Governments*

In each of the provinces, the Queen is represented by a Lieutenant-Governor appointed by the Governor General in Council. The Lieutenant-Governor acts on the advice and with the assistance of his Ministry or Executive Council which is responsible to the Legislature and resigns office under circumstances similar to those described on p. 62 concerning the Federal Government.

The Legislature of each province is unicameral, consisting of the Lieutenant-Governor and a Legislative Assembly, except for the Province of Quebec where there is a Legislative Council as well as a Legislative Assembly. The Legislative Assembly is elected by the people for a statutory term of five years but may be dissolved within that period by the Lieutenant-Governor on the advice of the Premier of the province.

The source of legislative authority of the Provincial Legislatures is the British North America Act, 1867 (Br. Stat. 1867, c. 3 and amendments). Under Sect. 92 of the Act, the Legislature of each province exclusively may make laws in relation to the following matters: amendment of the constitution of the province except as regards the Lieutenant-Governor; direct taxation within the province; borrowing of money on the 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 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 of criminal jurisdiction including procedure in civil matters in these courts; the imposition of punishment by fine, penalty or imprisonment for enforcing any law of the province relating to any of the aforesaid subjects; generally all matters of a merely local or private nature in the province.

Further, in and for each province the Legislature exclusively may, under Sect. 93, make laws in relation to education subject to certain restrictions relating to the establishment of schools by religious minorities. These powers with similar restrictions were conferred on the more recently admitted provinces on their inclusion in the federation.

The Provincial Legislatures may also make laws under Sect. 95 in relation to agriculture and immigration, subject to any laws of the Parliament of Canada in relation to these subjects.

Provincial Franchise.—Details regarding qualifications and disqualifications of the franchise are contained in the Elections Act of each province. In general, every person, male or female, at the age of 21 years who is a Canadian citizen or other British subject, who complies with certain residence requirements in the province and the electoral district of polling and who falls under no statutory disqualifications, is entitled to vote. These qualifications apply with modifications to voters in six of the ten provinces. The exceptions give voting privileges to persons in Quebec and Saskatchewan at the age of 18 and in Alberta and British Columbia at 19 years.

* The information given in Subsections 1 to 7, 9 and 10 of this Section is brought up to Apr. 30, 1964; Subsection 8 is as at June 10, 1964, the date of a availability of information following the Saskatchewan General Election of Apr. 22, 1964. Any important changes occurring between those dates and the time of going to press will be found in an Appendix to this volume.