

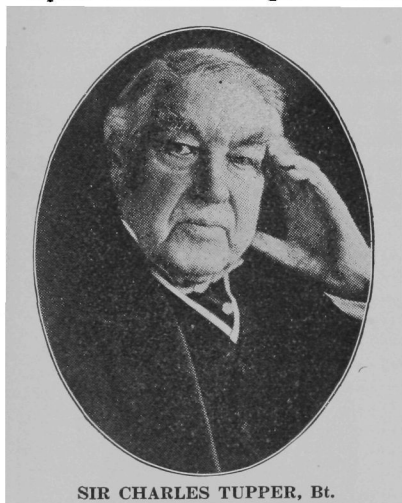
## CONSTITUTION AND GOVERNMENT OF CANADA

and one from Yukon Territory. A schedule to the Act defines the various electoral districts throughout Canada.

**British North America Act.**—The Dominion of Canada, being a federal union of provinces, one of the most important studies in connection with its constitution is that of ascertaining as clearly as possible how the various powers of legislative and executive action are distributed between the provincial and federal authorities. The Act of the Imperial Parliament, which constitutionally brought the Dominion into being as a political entity and furnished it with the authority and power to create new provinces out of the vast territory committed to its charge, is known as the British North America Act 1867.

This important piece of legislation is frequently referred to as "the Constitution." In a very limited sense, however, can it be properly termed a constitution. The constitutional rules and principles under which government

and legislation are carried on are not at all set forth in this Act, nor in the nature of things could they be. The Act, while carefully defining the powers of the Dominion and of the provinces respectively, and distributing those powers definitely between the provincial and federal authorities, leaves their practical working out to the general principles of British constitutional law. As stated above the constitution of a country under the federal system includes not only the framework of the federal arrangement, but the principles of the whole political organization in its operation. In Canada the practice and usages of parliamentary responsible government were thoroughly established long before the Union of 1867. The Imperial



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Act merely confirmed these in a preamble which declared that the provinces to be united desired a constitution "similar in principle to that of the United Kingdom."

This phrase imports into the Act the whole code of the written and unwritten law of the constitution of the United Kingdom as virtually in practice in all the provinces of Canada at the union. The Union Act consequently contains but a portion of the constitution of the country. Even so thoughtful a writer as Sydney Low, whose book, entitled "The Governance of England," is of great value, is betrayed into defining the constitution of Canada as "a written constitution"—as a constitution "created by parliamentary enactment." This writer goes on to insist that the statute which created the Federal Union of Canada is a "constitution like that of the United States." His reference to it as a "written" constitution, and in that respect differing "fundamentally" from that of the Mother