

CHAPTER II.—CONSTITUTION AND GOVERNMENT

CONSPECTUS

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NOTE.—The interpretation of the symbols used in the tables throughout the Year Book will be found facing p. 1 of this volume.

PART I.—THE CANADIAN CONSTITUTION

The Government of Canada is provided for by the British North America Act (30-31 Vict., c. 3) of 1867 and subsequent amendments. These statutes of the United Kingdom Parliament, usually referred to as 'The British North America Acts, 1867-1951', form the written basis of the constitution by which Canada is governed.

The British North America Acts, 1867-1951, do not contain the complete description of Canada's constitution. External restraints upon Canadian autonomy have been removed by the development of conventions and usages which, although not all expressed in laws, are equally binding. In a similar fashion in the domestic field, the machinery of Canadian government, both federal and provincial, operates partly in accordance with the written constitution, as far as it goes, and partly in accordance with conventions and usages which are frequently called the 'unwritten constitution'. One such convention is that only a committee of the Queen's Privy Council for Canada meets to transact business and never the whole membership. Two more sources of the constitution of Canada are the laws of the Federal Parliament itself* and the decisions of the Courts on matters of constitutional law.† Finally, the executive power in respect of Canada is governed only in general terms by statutes. The commissions and instructions of successive Governors General contain a wealth of constitutional source material.‡

* See the collection of constitutional documents entitled *British North America Act and Amendments, 1867-1948* (King's Printer, 1948, Ottawa) for some of these laws. A recent and important addition is 13 Geo. VI, c. 37, which gives the Supreme Court of Canada the exclusive ultimate appellate civil and criminal jurisdiction in Canada and abolishes appeals to the Privy Council in London, England.

† See the collection of cases before the Juridical Committee of the Privy Council in three volumes: Cameron, *The Canadian Constitution* (Butterworth, 1915, Winnipeg); Cameron, *The Canadian Constitution, Vol. II* (Carswell, 1930, Toronto); and Plaxton, *Canadian Constitutional Decisions* (King's Printer, 1939, Ottawa).

‡ See pamphlet entitled *Letters Patent constituting the Office of Governor General in Canada, effective October 1, 1947, with Appendices* (King's Printer, 1947, Ottawa).