



The Fathers of Confederation, by Robert Harris

It was an appropriate time for Canada to patriate its Constitution—to remove the BNA Act from any control of the British Parliament and to lodge it in Ottawa. The federal and provincial governments had met in 1927 to discuss an amending formula—a method of changing a patriated Constitution. Some provinces wanted a rigid formula that would make changes difficult, some wanted a flexible one that would make them easier. They couldn't agree, so Canada asked Westminster to keep jurisdiction over the BNA Act and its amendments for a while longer.

Mid-Century

When Canada entered the war against Germany and Italy in 1939 it asserted its autonomy by declaring war a week after Great Britain had made its declaration. During the war the federal government extended its authority under the "emergency doctrine" to administer war industries across the country.

In 1941 the Parliament of Canada, with the consent of the provinces, asked Westminster to amend the BNA Act to permit the federal government to form a nationwide system of unemployment insurance. The British did as requested.

In 1945 the federal government suggested that it be given the power to establish a national old age pension plan and to inaugurate "equalization payments" to lessen economic disparities among the provinces.

In 1947 Canadians became "Canadian citizens" by an act of the Canadian Parliament instead of being merely British subjects.

In 1949 Mackenzie King's successor, Louis St. Laurent, secured adoption of an amendment to the British North America Act which gave the Commons the right to amend the Canadian Constitution, except for certain matters including

the rights and powers of the provinces and French and English language rights. Appeals to the Privy Council in London were abolished the same year. The Supreme Court of Canada was now Canada's court of last resort.

In 1952 Canada appointed its first Canadian-born Governor General, Vincent Massey.

In 1965 Canada adopted its own Maple Leaf flag. Fifteen years later it would formally adopt "O Canada" as its national anthem.

The Recent Decades

The Statute of Westminster in 1931 had set the stage for the patriation of Canada's Constitution, but in the next thirty years, despite several formal efforts, the provinces could not agree on an amending formula.

In 1964 the provincial attorney generals did agree on one, and it was submitted to the Prime Minister and the premiers. Premier Jean Lesage submitted it to Quebec's National Assembly but opposition soon developed. The dissenters saw an opportunity to use the patriation process to negotiate greater powers for Quebec and said the province should not accept the formula unless greater constitutional powers went with it. Lesage withdrew it in January 1966.

For the next several years the impasse remained, with Quebec demanding greater powers for the provinces, or at least for itself, and the other provinces being less concerned.

In 1971 the First Ministers met at Victoria and agreed in principle to a Charter that included an amending formula, but Quebec and Saskatchewan did not give it formal approval.

In 1976 a new alignment was formed. All provinces agreed that patriation should be tied to substantive constitutional change.

In May, 1980, Quebec held a referendum