

This recital establishes a basis for the working out and settlement of many matters upon which the Act itself is silent, and gives a valid foundation for the claim that the Act is the written constitution of Canada, as it clearly provides for the conduct of affairs in accordance with the principles of the British constitution.

For example, Section Fifty-five apparently gives the Governor-General discretion to assent to a Bill, to withhold assent, or to reserve it, but under the British constitution, while the discretion of the sovereign is absolute in theory, yet in practice the sovereign must act in accordance with the advice of the Privy Council. Following this principle, the Governor-General's discretion must be exercised in accordance with the advice of his Privy Council. While the Act secured this principle, it was not fully established in Canada until 1877.

In 1870 the Dominion obtained power to enact navigation laws, and in 1894 to make her own immigration laws, even when they excluded undesirables from the United Kingdom. At the time of Confederation the Dominion was obliged to recognize and conform to all commercial treaties made by Great Britain. Since 1898 the Dominion has been bound by no commercial treaty to which it has not given its assent and to which it is not a party, and since 1909 it has had the power of naming its own plenipotentiaries for the negotiation of commercial treaties—of acting in these matters like an independent state.