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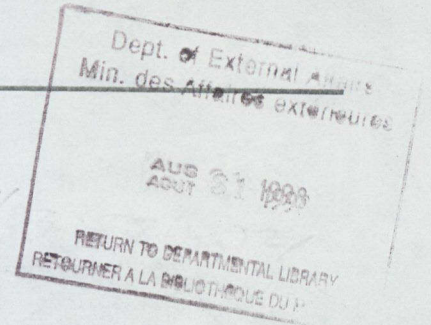


External Affairs  
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# Reference Papers

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THE CONSTITUTION AND GOVERNMENT OF CANADA

## I The Constitution of Canada

In 1867 the British North American Act united the British North American provinces of Canada, New Brunswick and Nova Scotia in one country known as Canada. The new state was originally composed of four provinces -- Ontario, Quebec, New Brunswick and Nova Scotia. Manitoba was admitted to the union in 1870, British Columbia in 1871, and Prince Edward Island in 1873. The Provinces of Saskatchewan and Alberta were formed in 1905 out of the old Northwest Territories of Canada. In 1949 Newfoundland, a separate Dominion that had, since 1934, been under the control of a Commission appointed by the British Government, was admitted to the Canadian federation. At present, Canada consists of ten provinces and two territories. The latter are known as the Yukon Territory and the Northwest Territories, and do not form a part of any of the provinces.

The British North America Act of 1867 (30 & 31 Vict., c.3 (U.K.)) established a division of legislative and correlative executive authority between the Parliament of Canada, on the one hand, and the legislatures of the several provinces, on the other. The division of judicial authority between these entities is such that provincially and federally constituted courts frequently have jurisdiction with respect to both federal and provincial laws.

While the B.N.A. Act, with its amendments, is popularly regarded as the Constitution of Canada, it is not, in fact, an exhaustive statement of the laws and rules by which Canada is governed. The Constitution of Canada, in the broadest sense, includes, *inter alia*, other British statutes (such as the Statute of Westminster, 1931) and Orders-in-Council (notably those admitting various provinces and territories into the federation). Included as well are the succession to the Throne, the royal style and titles, the Governor General, the Senate, the House of Commons, the creation of courts, the establishment of government departments, the franchise and elections, as well as statutes of provincial legislatures of a fundamental constitutional nature similar to those mentioned above. Other written instruments, such as the Royal Proclamation of 1763, the letters patent of October 1, 1947, constituting the office of Governor General of Canada, the commissions of Governors General, and

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