

Constitutional development

In 1867, 80 years after the Constitution of the United States was drafted in Philadelphia, Pennsylvania, the British Parliament, at the request of the three colonies – New Brunswick, Nova Scotia and the Province of Canada* – passed the British North America Act, which formally established a semi-independent country to the north of the United States. In the years to come, six more provinces and two territories joined, creating eventually the second-largest autonomous country in the world. However, most of Canada remained sparsely populated or uninhabited. It now has about 23 million people, 75 per cent of whom live in urban areas within 150 miles of the American border. The United States, with a smaller land-mass, has over 216 million.

The American Constitution was written after a war with Britain and marked a total political break with the mother country. The Canadian Constitution was written as part of a movement to unite against a possible confrontation with a powerful neighbour whose federal forces had just won a civil war. There were other very important motives, such as a desire to protect and

develop the western territories and to create thereby a more self-sufficient national economy.

The founders also wanted to break a political impasse between the French and English in the government of the united Canadas.

They attempted to construct a constitution incorporating the best of the British and American models while being analogous to neither. Confederation endowed Canada not with a loose alliance of sovereign states, as the term implies, but with a federal structure such as the United States had chosen. The new state was, following the British model, a constitutional monarchy with a parliamentary system in which the Prime Minister and Cabinet were chosen from Parliament.

The Canadian Constitution is not incorporated in a single document. The British North America Act and the unwritten laws that embody the basic rights that evolved from the

*Part of present-day Ontario and Quebec.