

ber shall be disregarded; but a fractional Part exceeding One-half of that Number shall be equivalent to the whole Number;

4. On any such Readjustment the Number of Members for a Province shall not be reduced unless the Proportion which the Number of the Population of the Province bore to the Number of the aggregate Population of Canada at the then last preceding Readjustment of the Number of Members for the Province is ascertained at the then latest Census to be diminished by One-twentieth Part or upwards;

5. Such Readjustment shall not take effect until the Termination of the then existing Parliament.

*Increase of Number of House of Commons.*

52. The Number of Members of the House of Commons may be from Time to Time increased by the Parliament of Canada; provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

NOTES :

Section 51, subsections 1-5, make adequate provision, that, for the Provinces as units, the principle of Representation by Population shall be observed. No adequate provision, however, was made to prevent the Party in Power at the Time of the Decennial Readjustment from so fixing the Boundaries of Constituencies as to give that Party an advantage in the Elections.

After the Census was taken in 1891 it was proposed by some of the Opposition, that Parliament should entrust the Readjustment of the Constituencies to a Committee of Judges, since the latter Part of Section 51 would permit that mode of dealing with the matter. Some even contended that Parliament itself, in making the proposed changes in the Con-

stituencies, would be violating the spirit of Section 51. In reply it was shown that although permission to appoint such a Committee as was asked for, might be given in Section 51, nevertheless the Parliament of Canada had Power to make Laws for the maintenance of order and good government in Canada; and, moreover, that Section 52 gave authority to the Parliament of Canada, not only decennially but "from time to time" to increase the number of members of the House of Commons, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

Although Section 51, subsection 1, provides that, "Quebec shall have the fixed Number of Sixty-five Members," if this is construed with Section 52, it would seem that the Number of Members for Quebec may be increased. Such increase is not likely to take place, because we now have too many Members in the House of Commons for a Population of less than 5,000,000.

Section 51, subsection 4, is a cumbersome mode of expressing what is more clearly put in the following Resolution of the Quebec Conference: "No Reduction shall be made in the Number of Members returned by any Section (Province), unless its Population shall have decreased relatively to the Population of the whole Union, to the extent of five per centum."

The Quebec Conference proposed that the Legislature of each Province should divide such Province into the proper Number of Constituencies, and define the Boundaries of each of them for the purposes of Representation in the House of Commons. This proposal was not embodied in the British North America Act, probably because it was anticipated that it would lead to conflicts between the Local Legislatures and the Parliament of Canada.