



REFERENCE PAPERS

CANADIAN INFORMATION SERVICE

OF THE DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA - CANADA

OF CANADA

No. 5

June 17, 1946

DOMINION DAY

Canada celebrates the founding of the Canadian nation on July 1st of each year. This date was fixed by royal proclamation, in 1867, following the passing of the British North America Act by the British Parliament. This national holiday is known as Dominion Day. Dominion Day is to Canadians what Independence Day is to Americans and Bastille Day to the French.

But the Canadian nation was not born of revolution. It evolved through a series of constitutional processes culminating in Confederation in 1867. The colonies which joined originally in the federation were Upper Canada (Ontario) Lower Canada (Quebec), New Brunswick and Nova Scotia.

With astonishing rapidity the Dominion proceeded to extend itself from the Atlantic to the Pacific. In 1869 the Dominion acquired the vast territories of the Hudson's Bay Company out of which have been carved the provinces of Manitoba, Saskatchewan and Alberta. In 1871, British Columbia came into the confederation and in 1873, Prince Edward Island also joined. Finally, in 1895, Canada took over from the United Kingdom the islands of the Arctic Archipelago: The face which Canada now presents on the map was finally formed only 28 years after the initial confederation.

From the constitutional point of view the year 1867 is a dividing line between two periods in Canada's history. With the cession of the French colonies to the British by the Peace of Paris, the first period of British rule began. From the year of this treaty, 1763, to Confederation the great constitutional achievement was the winning of responsible government. From Confederation to the present day the great constitutional achievement has been the winning of Canada's sovereignty within the British Commonwealth.

From 1763 to 1774 Canada was governed by the authority of a royal proclamation. In this proclamation by George III the British crown and the Imperial Parliament asserted their absolute sovereignty over all the North American colonies.

In 1774 the Quebec Act was passed by the Imperial parliament. The western territory which France had claimed, extending as far as the Mississippi and south to the Ohio, was included with Canada in what was called the province of Quebec. This vast territory was to be governed from Quebec. The French civil law which had been repealed by the Royal proclamation of 1763 was re-established along side of the English criminal law. The Quebec act as well ordained that the Roman Catholic clergy should continue to receive "their accustomed dues and rights".

After the American Revolution and the influx of the United Empire Loyalists it was apparent that a French type of government was no longer adequate throughout the whole of Canada. In 1791 the Constitutional Act was passed by the British parliament, separating Canada at the Ottawa river into two parts each with its own government. By virtue of this act Upper and Lower Canada came into being. Lower Canada, chiefly French, retained the old system of laws, that is French civil law and English criminal law. Upper Canada had English law in both civil and criminal fields. In lower Canada there was to be a legislative council of not less than fifteen members appointed for life by the governor, acting on the authority of the king and an assembly of not less than fifty members, elected on a property