

formula further provided that an amendment that referred to one or more, of the provinces, but not all of them, must be concurred in by the province or provinces to which it referred. For all parts of the B.N.A. Act not otherwise specifically dealt with, amendments would have required the concurrence of the legislatures of at least two-thirds of the provinces, representing at least 50 per cent of the population of Canada. This latter provision comprises, *inter alia*, the federal legislative powers.

Another feature of the draft act embodying the Fulton-Favreau Formula was the provision for the mutual delegation of legislative power between the Federal Parliament and the provincial legislatures in compensation for the rigidity that the entrenchment of provincial powers might imply. Delegation was restricted for the provinces to four matters in the classes of subjects enumerated in Section 92 of the B.N.A. Act, although among these was the important subject of property and civil rights. It was further restricted in that the Federal Parliament could not legislate on the matter unless the legislatures of at least four provinces consented. The enactment would not have effect in any province unless the legislature of that province had consented to its operation in that province. If Parliament declared, however, that the passage of the act concerned fewer than four provinces, only those concerned would have to agree to its adoption. A provincial legislature, on the other hand, could enact laws to be applicable in that province in relation to any matter coming under the legislative jurisdiction of the Federal Parliament, provided that the latter agreed and provided that a similar law had been passed by the legislatures of at least three other provinces. Under the Formula, individual provinces could withdraw their consent in either of the two instances of delegation, but the delegation would continue to hold good for those provinces that continued to consent to it.

Finally, it was proposed that the French text of the act incorporating the amending formula be made legally official by incorporating it into the text of the act to be passed by the British Parliament.

The failure of the Fulton-Favreau Formula did not end the still-unfinished tale of attempts to "patriate" the B.N.A. Act. Fresh steps, from 1968 to 1971, led to the "Canadian Constitutional Charter, 1971" (or "Victoria Charter"). Despite the rejection by Quebec of the Charter, it represents the results of many years of discussions and negotiation and most of its articles were acceptable to all the heads of government present at Victoria, including the Premier of Quebec.