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## ***The 125th Anniversary of the British North America Act***

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by Jill Anne Pickard

*A number of milestones are being commemorated in 1992. It is, of course, the 500th anniversary of Columbus' discovery of America, the 350th anniversary of the founding of Montreal, the bicentennial of representative government in Quebec and the tenth anniversary of the adoption of the Canadian Charter of Rights and Liberties. In between these venerable and recent anniversaries is the 125th anniversary of Confederation which will be celebrated in various ways across the country. Anyone who visits Ottawa this summer will have an opportunity to view the British statute which established Canada in its present form.*

**T**he *British North America Act 1867*. Canadian youths continue to learn about it now just as we did in our own school days. But how many of us have ever had the opportunity to view the document? What does it look like? Where is it kept?

In an effort to contribute to Canada's 125th birthday celebration, the Senate of Canada thought that it would be appropriate to bring the original *BNA Act* over from London to be put on display during 1992. In the summer of 1991, the Clerk of the Senate and Clerk of the Parliaments, who is the official custodian of Canada's Acts of Parliament wrote to his British counterpart to broach the idea.

After due consideration, the British responded that the Lord Chancellor had agreed in principle to the loan of the Act from the Public Record Office for the whole of 1992. This decision was made in light of the precedent that had been set when the Public Record Office loaned the *Australia Constitution Act 1900* to Canberra for the 1988

Bicentenary celebrations. The Clerk of the Senate, Gordon Barnhart, was then asked to approach Michael Roper, British Keeper of Public Records, for formal approval of the loan.

Formal approval, according to Mr. Roper, would only be granted once the Senate had shown its ability to comply with various loan conditions, which principally required that the *British North America Act* be kept in an controlled environment not to exceed 20 degrees Celsius with a constant relative humidity between 50 and 55 per cent, lighting not to exceed 50 lux, and 24 hour security for the Act.

The site chosen to exhibit the Act was the Senate foyer, where the loan condition for 24 hour security could be easily met. A constable is on duty in the foyer daily during public visiting hours, and a closed circuit surveillance camera could be focused on the exhibit during after hours, with a security station only a few feet away. The condition for a controlled environment posed a more challenging obstacle. At this point, the Senate recruited the assistance of the Conservation Treatment Division of the National Archives to determine our ability to provide a controlled environment.

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*Jill Anne Pickard is Executive Assistant to the Clerk of the Senate.*



ANNO TRICESIMO

## VICTORIÆ REGINÆ.

### C A P. III.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

*29th March 1867*  
**W**HEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be solemnly united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:  
And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:  
And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:  
And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America:

It is therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

The British North America Act was a simple statute of the British Parliament but a fundamental part of Canada's constitutional history.

Public Works had never before monitored the conditions in Centre Block, but quickly provided the Senate with a hygrothermograph which was placed in the foyer to measure the humidity and temperature in the months leading up to the anticipated display date in January 1992. The National Archives appointed one of its senior conservators, John Grace, to collaborate with the Senate to make the project a success. As Mr. Grace and his colleague Denis Roy monitored the conditions, they learned that the foyer was slightly warmer than desired

and suffered very drastic changes in humidity, far surpassing 65 per cent on rainy days in August while falling well below 35 per cent on drier days in fall. A plan was in the works to construct an hermetic case to enclose the Act, at which point the Senate then assured the Public Record Office of its ability to meet the loan conditions.

Mr. Grace designed an airtight case constructed of glass, aluminum, plexiglas and a high density pressed wood product. The case provided a bottom chamber to contain conditioned silica gel, which would maintain the humidity at the desired level. Since the Act went on display in January, Mr. Grace has continued to monitor the conditions inside the case using an electronic datalogger. He changes the silica gel as required.

The case is lined with Senate-red velvet on which lies the pale yellow Act. The Act itself is unpretentious yet elegant looking: printed on fine vellum (stretched calfskin), it measures twelve by seven inches and is tied with a red ribbon down the left hand side. The leaves are printed on the right-hand side only and the Act contains 47 pages. For the exhibit, the Act has been opened to the first page, which has an impressive insignia at the top and the words "La Reyne le veult" in Norman French to signify Royal Assent.

The entire project was carried out at a nominal cost to the Senate and, thereby, the taxpayer. Even the air transportation for the Act, which was brought to Ottawa in December by Dr. Helen Forde, Head of Preservation of the Public Record Office, was provided free of charge, courtesy of Canadian Airlines.

An average of 850,000 visitors tour Centre Block and the Senate foyer every year. On this anniversary year, the numbers will likely surpass a million visitors. The *British North America Act 1867* will now seem even more significant, and more Canadian, to all of us who have had the opportunity to view the original from London.