

*Newfoundland*

imperial conference of 1930 he received from the premier of Ontario, Mr. Howard Ferguson, also a Conservative, a memorandum in which the terms of the proposed statute were severely examined. In particular the two clauses quoted above were criticized as vague and inconclusive, and it was asserted "that no restatement of the procedure for amending the constitution of Canada can be accepted by the province of Ontario that does not fully and frankly acknowledge the right of all the provinces to be consulted and to become parties to the decision arrived."

After that Mr. Bennett called a conference here in Ottawa in 1931 between the federal and provincial governments, and I quote again:

It appears that the provincial governments had two main demands to make. First of all they wished to have the wording of the section proposed by the conference of 1929 revised so as to make quite certain that the passing of the statute would not alter the method by which the British North America Act was amended. In the second place they wished to have the fetter imposed by the Colonial Laws Validity Act upon provincial legislation removed. In other words they wished the provisions which came to be enacted as section 2 of the statute to apply to the provincial legislatures as well as to the dominion legislature.

This 1931 conference of federal and provincial governments was not like the last conference we had which sought to implement the Sirois report and put all the debt on the two central provinces. It was not that kind of haphazard policy. They are talking now about another amendment to unload the railway debt on the two central provinces by another inquiry. This was a very wise proviso, and one which is badly needed at the present time. My late leader, Lord Bennett, had the correct idea. I continue:

Agreement upon these two questions was unanimously obtained at the conference and appropriate clauses were drawn up. These were adopted by the Senate and the House of Commons in June, 1931, and as a result of them an address from both these houses was included, in the identical form in which they were proposed, in section 7 of the statutes. The extension to the provincial legislatures of Canada of the powers granted to the legislatures of the dominion by section 2 of the statute was carried out in subsection 2 of section 7. The subsection enacted: "The provisions of section 2 of this act shall extend to laws made by any of the provinces of Canada and to the powers of the legislatures of such provinces." This is the most startling innovation inserted in the terms of the statute between the drawing up of the schedule by the imperial conference of 1930 and the enactment of the statute in 1931. The proposal had not been discussed at the conferences of 1926, 1929 and 1930. The provinces had not been represented at these conferences, any more than had the states of Australia. But it is probably not true to say that the extension of the terms of section 2 to the Canadian provinces at the last minute, so to speak, was unauthorized by the conference of 1930.

These are acts and they cannot be changed. They passed the House of Commons and they passed the Senate. Amendments were made

by my late leader, and those amendments passed both houses of parliament. Let me point out to the people of the province of Quebec that, as I believe, minorities have the same rights under the British North America Act that majorities have. I believe that it would be a mistake to abolish appeals to the privy council. Under section 133 of the British North America Act the people of the province of Quebec need have no fear as long as the privy council is there. Their rights are protected. I am very much surprised at the views which have been expressed by various ministers. Since I have entered this house I have had many fine friends among members from the province of Quebec. I admire and respect them, and I can tell them that if it were not for section 133 of the British North America Act the situation might be quite different. I can refer them to what happened in Louisiana.

Let me warn the house now, as I warned it before when this matter was up in 1925 in connection with a motion which I offered, and on which Mr. Lapointe spoke about parliamentary reform. At that time I was urging a British North America Act for the living and not for the dead. Again in 1935 a committee of the House of Commons was appointed to study the whole British North America Act, and they validated everything that I had said. I can tell the people of the province of Quebec that they will have to be careful not to lose, by abolishing the great legal protection the privy council gives them, their rights under section 133 of the British North America Act. We do not know what kind of people will be in parliament in the future. We cannot tell what is going to happen in 1950 or 1955 to the Dominion of Canada. We have had two wars, and there are threats of another world war at the present time. We cannot predict what is going to happen in the Canada of the future. If we have the British North America Act it will mean a great deal, particularly the various sections I have named. We should not allow it to be made a scrap of paper only. What kind of government are we going to have in Canada? We do not know. There has been talk about abolishing the Senate, and all that kind of thing. There was a suggestion by the C.C.F. that the Senate be located in Hull, but I can tell you that it will be a sorry day for the people of this country if in Ottawa we have only one house of parliament with a majority vote to handle the business of the nation and, at the will of any majority, turn the British North America Act into a mere scrap of paper. It will interfere with the rights of minorities, and I believe that minorities have rights just as