French language be changed in like manner? My contention has been in conformity with the view held by an earlier Minister of Justice, who contended that representation of the various provinces in the House of Commons was not a matter exclusively within federal authority.

During the debates in the house for many years past, when discussion was heard respecting appeals to the privy council, I have taken the view that as the British North America Act was a statute, and as it was the written constitution for Canada, it could not after 1931 be altered without the consent of the provinces. I held that minorities had rights under the British North America Act, the same as majorities; and I held further that, under the British North America Act, 1867, the rights of minorities were guaranteed. The provinces were to be consulted regarding those rights.

I also referred to the acquisition by the United States of the territories of Alaska and Louisiana, the latter by means of agreement and treaty with France, which vested in the United States of America the guaranty of language and religion. Then Huey Long came along as governor of that state and, while he supported the Washington administration, wanted to change the whole thing. He did so and got away with it.

If ever Canada got the right completely to amend its own constitution, then we might as well say that the British North America Act would be an act of the majority of the people, and that this parliament, at will, could change section 133 and every other section accordingly. That is a fact; and it is the view I have taken on this matter on other occasions.

May I at this point examine two other features of this proposal, the first of which has to do with the Statute of Westminster, and the legal status of Canada under that statute. Let me refer to the basis of this whole study. In this, the second part of my address, may I make reference to the status we have acquired. If we are to understand how the Statute of Westminster affects Canada, we must first look at certain facts in connection with that statute. Let us first look at what it is. It is a rule of strict law. The British North America Act is also a rule of strict law. But Great Britain has had no strict law as her constitution; she has had an unwritten constitution—a constitution made up of usages, precedents, customs and maxims.

But in the Statute of Westminster we have a fixed statute which must be construed strictly, as Professor Wheare, of Christ Church, Oxford, says in his splendid text book which is often quoted in the British courts and in the British parliament. In 1933 Newfoundland surrendered her status as a dominion. The second part of the consideration of this matter refers to the realm of law. These are non-legal rules. They are not illegal; but the British empire was founded on them.

These unwritten rules, practices, maxims, customs, usages and conventions are described in a leading text book by Dr. Dicey. In it he points out that Great Britain has and always has had an unwritten constitution, and he states that she has depended for her constitution upon these maxims, customs and usages to which I have referred.

Now what is the difference between the first of these, namely, a fixed written statute like the British North America Act, which is construed strictly by the courts, and this second form of constitution, the rights, customs, maxims and usages of the mother country?

The Statute of Westminster is a constitution; it is strict law. It is construed strictly by the courts. Dominion status cannot be decided by the rules of strict law. The most important rules are to be found in the constitutional conventions agreed to at imperial conferences. These rules were declared at the imperial conferences of 1921, 1926 and 1930. And up to the Statute of Westminster, 1931, this organization of constitutional conventions in law has long been felt in the history and development of the British empire, both in their government of these communities and in their relations with each other. This is backed up by executive and legislative powers.

It was asserted that Great Britain and the British empire has an unwritten constitution. Some members in the parliaments in the United Kingdom and the dominions objected to the proposals to pass this statute, not because of the terms of the statute, but because of the fact that it was a fixed written statute.

Lord Buckmaster, at one time lord chancellor, stated, in the debate on second reading of the bill in the House of Lords, that he felt the bill had been a mistake. I said at the time that I looked upon it as one of the most mischievous statutes with which he ever had to deal—a statute which to a very large extent caused the second world war. And as I pointed out, it had led to separatism, isolationism and all that kind of thing.

I agree with what Lord Buckmaster said, when he pointed out that it was the first time an attempt had been made to put into the form of an act of parliament rules which bound the various parts of the empire, and pointed out that in his opinion it was a great mistake.