

that right because it was made one of the conditions of the statute constituting them a state. Not so with Canada, because there were special conditions and difficulties in the way. I ask my hon. friend this question. Confederation was achieved and the new parliament was opened in 1867. Does he believe that two years afterwards, in 1869, for instance, this parliament could have fairly and reasonably amended the British North America Act or have asked the Imperial parliament to amend it without the consent of the four original provinces?

I ask the Minister of Justice, when he speaks, to answer that question. Does he answer it in the affirmative? Mr. Lapointe goes on:

Could he fairly say that that could have been done two years after the opening of this parliament? If it could not be done at that time, could it be done twenty-five years afterwards, or even fifty years afterwards, without the consent of the contracting parties in the pact of confederation?

Then he comes to the conclusion that we cannot ask power to alter, without the consent of the provinces, a constitution which is theirs as well as ours. That was the stand which he consistently took. Later, on March 20, 1924, as reported in *Hansard* of that year, page 520—I do not want to tire the house, but I want to trace this matter through because it shows the attitude taken by the great leaders since confederation—he said this:

It is a treaty between various colonies which entered into an agreement. They fixed what the powers of the central parliament should be, and they also fixed what the powers of the various provinces which succeeded the colonies of that time would be, and this was ratified and accepted by the Imperial parliament of the time. Everything we have or have not is because we wanted it so. Now this treaty cannot be changed, it has been the contention of many constitutional authorities, and I think it is only fair that no change should be accepted, without the consent of all those who were parties to it. It is a sacred treaty just as is any other treaty; it is no "scrap of paper".

All through Mr. Lapointe's life his view was that if the rights of minorities were to be protected against an overwhelming majority in this house and in the senate, there could be no change of the pact of confederation without consultation with and the consent of the provinces. In that view he was not alone. I am not going to read the next quotation I have here, but I shall give the page. Mr. Lapointe said the same thing on February 18, 1925, and he was supported by a minister who a few short months ago sat where the Minister of Justice now sits. He was supported by a statesman, wise in experience and in years of public service, Mr. Crerar, who on February 19, 1925, said, as reported at page 318 of *Hansard*:

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My hon. friend the Minister of Justice yesterday argued that confederation was in the nature of a treaty, and I agree with him in that assertion. That being the case, his suggestion that the matter be approached through the avenue of a conference with all the provinces is the first step that should be taken in dealing with it.

Further on he said:

I can quite appreciate the anxiety, or, shall I say even the fear, that my hon. friends from the province of Quebec may entertain as to the position which that province would be in in respect of the peculiar rights it enjoys under the constitution to-day, were we placed in the situation in this country where the constitution could be amended by the ordinary means of majority rule.

Sir, how times do change! In 1920 the Prime Minister of Canada brought up the question of the amendment of the British North America Act, and on March 16 he said, as reported at page 469 of *Hansard*:

The government should consider the advisability of an address being presented to His Majesty to have powers given to the parliament of Canada, subject to the concurrence of the several provinces of the dominion, to amend the constitution of Canada . . .

I point out that the Prime Minister, who was then leader of the opposition, said this: . . . in such particulars as may be agreed upon as a result of conference between the provincial and federal authorities and approved by this parliament and the legislatures of the different provinces.

In that, sir, the Prime Minister went somewhat farther than any other leader has gone. A while ago there was an interruption to the effect that I was taking a sectional stand, one which was unfair, or unjustified, ingenious, or something of the kind. But this is not the first time a question has arisen with regard to section 51, subsection 4, and the desirability or otherwise of changing the basis of representation by virtue of which Quebec receives sixty-five members. It has been discussed on a number of occasions. Again I must refer to the views expressed by Right Hon. Mr. Lapointe, in 1932, in which he gave a better answer than I can give to the resolution now before the house. He recognized that the provinces should be consulted. He condemned any other method, which would have the effect of changing the basis of confederation. Right Hon. Mr. Bennett, now Viscount Bennett, accepted the view expressed by Mr. Lapointe against amending section 51 before the calling of an interprovincial conference. Mr. Bennett said that the conference was being called in view of labour conditions in the dominion and that the time then was not opportune. The very stand we take to-day was the stand taken by Mr. Lapointe in 1932, at pages 1592 and 1593 of *Hansard*. This is