surrounding areas. That legislature could gerrymander—if I may use the word—or manipulate the electorate to suit itself. Under the power vested in the legislatures by the British North America Act every province in Canada has the same power. For example, the provinces of Quebec, Nova Scotia and New Brunswick each had at one time legislative councils or second chambers. These provinces, without any consultation or consent from the Imperial Parliament, and without asking leave of the Dominion Parliament, amended their constitutions to abolish legislative councils in those provinces. They had the jurisdiction to do it and they did it. I do not think that the province of British Columbia has ever had a legislative council, but if it chose, it could set up such a second chamber.

Hon. Mr. Haig: The province of Manitoba had one.

Hon. Mr. Farris: I venture to say that Manitoba never took the trouble to ask the Prime Minister of Canada for permission to abolish the second chamber. Had the province been asked to do so, it would have replied in very polite language, such as would meet the requirements of the Montreal *Gazette*, that it was no concern of the Prime Minister of Canada, and that under the constitution the provinces had the right to deal with purely provincial matters. That is the basic principle on which the British North America Act started, with respect to the constitution of the provinces.

We come now to the second division, which concerns constitutional matters of a purely federal nature. These are matters which are not only federal in authority, but in effect. The proposal that the Dominion seek, as a first step in this progressive movement, to bring the control of our constitution to Canada, is a most simple and harmless one. That movement would give the Dominion power to deal with federal matters in the same way as the provinces, by right, have always dealt with purely provincial questions.

I wish now to face some of the objections which will be raised to this proposal. Every day as I read the newspapers, and particularly the reports of speeches in other places, I have been more and more surprised at the ingenuity with which objections have been raised. I say in all seriousness, honourable senators, that the undertaking of a movement of this kind ought to have behind it a spirit of co-operation on the part of all Canadians, rather than attempts to raise objections against it. I have the faith to believe that after the first flutter of concern has passed, the dominating spirit of the people of Canada will be behind the movement.

Some of the objections raised are worth while, and it is essential that we give them the utmost consideration. One theory which has been advanced is that confederation itself was a compact or a treaty and, for that reason, cannot be changed without the unanimous consent of all the parties to it, whether the matters concerned be federal or provincial or require the consent of all parties. There are several answers to this criticism, and I wish to deal with them. I may say that I am now speaking not only in response to the honourable leader's request that I explain this resolution, which might to some extent bind me to support government policy, but also from the standpoint of my own personal views.

To begin with, I think the theory that no amendment can be made without the consent of all parties is a startling proposition. Think, honourable senators, of all the amendments which have been passed, and what it would have meant if assent had been required not only of both houses of parliament but of every legislature in Canada. The first answer to the protest is that from 1867 up to date no such theory has been recognized in practice. After all, in constitutional matters practice determines to a very large extent the meaning and understanding of the constitution. In the Old Country, where there is practically no written constitution at all, the whole basis of operation, with the exception of habeas corpus, is built on practice—the conventions of the constitution. These have been explained by Dicey and by Mr. O'Connor in the same way. The conventions of the constitution cover the things that should or should not be done. They impose an obligation on parliament and all public men, just as if they had been enacted by statute. They are the kind of thing which causes an Englishman to say, "We don't do that sort of thing, you know", and that is the end of it. My understanding of the question has been that, on the grounds of good faith and where the honour of Canada and the Imperial Parliament is involved, the fundamental rights guaranteed to the provinces and to minorities and classes in the community, are not to be sacrificed in subsequent legislation in amending the British North America Act. That is the basis on which these conventions of the constitution have been carried out.

Let us see how this pact-treaty idea stands examination. Who made the so-called treaty? Of course it was not made by the Dominion itself because there was no federation prior to confederation: Canada was unborn and could not be a party to it. It was not made by Quebec and Ontario, because at that time they had no separate status. They comprised Canada, but not as a federal union. They