

Redistribution

Province	Population	Remainder after division by No. of quotient members	No. of members
P.E.I.	95,047		4
Nova Scotia	577,962	31,026*	13
New Brunswick ..	457,401	1,621	10
Quebec	3,331,882	4,688	73
Ontario	3,787,655	4,681	83
Manitoba	729,744	496	16
Saskatchewan ...	895,992	30,010*	20
Alberta	796,169	21,343	17
British Columbia	817,461	43,035*	18
Yukon	4,914		1
Total			255

*In order to bring the total number of members to 255, these three provinces, having the largest remainders, are each assigned an additional member.

Respectfully submitted,

Donald Stewart,

Assistant chief electoral officer.

Mr. ST. LAURENT: Having made this objective statement as to what would be the application of this formula provided for in the resolution, there is very little I have to add. It will be for the house to decide whether or not it is desirable to proceed in this way. If it is, the procedure of presenting a petition by this house to His Majesty asking that he cause a bill to be laid before the parliament of the United Kingdom is the only procedure that can be adopted. We have section 51 as it now stands in the British North America Act, an enactment of the parliament of the United Kingdom. In the Statute of Westminster it was provided that, although the parliament of the United Kingdom would not thereafter adopt legislation applying to Canada except on the request of Canada, nothing in that statute would affect the provisions of the British North America Act; and therefore, whenever it is desired to have any change made in the British North America Act the procedure to be adopted is to petition His Majesty to cause a bill to be laid before the parliament of the United Kingdom and have the enactment made there.

Mr. BRACKEN: I should be interested in knowing how long it would take to have this amendment passed.

Mr. ST. LAURENT: Well, it would be presumptuous on my part to say how rapidly the parliament of the United Kingdom would proceed. All I can do is state to my hon. friend that in 1943 it was a matter of about ten days between the time the petition was adopted by the houses of parliament here and the time it was assented to as an act of the parliament of the United Kingdom.

Mr. BRACKEN: These measures are usually expedited?

[Mr. St. Laurent.]

Mr. ST. LAURENT: That is what happened the last time.

Another question, which has arisen each time there has been any move to ask for an amendment of the British North America Act, has been whether or not the provinces had been consulted and had agreed to it. I think that when the question is put in that form it is ambiguous. The provinces, that is to say the people of the provinces, are all represented in this parliament, and for the purposes of such matters as are confided to the jurisdiction of this parliament it is by those representatives here that the people of the provinces speak. There are other matters given by the act to the jurisdiction of the provincial legislatures and the provincial governments; with respect to any of those it is my view that it would not be possible to deal with them without the consent of those to whose jurisdiction they have been confided. My view of the confederation enactment—it matters little whether it be called a pact or any other name—is that there was an assembly of distinguished gentlemen representing in the conferences four colonial legislatures, legislatures which legislated by delegation of the parliament of the United Kingdom; so much so that if one looks at the constitution of 1791, the parliaments then set up for Lower Canada and for Upper Canada were expressly authorized to enact laws for the peace, order and good government of these colonies. It was expressly provided that those laws would be obligatory by virtue of the enactment of the parliament of the empire, and practically the same language was conserved in the act of union between the two Canadas in 1840. Then the representatives of the people which had legislatures of that delegated character met and discussed resolutions which were finally submitted to the imperial parliament for enactment, and by those resolutions they provided that the sum total of the sovereignty would be divided between two jurisdictions; one portion would go to the central parliament, another portion would go to the provincial legislatures; and the courts have held that with respect to what was allocated to the provincial legislatures they are not mandatories or agents of or subservient to the central parliament; they have received that portion of the sovereignty of the nation to exercise it under their own sovereign authority; and it is my view that nothing which has thus been allocated to them can be taken from them without their participation. They have been given exclusive jurisdiction over that field, and it cannot be interfered with. But on the other hand, exclusive jurisdiction over other matters was given to the other representative body of the Canadian people,