

view, Sir George Etienne Cartier took that view, and Sir Robert Borden took that view; for on February 10, 1914, when the question of redistribution was before the House of Commons, he used these words, at page 612 of *Hansard*:

The terms which were then fixed between the four original provinces undoubtedly constituted a compact between those provinces, and up to the present time they have, of course, been carried out according to the true intent and meaning of the statute.

Let me give some references to the statements regarding amendments to the constitution made by outstanding leaders right down to 1935. I might refer to Cartier, Blake, Laurier, Borden, Meighen; and what the Right Hon. Ernest Lapointe, who was a constitutional authority, said on more than one occasion in this house about the dangers of serious amendments to the British North America Act without consultation with the provinces.

I refer first to what Sir Robert Borden said in 1914 as to the desirability of an address being submitted to the parliament of Great Britain to assure that the maritime provinces should at no time in the future have a lower representation in the House of Commons than in the Senate. This is what he says:

Speaking for myself, I do not see how it would be possible for this parliament to attempt any alteration in the representation of the provinces without the consent of the provinces themselves. It was in that connection that the question was taken up before the Interprovincial Conference held last autumn in the city of Ottawa, and the result of the proceedings of that conference amounted to this, that the conference declined to take any action on the subject, saying that the matter was one for consideration of parliament.

Apparently the provinces agreed on the fairness of the terms of the amendment in 1915, because there was no objection taken. I repeat that Sir Robert Borden contended that there can be no alteration of the basis of confederation as to representation unless it is made with the consent of the provinces.

I pass on to what Mr. Meighen said on February 19, 1925. I quote from *Hansard*, page 335 of the debates of that year:

Undoubtedly, the pact of confederation is a contract and there are rights involved therein not represented by the parliament of Canada. We could not put ourselves in the position of asking that rights so secured should be disturbed on our motion alone. The speech of the Minister of Justice determines, I think, without power of dispute, that there should never be suggestion of amendment affecting other parties to the contract save after conference and consent of those other parties.

I will now read, for the benefit of hon. members who interrupted a moment ago, what was said by Sir Wilfrid Laurier. Throughout the years he stood in the House of Commons

[Mr. Diefenbaker.]

as the representative of the rights of the people, as the champion of the constitutional privileges of minorities in this country, and as one who raised the standard of public life as few others have done. What did he say in 1906-7? He was followed by Sir Robert Borden, whose words, as quoted in *Hansard* of that session, page 2199, are these:

I agree with what has been said by the right hon. gentleman regarding the undesirability of lightly amending the terms of our constitution and am inclined to agree with him on the necessity of some consultation with the provinces, although of course all the provinces are represented here.

I pause to refer to what the Minister of Justice (Mr. St. Laurent) said the other day, because Sir Robert Borden answered him in the succeeding words. The Minister of Justice said on May 28 last, as reported in *Hansard*, page 1936:

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.

Well, I give you not my opinion but that of a great constitutional lawyer, one time prime minister of Canada, Sir Robert Borden. He said this—*Hansard*, 1907, volume 2, page 2200:

But inasmuch as this is a federal compact which we are asked to vary, it is only right that each province should be consulted and its decision given, in the right of its separate entity.

This answers the argument that because in the House of Commons there are representatives from the different provinces, the provinces who entered into the pact, and their successors, should not be consulted in regard to any constitutional change in the basis of confederation.

No one can say that Right Hon. Ernest Lapointe would be a prejudiced witness. I quote from what he said in the House of Commons on February 18, 1925—*Hansard*, page 297:

If confederation was a pact, an agreement, is it possible for one of the parties to the agreement, or rather for the body which resulted from the agreement, to amend, to alter the conditions of that pact without consulting and without securing the consent of the parties to the original agreement?

He does not restrict the consent of the provinces to matters coming within sections 91 and 92 and possibly 93, but covers the entire ambit of the act. Further on he says:

As regards the United States as well as Australia, New Zealand and South Africa, they all agreed at the time of the enactment of the statute creating their constitution that they would have the right to alter it. They possess