

which has developed as a consequence of the working out of the basis laid down by confederation and by subsequent interpretation by the courts. But in my opinion the position in which this house is placed by a resolution of this description in the year 1943 is, to say the very least, undignified. "We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Parliament assembled, humbly approach Your Majesty, praying that You may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom", and so forth. The time has come when this country, as a free, independent, self-governing nation within the British commonwealth, where we wish to remain, under one head, to whom we believe this country should be loyal, His Majesty the King, should nevertheless assume the right to decide the destiny of this country and to amend its own constitution in its own way and in its own forms. I know that this it not the time when such could be undertaken. I know that the Minister of Justice in his remarks this afternoon had in view the safeguarding of certain rights which were the basis of the confederation pact. But let me say to him and those who believe with him that, from conversations again and again with members of the British House of Commons, some of them within the last few days, I am convinced that whenever Canada asks for an amendment of the British North America Act—which is, in effect, our constitution—no matter what amendment we may ask, the parliament of Great Britain will accede to the request and adopt the proposed amendment.

Mr. BLACK (Cumberland): Would not that involve the consent of each of the provinces as well?

Mr. COLDWELL: That is the compact theory. The British North America Act is an act of the British parliament. The constitution of this country or any country ought not to be an act of parliament of any other country or any other parliament; it should be an act of the people of the country which is adopting the constitution. Hence I say that I agree with the Clerk of the House of Commons Doctor Arthur Beauchesne when he gave evidence before the committee on the British North America Act, some time ago, I think it was, in 1935, and with that most distinguished civil servant, who passed away a year or so ago, Doctor Skelton, when they both suggested to the committee that preparation should be made for the calling in Canada of a constituent assembly representative of all parts of this dominion with a view to arriving at an amicable, reasonable

and fair settlement regarding the constitution or a constitution for Canada. These suggestions at the time were sound and good, and to-day, when we have before us a resolution of this description, in which we humbly pray that the king may cause to be laid before another parliament a measure amending the constitution of our country, we should think over these matters though we may not propose to act upon them during the period of the war. I know, of course, that at present the real power of amendment of our constitution, which is in the British North America Act, is in reality in the hands of this parliament. As I have just indicated, anything we may ask regarding amendment will be granted by the imperial parliament at Westminster. But this is a roundabout and dilatory way of doing something which we ought to be able to do in a direct way. The procedure of passing a resolution by this house and then by the senate praying His Majesty to do something is now outmoded and entirely out of date.

I was looking for what Doctor Skelton actually said in 1935. I happened to have it on my office desk and found it when I returned to the city at noon to-day. Giving evidence before the special committee which this house set up to look into the British North America Act in 1935, he was asked whether the United Kingdom should be retained as an instrument for making amendments to our constitution. He answered:

I cannot see any reason for such a solution. No other country in the world looks to the parliament of another country for the shaping of its constitution. This solution could only be supported if we believed that Canadians were the only people so incompetent that they cannot work out a solution of their own constitutional problem and so biased that they alone among the peoples of the world cannot be trusted to deal fairly with the various domestic interests concerned.

I think we should face the problems raised by the Minister of Justice this afternoon. I believe we shall have to face them. Perhaps it might have been better had they not been raised this afternoon; nevertheless the time is coming when we must face them, and I hope I shall live to see the day when our two great peoples who have laid the foundations of this country can, by statute, if you will, which I think is saner than the present method, safeguard each other's rights; for we have to recognize that there are rights, and they should be safeguarded in such a manner that they will be safe in reality, and will provide a solution to make this country a more united nation than it is.