

of the many anomalies still existing in relation to our constitutional position, and it is one which I am sure every one agrees should be removed at the earliest possible opportunity.

In connection with the power to amend our own constitution, and the contradiction that exists in that regard, once again I should like to refer to a few sentences appearing in the report of the imperial conference of 1926. I am sure most people who think of these matters must ask themselves this question: If we are a nation; if we are self-governing; if we have the right to determine our own affairs, why must we proceed to the imperial parliament to seek an amendment to our constitution? On the one hand we claim that we are independent, that we are free, that we are self-governing; on the other hand we resort to steps which deny what we claim to believe. The report of the inter-imperial relations committee, presented to the imperial conference of 1926, contains this reference to the units which compose the British empire:

They are autonomous communities within the British empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the crown, and freely associated as members of the British commonwealth of nations.

If that is the condition which obtains in the relationship of the various parts of the empire to the mother country, then I also cannot see why Canada should not have the right to amend her own constitution.

It is rather unfortunate that this matter should be raised in the house at this time. In my opinion this question of amending the British North America Act is not the only issue involved in regard to constitutional matters. I believe this raises the whole constitutional position in Canada at this time; and the situation is such that I believe we ought do something definite to remedy it and put our constitutional house in order. With the hour being so serious as it is, it is most inappropriate to precipitate anything in the way of constitutional trouble at this time. Conditions being what they are in Canada to-day, there is sufficient to cause a first-class constitutional crisis. I would be much happier if the government would see fit to refrain from dealing with constitutional matters until such time as the atmosphere is more conducive to discussing and debating a measure of that kind.

Mr. MacNICOL: The constitutional question depends upon the British fleet.

Mr. KUHL: The fear I have in connection with this method of amending the British North America Act, our so-called constitution, is that we shall be setting up a precedent or

more or less giving approval or sanction to constitutional conditions which obtain at the moment. Personally I do not wish to do that. As I said previously, there are in our constitutional position many anomalies which I think ought to be removed. I shall not deal at any length with these, but I should like to suggest a few of them in order to outline the problem which still confronts us constitutionally.

First is the method of amending our constitution. There certainly should be some regular and established method of amending our constitution. Next we have the anomalous position which obtains with regard to the governor general. The inter-imperial relations committee indicated in 1926 the position of the governor general since the enactment of the statute of Westminster, when it stated:

In our opinion it is an essential consequence of the equality of status existing among the members of the British commonwealth of nations that the governor general of a dominion is the representative of the crown, holding in all essential respects the same position in relation to the administration of public affairs in the dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's government in Great Britain or of any department of the government.

It must be quite obvious to everyone from a reading of that paragraph that since 1931 the position of the governor general has been that of personal representative of His Majesty the King. That is quite proper. Yet, on the other hand, there are sections of the British North America Act which grant the governor general authority over certain matters in Canada. Section 11 of the British North America Act gives to the governor general the power to summon, appoint and remove from time to time members of the privy council of Canada. Under section 14 he has the authority to appoint a commissioner of the Yukon territory. Under section 24 he is instructed upon how to appoint the senate. Under sections 55, 56 and 57 he is given the power of disallowance over dominion legislation. Under section 90 he is given the power of disallowance over provincial legislation. If the governor general is merely the representative of His Majesty the King; if he has no more authority over governmental affairs in Canada than has His Majesty the King in Great Britain, then no such authority as is granted by these sections should be extended to the governor general.

The power of disallowance is an anomaly which should not exist in a democratic country. It is a relic of colonialism. It certainly is not compatible with the fundamental principles of democracy.