

tion of what if any provision is to be made for amendment of the Canadian constitution from time to time is a question which ultimately must be decided by conferences between the governments of the provinces and the Government of Canada, with the possibility of a previous preliminary interprovincial conference. In view of this fact it would appear to be unwise for the provinces to be giving their views before a committee of the House of Commons. With deference might I be permitted to suggest that the proper procedure is for your committee to pursue its present enquiry and to make a report to the House of Commons which I presume will either be accepted or amended or merely received without binding the government to accept the proposals of the committee, and with this report available the provinces could then give consideration as to what attitude they desired to take and perhaps discuss the matter amongst themselves, and thereafter join with the federal government in a general conference. The report of your committee would serve as the basis of discussion around which would take place the ultimate solution of this problem. We realize that the question is one of great national importance and should be decided in the welfare of Canada free of all political considerations, and we are certainly prepared to do our share towards the facilitating of a solution, but we feel that we must look after the interests of the province, and think that the procedure I have outlined would be the proper course for us to adopt at this time.

T. C. Davis,
Attorney-general.

I call particular attention to these words:

The report of your committee would serve as the basis of discussion around which would take place the ultimate solution of the problem.

No doubt the same attitude will be taken by the provinces before our committee, but in spite of that the committee will prove its utility. Great events have taken place since the enactment of the Statute of Westminster. Canada has attained in world affairs a prominence almost undreamt of ten years ago. She is fulfilling the prophecy of that great Canadian, Sir Wilfrid Laurier, when he said the twentieth century would be Canada's century.

The remarks of the honourable senator from Vancouver-Burrard (Hon. Mr. McGeer) on the menace of autocratic bureaucracy and too much centralization of power in the federal government should open the eyes of our people. I believe there is a still greater danger—that too much paternalism by the government of this country will destroy the spirit of free enterprise and private initiative. Truly, I believe our committee would do a very useful work.

The most recent amendment to the constitution is not the first as to which some of us have thought the consent of the provinces should have been secured. Honourable senators will recall that when the Unemployment Insurance Act was passed our constitution was amended, and that the consent of the provinces

Hon. Mr. MARCOTTE.

was then required. But how was it given? Honourable senators need only read the *Votes and Proceedings* of the House of Commons of Tuesday, June 25, 1940, a copy of which was tabled in the Senate, to be convinced that there is urgent need for the study of these problems. What is meant by the consent of the provinces? Is it just the nod of a friendly premier or of the government of a province? Would it not be, rather, consent as expressed by the provincial legislature?

When the Unemployment Insurance Act was enacted, only two of the nine provinces had passed resolutions approving the proposed amendment to the British North America Act. Honourable senators will remember the discussion which then took place. I took up the matter before the Senate, but the late Senator Dandurand, who was then leader of the government, claimed that the consent given was sufficient. I do not know how many senators would agree to that proposition today, but I have no hesitation in saying that I do not share that view today any more than I did then. This is a question for discussion before the proposed committee.

At the outset of my remarks I stated that I would not deal at length with the subject-matter of this resolution, but it is imperative that I make one further citation and comment on something that was said by the honourable senator from Vancouver-Burrard (Hon. Mr. McGeer). The Right Honourable Minister of Justice, speaking in another place, used these words:

If this thing goes through, it will be the last of the contention that the provinces have to be consulted, and then there is no protection for the rights of the minorities! If it is to be the last of the contention that the constitution of this nation cannot be amended in respect of national matters unless the proposal be subjected to the veto of the great powers who sit in the provincial capitals, then I think this is a happy day for Canada. This veto business is something which is proving very difficult in the Assembly of the United Nations, and if in this assembly of the representatives of the Canadian people we can down it forever we shall be performing a service to the Canadian nation.

I think all honourable members who have participated in the debate have brought forward all the arguments that could be used for or against such a contention. I agree with the honourable member for Stanstead that there will be no occasion hereafter to say that the decision which is to be made on this resolution is an obiter dictum. It is a thing which will have been argued and which will have been considered and about which the will and judgment of the representatives of the whole of the Canadian people will have registered their finding. May it be a finding that will endure.

If this statement had been made prior to 1867, and there had been added to it the statement made by the same minister about the