

trying ardently for Quebec's sovereignty so recently. But I would have hoped that British M.P.s would have recognised that the Canadian government has too much respect for the dignity and sovereignty of Westminster than to try to use it as a tool of some shabby constitutional ploy. We would never ask the British parliament to act in any way contrary to legal and constitutional practice. We were confident of the foundation of what we were doing and we were pleased, but in no way surprised, that the British government agreed with us.

It was thus a shock and surprise to find the select committee reach conclusions which, put baldly, are that the federal government's proposals are, in part, unconstitutional and on the sole ground that some provinces claim that they are -- this entirely unsubstantiated claim is the only basis for the most crucial conclusions of the report. I would have hoped that our fellow parliamentarians in Britain would have shown more confidence in the integrity of the large majority in the Canadian House of Commons.

The select committee reported on Friday, January the 28th. On Tuesday, February the 3rd, the Manitoba Court of Appeal delivered a judgement which reached directly opposite conclusions. It concluded that there is no constitutional convention that the consent of the provinces must be obtained before our parliament can request an amendment to the constitution which affects federal-provincial relationships, or the rights, powers and privileges of the provinces. And it concluded that the agreement of the provinces is not constitutionally required for amendment of our constitution in matters affecting federal-provincial relationships.

The Manitoba court reached these conclusions because it viewed a number of key questions very differently from the select committee.

It showed that the 1965 federal white paper on the constitution did not, as the committee concluded, establish a principle that the federal government would not request an amendment directly affecting federal-provincial relationships without the agreement of the provinces. In fact, a passage in the white paper expressly negated that proposition. As Chief Justice Freedman wrote:

"In my view there is no such constitutional convention in Canada, at least not yet. History and practice do not establish its existence; rather they belie it. That we may be moving towards such a convention is certainly a tenable view. But we have not yet arrived there."