

poses it does seem to me that the provinces cannot be expected to regard themselves simply as creatures of the federal authority, to be made or unmade as the federal authority may decide.

If the claim of the dominion government that it can alter the British North America Act at its own discretion without consultation with the provinces is allowed, then there is established a very dangerous precedent. The present government or some subsequent government may increase its powers and decrease those of the provinces just as it wishes by a majority vote of the house. During the debate on this claim of the government most of the great political leaders from the Right Hon. Sir John A. Macdonald down to the present day were quoted. It was shown that most of them were in favour of consultation with the provinces.

If this power of no consultation be given to the federal government, the provinces of Prince Edward Island and Quebec have the most to fear. In the case of Prince Edward Island we could have our representation reduced to one, or probably to nothing; we could be kicked out altogether and the terms of our agreement of 1875 entirely obliterated. The province of Quebec with its essentially distinct religious and racial character, must regard the integrity of the British North America Act as the only ground and protection of its position.

If the claim of the government that it may alter the British North America Act at its own discretion without consultation with the provinces is carried into practice, it will undermine the confidence and unity of the whole dominion. Putting it in the words of the hon. member for Lake Centre (Mr. Diefenbaker), who so ably debated this resolution, it might open the door to a denial of the rights of minorities by the action of a majority in parliament.

To my mind the point is not whether any proposed amendment is drastic or slight, desirable or undesirable; the point is that the procedure in every case of change should be such as to prevent any federal government from so acting as to impair the position and rights which the provinces possess. The only connection with the British North America Act, 1867, is found in section 2 of the inter-provincial agreement of 1866:

Provision being made for the admission into the confederation, on equitable terms, of Newfoundland, Prince Edward Island, the Northwest Territory and British Columbia.

Again, section 146 of the British North America Act grants the federal parliament the power to make an agreement with respect to the admission of Prince Edward

Island. In other words, it grants the federal parliament the power to carry out that portion of section 2 of the inter-provincial agreement of 1866, but does not give it power or authority to violate that agreement. Well-known legal authorities who have studied the agreement have stated that the government of Prince Edward Island, by constitutional force or court action, can compel the carrying out of the dominion-provincial agreement in letter and spirit. If this could be done and were done, it would remedy many of the disadvantages and discriminations under which our province has endeavoured to exist, and which have so greatly retarded its progress.

The greatest objection to this resolution is the arbitrary and undemocratic course that parliament is taking of entirely ignoring the provincial governments. It is for this reason that Premier Duplessis of Quebec is protesting to the federal government even to-day. It is important to note that the point of Premier Duplessis' protest is not the redistribution of seats itself, by which Quebec is certain to gain the most. It is a protest against the right of the federal authority to alter the British North America Act when and how it sees fit, without consultation with the provinces, whose position may be greatly changed by the amendments in question. The fact that in this particular case Quebec would be the gainer by the amendment is of less importance than the possibility that on another occasion it might find its position seriously impaired.

The Minister of Justice claims he has the consent of the provinces through their federal representatives. Here is one, Mr. Speaker, whose consent he has not. Whether it amounts to anything or not in a house of this size, I will make a minority of one at least. In his reference to provincial consent the Minister of Justice stated on May 28 last, at page 1936 of *Hansard*:

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.

While the Minister of Justice is supposed to be the highest legal government authority in parliament, I would take the liberty, even as a layman, of disagreeing with that statement. It seems absurd to claim that the agreement arranged between the parliament of Canada and the legislature of Prince Edward Island can be changed in any manner that the majority of the commons and senate may decide upon, at any time, and without consultation with the government of Prince