

The Address—Mr. Picard

A constitution is the foundation-stone of a state; it is the compound of general principles that govern the political life of a country.

"The constitution of each state is always the result of a compromise between existing political traditions and the general principles of constitutional law, and its elaboration and drafting are of the competence of juridical science. Constitutional law is not something immovable; it is modified by the march of ideas and of political events."

It is evident that as long as Canada does not have a constitution enacted in Canada by Canadians there will be international jurists to argue that we lack one of the elements of sovereignty. It is also true that until in that new constitution provisions are made for amending it, situations such as the one which existed in 1946 and today will surge in this house and in the provincial legislatures. It is also evident that, unless this problem is tackled seriously in the near future, the question of provincial prerogatives will be made a political football by parties who can find no better issue to court the favour of the public.

The constitution, needless to say, should not be the work of this parliament alone, and I do not think either that we should proceed by adopting a draft constitution and then refer it to the provinces. The drafting of the constitution should be entrusted to a special constituent assembly formed for that purpose. An opinion on the matter which I quoted in 1946 is that of Dr. Beauséjour, who said in 1935 before a committee of this house:

I submit that a constituent assembly, chosen by the provincial legislatures and by the House of Commons, representing the main political parties and groups in proportion to the votes given at the last general elections, should meet in session and discuss the constitution from all its angles.

It appears to be a wish generally expressed that the British North America Act serve as a basis for this new constitution. One of the important decisions then to be given will concern the method of amending such a constitution.

Numerous constitutional authorities have dealt with this question. I commend particularly the splendid book of Dr. Maurice Ollivier, "Problems of Canadian Sovereignty". Whichever way the problem is approached, whatever may be the concrete proposals for the enactment of a constitution, whatever the method provided to amend it in later years, the most important consideration will have to be given to the forging of a charter that, while respecting the principles of the act of 1867, while upholding the guarantee given to minorities, shall permit the development of a strong and united Canada, free of the grounds for petty argument such as we have had so often and which we have witnessed in the present session in the ranks of the Conservative party.

May I conclude this part of my remarks with the words I used in 1946:

In conclusion, may I say that Canada has reached the adult stage. She has emerged from the war as one of the very few creditor nations. She is now the third largest trader in the world. She has a role to play in the after-war commensurate with her new stature. She has outgrown her outmoded, colonial style constitution, and it is time for her to assert her national will and to take her place among those nations of the world which have elaborated constitutional monuments as their basic law. Canada owes it to herself to nominate a constituent assembly and to draft a new constitution. How fitting it would be if the party which has always been to the forefront in the enactment of forward and emancipated measures and the Prime Minister (Mr. Mackenzie King), who has attached his name to so many progressive moves and who has for longer than anyone led our country through war and peace with such ability, should initiate the necessary steps to give the people of Canada a long-awaited Canadian constitution.

Time, and the pressing urgency of the war and of other matters, have not permitted the former Prime Minister to realize this project. It is my hope today that the present Prime Minister (Mr. St. Laurent) will attach his name to that great work, namely, the negotiation and enactment of a truly Canadian constitution.

Mr. Speaker: Order. I am sorry to interrupt the hon. member, but he has exhausted his time.

Mr. Picard: With all due respect, I have a few more minutes coming to me.

Some hon. Members: Time. Unanimous consent is not given.

Mr. Speaker: Order. I am sorry, but unless the hon. member has unanimous consent he cannot continue.

Mr. Picard: A move of the leader of the opposition came to light last week, and it is quite in line—

Mr. Lennard: Time.

Mr. Picard: Thanks ever so much for the broadmindedness.

Mr. E. D. Fulton (Kamloops): Mr. Speaker, in the past year many important events have taken place. One of those here at home which most impressed itself upon the people of British Columbia, and possibly the people of Canada, was the flooding and devastation caused by the great rivers of British Columbia overflowing their banks last May and June.

I have mentioned this at the outset for two reasons; first, because later in my remarks I want to draw attention to the matter of floods and the necessity for flood control; and also because the fact that these floods occurred at all last year, and are apt to occur again this year, is the result of one more failure of this government to deal positively with the issues