

Canadian people a few weeks ago. The Prime Minister explains his position with what Mr. Baldwin might call "appalling frankness." He refers to the Westminster act, from which I read the pertinent paragraph:

And whereas it is meet and proper to set out by way of preamble to this act that, inasmuch as the crown is the symbol of the free association of the members of the British commonwealth of nations, and as they are united by a common allegiance to the crown, it would be in accord with the established constitutional position of all the members of the commonwealth in relation to one another that any alteration in the law touching the succession to the throne or the royal style and titles shall hereafter require the assent as well of the parliaments of all the dominions as of the parliament of the United Kingdom.

In his statement to the public the Prime Minister admits that—

The action involved in giving effect to His Majesty's instrument of abdication constitutes such an alteration.

That is, an alteration in the law touching the succession, which is something that has already been done. If the Prime Minister is correct in the statement he made yesterday, that the bill is not retroactive, then it should be—decidedly it should be, because we cannot pass over a complete change in the occupancy of the throne, putting down one king and setting up another, and assume that parliament has no particular concern with such a proceeding. The Prime Minister attempts to distinguish between "the legal standpoint" and the preservation of the constitutional convention. In maintaining the first he quotes from section 4 of the Statute of Westminster, which deals with procedure:

No act of parliament of the United Kingdom passed after the commencement of this act shall extend, or be deemed to extend, to a dominion as part of the law of that dominion, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

I understand that some lawyers are prepared to say that what is contained in the preamble does not control the various sections; but this preamble is of a very special nature in that it embodies very clearly and definitely a statement of constitutional convention, a convention concerning which the Expert conference of 1929 said:

Such conventions take their place among the constitutional principles and doctrines which are in practice regarded as binding and sacred whatever the powers of parliament may in theory be.

In so far as this section refers to any alteration in the law touching the succession to the throne, it is clear that this can be done only by the action of the dominion parliament.

The Prime Minister, however, leaves this attempted but rather nebulous distinction of legal and constitutional and hastens to emphasize the practical aspects of the case. He pointed out in his public statement that the time element enters in. Well, who created the imperative crisis—the king, or Mr. Baldwin, or Mrs. Wallis Simpson, or the American gossips? Surely if the king of the United Kingdom can be distinguished for legal purposes from the King of Canada then the recognition of the King of the United Kingdom as king of Canada can wait until there is time to call parliament. If the selection of the king of Canada is of such minor importance, the question arises: Why a king at all?

Parliament is now in session; it might have been considered that the very first step would be to discuss and settle this matter. Instead of that we are asked to pass a resolution of loyalty to the king. Surely this is not the proper time to introduce an address of that kind; let us do it at the proper time—after the bill is passed.

What is the Prime Minister's conception of keeping a statute? In his address to the public he stated that he will have it—

—asserted and safeguarded to the greatest practicable extent—

Mark that.

—consistent with all the circumstances of time and space—

Plenty of latitude there.

—and with the imperative, practical necessities—

"Practical" again, and the practicability to be judged by Liberal standards.

—which confronted the government on this unprecedented occasion.

Surely that kind of interpretation could drive a coach and four through any statute!

I would ask the Prime Minister why he adopts one attitude towards the Statute of Westminster, which was put on the statute book only five years ago, and such a different attitude towards the British North America Act, which was put on the statute book seventy years ago. Such an unprecedented situation, declares the Prime Minister, "was not contemplated" when the Statute of Westminster "was drawn and enacted." I ask him, was unemployment on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Was depression on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Were debt burdens, dominion, provincial, municipal and private on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Were great ac-