

from the Western Provinces, to be selected by the Speaker of the Senate, the Leader of the Government and the Leader of the Opposition in the Senate, should be set up to study and report on the best method by which the British North America Act may be amended or changed so that while safeguarding the existing rights of territorial, racial and religious minorities and the autonomy reserved to the provinces in the said act of 1867, the Dominion Government and the provincial governments may be given adequate powers to deal effectively with the economic, interprovincial, internal and international problems now demanding urgent, just and effective settlement and that the committee be empowered to study and report on the best method by which the British North America Act may be amended or changed to meet every and all situations now existing.

Hon. A. MARCOTTE: Honourable senators, when this motion was before us a week ago, the honourable senator from De Lorimier (Hon. Mr. Vien), adjourned the debate. He is unavoidably absent to-day, but instead of asking that the motion stand over, he has very kindly suggested that I continue the discussion, on the understanding that later on he may have an opportunity of making his contribution to the debate.

First of all, may I congratulate the honourable senator from Vancouver-Burrard (Hon. Mr. McGeer) on the able and eloquent manner in which he presented this resolution. I regret that delay in proceeding with it resulted in the most important part of the resolution being withdrawn—the proposal that the special committee should study the redistribution bill which led to the last amendment of our constitution. I was under the impression that the resolution itself would be postponed until next session. I am satisfied, however, that the matter will then come before us again, and I do not intend at this stage of the session to discuss the resolution at any great length. The question of how best to amend the constitution is of such importance that no one could be expected, within a few days, to give it the study and consideration it deserves.

Honourable senators who were here in 1936, when we studied the report made by the special committee of the other place in 1935, will remember that I then expressed the opinion that the time had not come for us to change our way of securing amendments to the British North America Act. At that time I was convinced that by leaving the act in trust with the Imperial Parliament we were safeguarding our last recourse in case of disagreement between the federal and provincial authorities, or an encroachment by the federal government on provincial rights. But what has recently occurred in the Imperial Parliament, and the citation of the declarations of Lord Bennett in the House of

Lords and of Mr. Beverley Baxter in the British House of Commons, have convinced me that I was mistaken. Those gentlemen stated that once the necessary resolutions are passed by the House of Commons and the Senate of Canada, it becomes a mere formality for the Imperial Parliament to amend the British North America Act in the way requested.

On reviewing the past we find that the provinces cannot and will not be heard by the Imperial Parliament, because the only channel through which they can reach that parliament is our federal government. This being so, the time has come for us to decide the procedure for amending our own constitution. We could have taken steps to this end years ago, and it was only by reason of our request that the parliament at Westminster continued to act. This is clearly demonstrated in the evidence given before the special committee of 1935.

The amending of our constitution is not a new subject of discussion and study by our best authorities on constitutional law. I do not believe for one moment that the appointment next session of the committee now proposed—and I hope it will be appointed—will solve the problem. I do think, however, that such a committee will be of great value in bringing this matter before Canadians and eliciting public opinion, and that as a consequence—if it be true that from discussion comes light—our federal and provincial governments will be better informed on the problem and better able to deal with it when they get together.

Please remember that although in 1935 all nine provincial governments were invited to send representatives to appear before the House of Commons committee, not one of them did so; neither did any of them submit memoranda, briefs or recommendations. One has only to read the answers to the invitations forwarded to each of the provincial governments to learn that they were definitely opposed to coming forward and giving their views. It is necessary to read only one answer to establish the ground on which the provinces stood, for it epitomizes the reasons of all. I cite part of the answer sent by the Government of the Province of Saskatchewan as it appears in the report of the special committee. It is as follows:

Referring to your telegram of the twenty-seventh day of March wherein you request the government of the province to make representations, either orally or by written memoranda, as to the methods of procedure which this province would suggest in connection with amendments to the Canadian constitution, I would say that I have been following with intense interest the proceedings of your committee. The ques-