

*Interim Supply*

that we have a moral obligation to denounce those, wherever they come from, who try, in such odious ways, to divide the people in the various parts of Canada.

These are the few remarks I wanted to make today on these estimates amounting to \$740 million which we are now discussing with the rather full co-operation of the Conservatives who are looking forward to the Christmas holidays.

**Mr. Martineau:** Mr. Chairman, while we are dealing with the interim supply, I wish, like some other colleagues, to express certain views regarding a problem of capital importance, that of Canadian unity.

I take this occasion to comment on some statements made by certain of my colleagues. I hasten to add that these are colleagues whom, I admit, are competent and of good faith and whose opinions I respect also. I hope that they also will respect my views and that they will let me express them as clearly as possible.

Three very interesting questions have been raised in regard to the constitution during this debate.

It has been said, if I am not mistaken, that confederation act was not an agreement and, in short, that it was an ordinary piece of legislation just like any other. It was added, however, that when the British North America Act was passed by the British parliament, as it was wont to do, it was necessary to remove any suggestion of an agreement.

I am against the concept that the British North America Act would only be a mere piece of legislation. I maintain that it was an agreement binding the provinces in a union based on the good faith of the two main ethnic groups then constituting the Canadian people.

The B.N.A. Act is, in the tradition of British public law, on the same footing as the great pieces of British legislation which are the very basis of the personal freedoms and even of our western civilization.

I have in mind for instance, the Magna Carta, the 1689 Bill of Rights, the petition of rights and all the others. In order to convince oneself that in the minds of all the participants who united the North American colonies in 1867 an agreement was really being entered into, only one has to read the discussions held in the British House of Commons at that time. One can read, for instance, the words of the sponsor of this legis-

lation in the British parliament, Lord Carnarvon, who stated:

To those resolutions—

He was referring to the Quebec and Charlottetown resolutions, which have resulted in the adoption of the act itself.

To those resolutions, the British provinces of North America gave their consent, and the measures based upon those resolutions must be accepted as a union treaty.

Then it was said that this was an essential pact. And, if we look at it closely, we realize that such was the case, because if it had been merely a piece of legislation of the British parliament, why would the consent of the participating provinces have been required previously? Why would not all the British provinces have been united, even those which had not given their consent?

It is therefore obvious that the constituting act of our constitutional existence is a pact and was considered as such by the Canadian participants themselves, the Fathers of Confederation, and by the British legislators. In addition, the main judgments of the Supreme Court of Canada and, especially, of the judicial committee of the privy council all confirm the theory of a pact between the provinces but mostly between the two ethnic groups. In fact, for nearly a century no French Canadian living in Quebec or elsewhere has ever thought that it was anything but a freely accepted union of all to form a new entity, Canada. Under the circumstances, there could have been no question of either direct or indirect coercion or domination.

Mr. Chairman, some astounding things have been said. It has been claimed that some plot had been contrived and reference was even made to an assassination, for words of exceptional violence have been uttered in the course of this debate on the constitution, one which surely should be marked by level-headedness and complete objectivity. It was said that the present government had contrived a sinister plot to abdicate its responsibilities in order to decentralize constitutional and administrative authority in this country and, as a result, achieve the dissolution and disintegration of confederation itself.

I have made my share of speeches in this house and never to speak on behalf or uphold the cause of the present federal government. If any charge could be laid against this government, I would rather accuse it of being a centralizing government striving under the guise of that co-operative federalism formula, to deprive the provinces of much of their powers. Therefore, I say that there

[Mr. Caouette.]