

sensation from Saskatchewan, suggested the principle that there should be not only representation by population but representation by areas or extent of territory. The hon. member who preceded me in the debate this evening, the hon. member for North Battleford (Mr. Townley-Smith), made a similar suggestion.

My reaction to this resolution, when I read it, was disquieting. It was disquieting for me to think that when the government comes face to face with a political difficulty it has to perform a major operation on the British North America Act, which is the foundation-stone of our constitution, in order to remedy that difficulty. Surely there must be some safer way, and therefore some better way of solving this difficulty.

If the government of the day—and it matters not what government it may be—comes up against a difficulty of this kind, and says to itself, "We will amend the British North America Act, and fix it up in that way," what foundation have we, or what feeling of security can we have in this country? It seems to me that every avenue should have been explored before taking such a drastic measure as that proposed in the resolution introduced into the house.

I support the view held by the hon. member for Lake Centre (Mr. Diefenbaker), that the British North America Act should not be changed without consultation with the provinces, or without the provinces being first consulted. That opinion, as the hon. member for Lake Centre pointed out, was the opinion expressed by Sir Wilfrid Laurier, by Sir Robert Borden, by the Right Hon. Ernest Lapointe and by many other prominent Canadians who have given careful consideration to the subject. The hon. member quoted several statements by these eminent men, and it seems to me they are food for serious consideration.

I hold in my hand, and I intend to quote it, a statement made in the debates of 1943 by an hon. member who at one time occupied a prominent place in the government of this country. I refer to the hon. member for Richelieu-Vercheres (Mr. Cardin). This is what he said at page 4356 of *Hansard* for 1943:

Mr. Speaker, the resolution now being considered by the house contains in my humble judgment, a dangerous procedure to which the House of Commons should give serious consideration before adopting it in the form in which it has been couched on the order paper. For a number of years it has been admitted in all branches of public opinion that no serious change should be made in the British North America Act without the consent and approval of the parties to the contract. I admit that in the past the federal parliament has been dealing from the point of view of its own authority, and

has been amending the British North America Act, without consulting the provinces, which are a party to that contract. But I repeat that at least within the last few years the opinion has developed throughout Canada that the British North America Act should be considered as a sacred contract among associates, those associates being the provinces, and that nothing should be done to modify it without the approval of the contracting parties.

I think it is quite clear that whatever powers the dominion government possesses were given it by the provinces. Perhaps I should modify that statement because we have an unwritten as well as a written constitution. But I can say that a great many of the powers the dominion government possesses were given it by the provinces, and that the dominion has no right to change the constitution without consulting the provinces.

Reference has been made in this debate to the Quebec conference and the Quebec resolutions of 1864, which followed the Charlottetown conference. To keep the record straight, and perhaps for historical reasons, I should like to point out that in 1865 the people of New Brunswick rejected the Quebec resolutions of 1864 at the polls by a very large majority. In the same year the province of Canada sent a delegation to London to ask the British government to force New Brunswick and Nova Scotia into a union with her based on the Quebec resolutions, which the British government refused to do and replied in effect that it would not sanction a union unless the provinces first arranged a properly authorized agreement of union.

In 1866 the newly elected legislature of New Brunswick passed a resolution authorizing the appointment of delegates to arrange a union under terms and conditions which would protect the rights and interests of that province with special reference to the Intercolonial railway. In the same year the legislature of Nova Scotia passed a similar resolution without reference to the Intercolonial railway. In December of the same year delegates of the four provinces met at the Westminster Palace hotel, London, came to a properly authorized interprovincial agreement and sent this agreement to the colonial secretary with the request for a conference with him.

Early in 1867 this joint conference was held with Lord Carnarvon as chairman, Lord Tring drafting the necessary legislation. In the same year the British North America Act 1867 and the Canadian Railway Loan Act 1867 were passed by the British parliament to give effect to the interprovincial agreement 1866—not the Quebec agreement, but the London agreement