

of law, liberty and human rights to our mast-head. This is the very moment in which to decide the basis of our nationhood, to guarantee human rights and fundamental freedoms to all our citizens, and to proclaim our principles to the world.

Let it be said in the future that when Canada assumed complete control of her destiny, her first act was to affirm as the basic principle of her federation, the Human Rights and Freedoms of all her citizens.

Let the Canadian Ship of State embark on her glorious voyage into the future with the rule of law at the helm, liberty at the mast-head, and beauty, culture and happiness on the prow.

Now the practical method for making these ideals effective is to write the provisions protecting human rights into the Canadian Constitution, so that they may be administered in our Courts, and so that they may become binding and obligatory alike upon individuals and upon government.

How to Proceed.

The preferable place for such fundamental law is in the Constitution, which at present in Canada is the British North America Act. This Act already contains a number of clauses protecting certain valued human rights such as the use of the two official languages, annual sessions of Parliament, elections every five years, an independent Judiciary, Separate Schools and generally a Constitution "similar in principle to that of Great Britain," or, in other words, the practices of Parliamentary Government. These guarantees of certain minority rights have profoundly influenced our national development and indicate the procedure we should now follow when guaranteeing individual rights, as distinguished from minority rights. The advantage of incorporating provisions of fundamental law in the Constitution are obvious. Such provisions would be binding upon persons in all parts of the country and upon all governments, thus no problems of Dominion-Provincial jurisdiction on Human Rights and Fundamental Freedoms would arise. Alterations in this fundamental law would require national and provincial concurrence, so that setting these safeguards aside in isolated instances would present considerable difficulty. The preservation of liberty has a national as well as a local significance, and were the safeguards national in scope, the guardianship of an independent judiciary would be most effective.

The enactment of a National Bill of Rights, however, presents difficulties. In Canada, because of her history and the harmonious association of peoples of different races, language and religion, respect for Provincial rights as they have been defined in the past is essential. No informed person with any sense of responsibility would suggest that the Dominion Parliament forcibly invade the Provincial jurisdiction. Concurrence, therefore, is an essential requisite to constitutional progress.

A Passing Difficulty.

This difficulty may not be insuperable, but there is also another presently existing but, it is hoped, passing obstacle. The British North America Act is a statute of the Imperial Parliament at Westminster, and objection is now taken by Canadians to Legislative intervention by an authority beyond our shores, and not of our own election even though such action is taken at our own instance. Such a request by Canada to the United Kingdom Parliament would have the appearance at least of a surrender of sovereignty.

For these reasons, your Committee is of opinion that it would be wise to await the time, which we hope is not far distant, when prospective Dominion-