

arise: Is the Government of Canada, in submitting this resolution for the purpose of obtaining this power, going to work in the right way, and, if parliament accedes to the government's suggestion, will it be assenting to the right method of achieving what is desired? The first question relates to the broad principle, the second to the method.

Let us consider first, the question: Is it desirable, is it the wish of the people of Canada, is it a beneficial and proper thing at this time that we should say to the Imperial Parliament, "In principle we desire to have within our own jurisdiction the power to amend our own constitution"?

That brings us in the first place to a consideration of the Statute of Westminster. As all honourable senators know, that enactment was the consummation of the Balfour resolutions passed at the Imperial Conference of 1926, which laid down certain broad principles affecting not only Canada but all the dominions, and recognized their national status as equal to that of the Mother country. One of the very few limitations in the Statute of Westminster with regard to our status is contained in section 7, which perhaps I should read at this time:

7.—(1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

For the reason and necessity of this subsection, I refer to section 4 of the Statute of Westminster, which provides:

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.

Subsection 2 of section 2 of that statute reads as follows:

(2) No law and no provision of any law made after the commencement of this Act by the parliament of a dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the parliament of a dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the dominion.

So, under the general provisions of the Statute of Westminster we were given power to amend or repeal any Imperial statutes that related to Canada, but by the special provision in section 7, it was set out that this should not apply to the British North America Act. This was done, not at the instance of the British Parliament, but, as honourable senators can well understand, entirely at the request of the Canadian Government.

It was our decision that it was preferable to leave the Act as it was until such time as Canadians were able to agree among themselves as to how they wanted the constitution amended, and as to what safeguards and restrictions should be put around it. Had section 7 not been in the Statute of Westminster, it would have meant that the Parliament of Canada would have had power to repeal any or all sections of the British North America Act, merely by having a simple majority. That would not have been in the interests of Canada, and the question was simply shelved. I say that advisedly, because of a certain letter which was given prominence in yesterday's edition of the *Montreal Gazette*, and to which I shall later refer.

Hon. Mr. Lambert: Would the honourable senator agree that the Balfour resolutions and the Statute of Westminster were the outcome of the precedent that was set at the conclusion of the first World War in the signing of the Treaty of Versailles by all members of the British Empire individually? And did this not leave them at that time with the term British Commonwealth instead of British Empire?

Hon. Mr. Farris: I would not entirely agree with that statement. I would not say it was an outcome, but rather one of a number of progressive steps. The Balfour resolutions constituted a further step and the Statute of Westminster was the culmination—or perhaps I would be more accurate in saying that the culmination will be reached when this resolution is passed and we have achieved an agreement on the other steps that will commence on January 12.

Honourable senators, in advocating this resolution today I must recall to mind—if others do not do it for me—certain statements I have made in service clubs such as the Rotary Club, the Kiwanis Club and the Canadian Club, and even at Liberal meetings. I have made the statement more than once that so far in the constitutional development of Canada it has been fortunate for us that the question of amendment of the constitution has rested in the Imperial Parliament.

There are two factors which are most desirable in connection with the amendment of the constitution. One is the flexibility necessary to make amendments possible when they are needed; the other is the security of minorities and of the rights of all the people. Those are the two essentials, and it is extremely difficult for a nation to have them both. For instance, our neighbours to the south have security but not flexibility. It takes a two-thirds majority of the Senate and of the House of Representatives, followed by two-thirds of the states, to put through any simple amendment