

*Redistribution*

As a matter of fact, there was only one province of the United Canadas, Upper and Lower, at the time confederation came into existence. But it was nevertheless the system worked out by responsible prominent leaders of the population of the areas which then constituted, on the one hand, the united province of Upper and Lower Canada, and on the other hand the maritime provinces, and it was provided that under this system provincial legislatures and provincial governments would be established to deal with certain matters over which they were allocated exclusive jurisdiction. The courts have held that the provinces in the exercise of jurisdiction in the field allocated to them are sovereign states.

There are other matters which were not so allocated for administrative purposes to provincial legislatures or to provincial governments, but which were either expressly allocated to the federal parliament or which come under the residual clause under which parliament is competent to deal with them.

I would readily concede to hon. members that if there were to be any suggested amendment to change the allocation of legislative or administrative jurisdiction as between the provinces, on the one hand, and the federal parliament, on the other, it could not properly be done without the consent of the organism that was set up by the constitution to have powers that would assumedly be taken from that organism.

Apart from the matters that are expressly allocated to the provincial legislatures and provincial governments, there are other matters which the representatives of the inhabitants of the provinces who sit in this parliament are the competent persons to deal with, and here in this instance is something having to do with representation in this house. That is something which is not allocated to the provincial legislatures or to the provincial governments. That is something which interests the inhabitants of the provinces, but the inhabitants of the provinces as electors have sent representatives to this national parliament to represent them, and I suggest that when dealing with matters in that category the members elected by the people of the provinces, who are also the people of Canada, are those who have to take their responsibility in determining whether they are in the interests of Canada or otherwise.

The example that was given by the hon. member is a case where it was eminently proper that the consent of the legislatures be obtained because it meant transferring to this parliament jurisdiction which in 1867 had been allocated to those legislatures. I submit

[Mr. St. Laurent.]

that it would have been quite improper to take away from the provinces without their consent anything that they had by the constitution. That, I think, Mr. Speaker, disposes of the objection founded on the protest of the Quebec government or the Quebec legislature. They may have expressed their opinion, but in respect of matters concerning representation in this house they are merely electors, and they are represented here by members of parliament who have been elected by them and by the other electors of the respective constituencies in which they have their homes.

As to the amendment which the hon. member for Richelieu-Verchères (Mr. Cardin) would have liked to move, may I point out that the hon. member must have overlooked the terms of paragraph 5 of section 51 of the British North America Act; he would expressly provide that there would not be an election until redistribution shall have taken place. Well, the constitution provides that any readjustment, whenever made, is not operative until the dissolution of the parliament under which it is made. Paragraph 5, section 51, states:

Such readjustment shall not take effect until the termination of the then existing parliament.

So that a bill with that kind of amendment added to it would have been without any effect at all. It would merely have meant that a redistribution might be made at one session instead of at another session of the same parliament. There is no amendment to the constitution necessary to do that. I was not here at the time, but I am told that the redistribution following the census of 1931 was not made until the second session following the publication of the census reports. There would not only be this fact that it would utterly destroy whatever effect this bill in the resolution provides for, but it seems to me that there are also two serious constitutional objections to the hon. member's proposals.

One would be to deprive the crown of its right to dissolve parliament until there had been a session where redistribution had been enacted; and the other—an indirect effect at that—would have been to make this parliament almost eternal, to prolong the life of this parliament until the majority saw fit to enact a provision for redistribution. There would have been no obligation to enact it at any special time, and if the majority of this parliament continued session after session to find itself unable to agree on a redistribution the life of the parliament would be automatically prolonged by the terms of the amendment thus introduced.