

This was the only time that such a procedure was adopted, but once is enough to show that the lack of procedure in such an important matter may lead to any sort of abuses.

On this occasion Sir John A. Macdonald declared that he deprecated any infringement upon the provisions of the British North America Act in a manner which would interfere with the rights of the different provinces of the dominion. He believed, however, that there were occasions when parliament might address Her Majesty in regard to bills, the validity of which were questioned, without referring to the provinces, but with the greatest of circumspection. In all the other instances, the amendments of the British North America Act were passed after a resolution of the Canadian parliament.

There is also, as regards these amendments, another aspect of the question that should be carefully considered. As I said a few minutes ago, there was an amendment in 1907 regarding the grants by the dominion government to the provinces. This was an amendment of section 118 of the British North America Act in which it is clearly stated that "such grants should be in full settlement of all future demands on Canada."

In 1906, there was held in Ottawa an inter-provincial conference at which the provincial governments passed a resolution to the effect that a measure would be submitted to the parliament of Canada for an increase of subsidies and that an amendment is judged necessary.

Following this interprovincial conference, a resolution was passed by the Senate and House of Commons requesting from the imperial parliament an amendment of the above-mentioned section 118 of the British North America Act.

However, British Columbia opposed this resolution. Objections of this province were conveyed to the secretary of state for the colonies in London; but in spite of this opposition, the imperial parliament passed the act requested, with some minor changes. Therefore, in this instance, the imperial parliament adopted an amendment of our constitution, notwithstanding the opposition of one Canadian province.

Furthermore, in 1943, objection was raised by the leaders of the two political parties in the province of Quebec against the proposed amendment regarding the redistribution. Even then, in spite of these objections, the resolution was passed by the Canadian parliament and the amendment was granted by the British parliament.

We must admit, as demonstrated at the beginning of my remarks, that precedents form part of our constitution, and taking into

account what has taken place as regards the amendments to our constitution since 1867, we must conclude that the British parliament can amend our constitution, even when serious objections are raised by the provinces and even when the only request is made by the Canadian government.

Therefore we have the right to contend that our constitution has become an ordinary law which can be changed at the request of any political party which happens to be in power. This is a serious situation, and that is the reason why we must see to it that some protection be given to this constitution of ours, because we have here in Canada provincial rights as well as minority rights that are the basis of confederation. These rights should be preserved at all costs.

I do not intend to discuss the procedure itself which should be adopted for the amending of our constitution, but I should like to show the necessity of setting up a commission to study this procedure. One of the main reasons why the special committee set up in 1935 by the House of Commons could not arrive at a better conclusion was that the provinces had not been called to take part in the setting up and the proceedings of the committee. Messages were sent to all the provinces in the following terms:

The special committee of the House of Commons on the British North America Act desires to have the views of your government with respect to methods of securing amendments to said act. The resolution referred to the committee follows:

"Resolved that in the opinion of this house a special committee should be set up to study and report on the best method by which the British North America Act may be amended so that while safeguarding the existing rights of racial and religious minorities and legitimate provincial claims to autonomy, the dominion government may be given adequate power to deal effectively with urgent economic problems which are essentially national in scope."

While the committee does not object to the personal attendance of a representative of your government, it was thought less costly to ask for a written submission. Copies of proceedings have been sent you, please intimate when we may expect to receive your submission.

In the replies of all the provinces one may notice a similar point of view which can be summarized as follows: This matter should be approached by a conference of representatives of provinces and dominion. That is why my suggestion is that if a commission can be set up it should be with the concurrence of all the provincial governments.

I should like, however, to point out that special care should be taken to the effect that all the major political parties representing the people should collaborate with the provincial governments in each province in the appointing