

Admitting that this section of the British North America Act may be amended by a majority of parliament, all that remain outside the sphere of this parliament, according to the Minister of Justice are those sections dealing with the division of power between the dominion and the provinces. I quote the words of Junius as to the operation of precedent:

One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, to-day is doctrine.

I say to the house and to the country: look at this measure not for what it immediately achieves, but for the dangerous potentialities of any such precedent as this. The Prime Minister of Canada once said, as reported in *Hansard* of January 21, 1935:

We have looked upon the constitution of our country as the safeguard of its liberties and as the home of its freedom.

That is the test, I respectfully submit, parliament should apply to the resolution now before the house—the test of looking not at the advantages of the present to be achieved by this short-cut method of amendment of our constitution, but rather at the grave potentialities inherent in making a precedent for amendment of our constitution by a majority of parliament. The great danger of attractive measures such as this is that of the people and the people's representatives, by reason of the very attractiveness, giving up the substance for the shadow.

This party subscribes to the view expressed by Edmund Burke, in a speech on the reform of representation, when he said:

Our constitution is like our island, which uses and restrains its subject sea; in vain the waves roar. In that constitution, I know, and exultingly feel, both that I am free, and that I am not free dangerously to myself or to others.

Believing as I do in proper safeguards against tyrannical acts of majorities who would deny tolerance, and believing that these basic rights in the constitution should not be interfered with without consultation with the provinces, I move, seconded by the hon. member for Calgary West (Mr. Smith):

That the motion be amended by deleting the words: "A humble address be presented to His Majesty the King in the following words:" and substituting therefor:—

And whereas it is desirable that the government should consult with the several provinces in respect of the said matter.

Now therefore be it resolved that the government be required to consult at once the several provinces and upon satisfactory conclusion of such consultations be authorized to present an humble address to His Majesty in the following terms.

Mr. M. J. COLDWELL (Rosetown-Biggar): Mr. Speaker, I rise to discuss this resolution, and the amendment thereto, not as a lawyer but simply as a layman and a member of parliament who seeks to do what is best for the country in which he lives.

I was interested to hear the hon. member for Lake Centre (Mr. Diefenbaker) quote Edmund Burke's reference to the British constitution. The glory of the British constitution is that it does not exist in the form in which we know constitutions, and that it is ever amenable to the will of the majority of the representatives of the people. Therefore I suggest to the hon. member that if this parliament decides that something should be done in the interests of all the people of Canada, and it is within its constitutional right to do so, the will of this parliament should prevail. From my reading of Canadian history, from all that I have read of former debates in the House of Commons, and in spite of all the quotations that have been placed before us this afternoon, I am of the opinion that this address to His Majesty is within the rights of this parliament.

Actions speak louder than words. Sometimes politicians shift their position according to the side of the house on which they happen to sit at a given moment. If we look back over the history of our country since confederation we find that important amendments have been made to the constitution. One in particular which upset the whole basis of representation was made in 1915. At that time a resolution was placed before the house by the Right Honourable Sir Robert Borden, Conservative prime minister of that day, which was much more explicit in its references to the British North America Act than anything contained in this proposal. That resolution was moved by Sir Robert Borden on June 11, 1914, one year before the house adopted it. Let us look at its terms. It read:

Resolved, that a humble address be presented to His Majesty praying that he may graciously be pleased to give his consent to submitting a measure to the parliament of the United Kingdom to amend certain provisions of the British North America Act, 1867, in the manner set forth in the draft bill hereto attached.

An act to amend the British North America Act, 1867.

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I would draw attention to what followed:

1. Notwithstanding anything in the British North America Act, 1867, or in any act amending the same, or in any order in council or terms or conditions of union made or approved under the said acts, or in any act of the parliament of Canada;