

*Statute of Westminster*

Mr. RALSTON: I am sorry I did not make myself clear. Does my right hon. friend think that within the four corners of this act there is any provision conferring powers on the provincial legislatures?

Mr. BENNETT: Except in so far as the removal of the restrictions would operate to confer that power, it is not a conferring power. I will give my hon. friend an illustration which I think will satisfy him on that point. The rules of evidence have, in some instances, become statutory in England, and those rules of evidence in some particulars only have been embodied in the jurisprudence of provinces. It will not be competent for the province to repeal the operation of that imperial statute, which otherwise it could not do. In the province of British Columbia, as my hon. friend the Minister of Justice reminds me, there is an illustration of that situation. Then comes the following:

Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" shall not, in any act of the parliament of the United Kingdom passed after the commencement of this act, include a dominion or any province or state forming part of a dominion.

In other words, the word "colony" in the Interpretation Act of Great Britain includes Canada and Australia and South Africa. Hereafter, by reason of the passing of this statute of Westminster, they will be removed from the category of colonies, and unless the legislation specifically mentions them at their request and with their consent, no legislation passed by the parliament of Westminster will be applicable to the Dominion of Canada or the other dominions.

I have been unduly long, Mr. Speaker, I know, in making this presentation of the circumstances under which it is now my duty to move that the motion standing in my name be adopted by this house, which I now do seconded by the Minister of Justice.

Hon. ERNEST LAPOINTE (Quebec East): Mr. Speaker, the house is indeed indebted to my right hon. friend for his clear explanation of the motion now before the chair. This is the completion of the work of the conference of 1926 and, as my right hon. friend has stated, it is the culmination of a long process in the development of nationhood on the part of Canada and the other dominions.

In 1926, as my right hon. friend has stated, the various nations of the commonwealth defined what were their inter-relations, in a clear and unequivocal way. They stated that they are autonomous communities within the British Empire, equal in status, in no way

[Mr. Bennett.]

subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the crown and freely associated as members of the British commonwealth of nations. That was a formal and definite assertion of nationhood. It was the recognition of the fact that equality of status is the basic principle upon which the foundations of the British Empire are based.

My right hon. friend has stated that technically it was not exactly true in fact. I would be inclined to take exception to that statement. I believe that this was asserting the position as it was in fact, but not as it was in law; the laws of the empire and the various nations of the commonwealth had not reached the same stage that the facts of the empire had actually reached. It was essential that the laws of the empire should be made to harmonize with the facts of the empire, and that was the reason why the conference of 1926 adopted a resolution providing for the convening of another special conference, at which the legal representatives of the various nations of the empire would meet in order to try to come to a decision on the various points where the legislation of the various parts of the commonwealth should be altered or changed in order to make it coincide with the situation as accepted by everybody.

At that conference of 1929 I had the honour to represent the Dominion of Canada. Our work was not to enunciate any new principles. Far from it, the work of that special conference was to apply the principles which had been accepted by the conference of 1926. There is no need for me, especially after the argument of my right hon. friend, to go into details with regard to the various recommendations made by the conference of 1929 and which were accepted by the conference of 1930 and approved by that conference, as this motion before the house states.

Of course, I support with great pleasure the motion now introduced by the right hon. gentleman. I do so particularly because, reading the motion, I find that every paragraph of the proposed statute, as embodied in this resolution, is based upon one of the recommendations of the conference of 1929.

The first paragraph, concerning the law with regard to succession to the throne, as will be seen by reference to the report of the Imperial conference of 1930—I mean the report of the last Imperial conference, at page 21—is in accordance with the recommendation of paragraph 60 of the report of the conference of 1929.