

governments equally have been jealous of their rights. My right hon. friend will recall what happened at the time of the enactment of the Statute of Westminster; how the present high commissioner, Hon. Howard Ferguson, his own representative in London, then Premier of Ontario, took very strong exception to any course being taken by the federal government which might in any way interfere with the rights of his province. I have here a copy of an article from the Montreal Gazette of September 20, 1930, when the matter was under consideration. It states that a memorandum was given to the Prime Minister in which Mr. Ferguson said:

I am deeply interested in the deliberations of the conference because I have been battling to prevent the destruction of the whole fabric of the Canadian constitution.

So apparently I am not the only one who is trying to save the constitution.

The memorandum deals with provincial rights under the British North America Act and various treaties and amendments since its inception.

Mr. Ferguson went on to say:

The result of these precedents has been to undermine the constitutional right of the provinces to be consulted. . . .

He said further:

—the right of the various provinces of Canada to an equal voice concerning any contemplated changes in the law or the constitution of the dominion rests upon fundamental facts, which are as binding to-day as ever they were upon all the parties to confederation.

That was Mr. Ferguson's view. I am not saying it is right, but it is the view taken by a Conservative premier of Ontario when he was in office. What about another Conservative government, a Conservative government in Saskatchewan which made its voice heard at the same time? On September 19, 1930, the attorney general of Saskatchewan had this word to say:

"We in this province," said Hon. M. A. Macpherson, attorney general and acting premier, "will endorse Premier Ferguson's attitude that the constitution should not be interfered with in any way until the individual provinces have been given ample time for consideration of any such changes, and the entire matter has been given consideration at an inter-provincial conference."

I wish again to say that I think the British North America Act has been a marvelous achievement; thus far it has served its purpose remarkably well, but I wish to make it clear that I think the British North America Act requires amendment in some particulars, and the first amendment that should be secured is the recognition of the right of this country to amend its own constitution. Can-

[Mr. Mackenzie King.]

ada, as far as I know, is the only British dominion that has not that right. There ought to be an amendment arrived at as a result of agreement, as I believe it can be, which will enable this parliament to amend this act with regard to many subjects which will become increasingly national in their character as time goes on. But, I repeat, I believe the way to effect that change is by conference and by securing consent and agreement if at all possible. At all events that should be the first step.

There is one more reason why I think it imperative that this government should quickly let us have a definite statement on these matters; it is that members of the government themselves have been questioning the right of the government to deal with them. My hon. friend the Secretary of State has been active to some extent in the debate this afternoon. Speaking in Montreal as recently as November 27, he is reported in the Montreal Star of that date to have said:

Political and social propagandists, blind leaders of the blind, were persistent in efforts to induce Parliament to exercise illegal powers inseparably vested in the provinces. No purpose could be served by an illegal attempt by either parliament or the provinces to exercise powers vested in one or the other.

That must be the position of the ministry, if collective responsibility means anything. The Secretary of State was speaking as a minister of the crown, and he made his position very clear. May I add that the Prime Minister himself has been hardly less emphatic on this very point. Read the correspondence, placed on the table only on Friday last by the Prime Minister, the correspondence that passed between himself and the ex-Minister of Trade and Commerce, the hon. member for Kootenay (Mr. Stevens). What did the Prime Minister say in writing Mr. Stevens at the time of the latter's resignation? Here is one passage taken from the correspondence:

We pointed out to you the danger of creating in the minds of those interested, especially in retail business, the impression that parliament could provide a remedy for the conditions of which they complained in view of the decisions of the courts as to the jurisdiction of provincial legislatures over contracts and price fixing.

Now there is the position, and I repeat that it is all-important that there should be no doubt left with respect to the authority of this parliament concerning anything that it may do or attempt to do in regard to this most important matter of social legislation.

In conclusion let me say this word, that important as all of these matters are, important as all the suggested social legislation may be, consideration of these things should