

dealt with. The amendment was made, but it does not recite that it was made on a joint address of the houses of parliament. The amendment which was made contained the reservation which the senate wished to have in the address. Apparently at that time the facts were disclosed, and it was made clear to the parliament of the United Kingdom that the houses of parliament were agreed on having an amendment made which affected the representation in a manner which everyone now sees is proper, and which protected the representation of the maritime provinces. That was made, with the provinces saying that it was none of their business and they would not take responsibility with respect to it.

In 1916 the life of parliament was extended for a year, and to do that there had to be an amendment to the British North America Act. There was no suggestion that the consent of the provinces should be sought or obtained. In 1930 agreements were made with the western provinces for the return of their natural resources to them, and there was no suggestion that the other provinces should be consulted. In 1940 there was a proposal to amend the British North America Act by taking from section 92 something which was under the jurisdiction of the provincial legislatures. For that purpose the consent of the provincial legislatures was sought and obtained and an amendment made. But in 1943 hon. members belonging to the party opposite—I do not know whether it was then the Progressive Conservative party, but the party of which they pretend to be the continuators—accepted without any whimper the suggestion that redistribution should be postponed until after the war without there being any suggestion of consulting the provinces, and though it was known that there had been some objection, at least from Quebec.

I submit again that the statute apportioned the sovereignty to parliament for certain purposes and to the legislatures for other purposes, and what is assigned to the legislatures is in no wise under the jurisdiction of this parliament and cannot be touched without the consent of those who have jurisdiction over it. But what is within the powers of this parliament, this parliament can deal with without requesting the consent, or submitting to the superintendence of any provincial legislature. Here arises the question which was put to me by the hon. member for Calgary West: What about section 133?

Mr. SPEAKER: Order. I am sorry to interrupt the right hon. gentleman, but he has spoken for forty minutes.

Some hon. MEMBERS: Go ahead.

Mr. SPEAKER: The right hon. gentleman having the unanimous consent of the house, he may continue.

Mr. ST. LAURENT: I am sorry I have taken more than forty minutes and I did not intend to do so, but there is that question which was asked by the hon. member for Calgary West. The hon. gentleman asked, what about section 133, which provides:

Either the English or the French language may be used by any person in the debates of the houses of parliament of Canada and of the houses of the legislature of Quebec; and both those languages shall be used in the respective records and journals of those houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under this act, and in or from all or any of the courts of Quebec.

Can that be dealt with without the consent of the provincial legislatures? Legally I say it can. The situation appears to me to be this. There are persons and nations who reach a high estate in the affairs of men, and the high estate they reach imposes upon them high obligations. There was no obligation on the Tribune Festus to say to King Agrippa that he could not deliver Paul to the Jews when they requested that he be put to death. It occurs to one, however, that they also had reached a high estate, which imposes a corresponding obligation. I copied out of the bible on the table of this house, from the Acts, the quite natural statement of Festus:

It is not the manner of the Romans to deliver any man to die, before that he which is accused have the accusers face to face, and have licence to answer for himself concerning the crime laid against him.

There was no statute; there was no law which required that this be done; but there was the concept in the Roman conscience that it was the proper thing to do. This country has now been under British institutions for 187 years. Only twice in that period have things been done, under the pressure of the circumstances then existing, of which we of French origin in my province could legitimately complain, and we did not have to complain long. After the treaty of Paris, a clumsy attempt was made to substitute the common law for what was the law of the French population of the lands which had come under the British crown; but immediately the law officers of the crown reported that that was something against the law of nations, and in 1774 it was corrected, and has remained corrected for all time.