

That is an appropriate remark. Hence I consider that I am not in the least presumptuous in attempting to discuss a matter of constitutional relationships in Canada. Certainly the elementary principles which govern these relationships should be familiar to everyone. There is not a citizen but should know by what authority we in Canada are governed.

In the few moments yet at my disposal I shall endeavour to present what I regard as a reasonable and logical argument, and to support the statements I make with such evidence from recognized authorities as it is possible to present on this occasion. To those who are inclined to disagree with the statements I make, I say, if they disagree let them counter my arguments with arguments which are reasoned and logical. In times past when I have presented this case I have been subjected to a good deal of scoffing and jeers and ridicule. Such conduct is usually the mark of defeat. Personal abuse and ridicule are not an answer to reason and logic.

In an endeavour to account for the anomalies to which I have referred, and in order to suggest what I think is the solution to remove these anomalies, I am going to endeavour to prove this proposition: that, since the enactment of the statute of Westminster, on December 11, 1931, all power to govern in Canada has resided with the provinces of Canada, and that all power legally remains there until such time as the provinces sign an agreement and ratify a constitution whereby they may delegate such powers as they wish to a central government of their own creation.

To support this proposition a few facts of history must, I think, be adduced. The first point I wish to make is that when the fathers of so-called confederation first thought of confederation they did actually conceive of a federal union proper; it was the aim and the ambition of the fathers of so-called confederation actually to consummate a federal union in Canada. That is the view I hold as a consequence of the history I have been able to examine.

One of the things which indicates this to me is the preamble of the Quebec resolutions, which reads as follows:

The best interests and present and future prosperity of British North America will be promoted by a federal union under the crown.

The term "federal union" is used.

Then again, there is clause 70 of the Quebec resolutions, which indicates that whatever agreement was arrived at would be submitted [Mr. Kuhl.]

to the provinces and to the people. The clause reads as follows:

The sanction of the imperial and local parliaments shall be sought for the union of the provinces on the principles adopted by the conference.

In the draft British North America Act which was prepared by the fathers of confederation we find a repealing clause which certainly indicates that this draft bill provided for a proper federal union. It reads as follows:

From and after the union, all acts and parts of acts passed by the parliament of Great Britain, the parliament of the United Kingdom of Great Britain and Ireland, the legislature of Upper Canada, the legislature of Lower Canada, the legislature of Canada, the legislature of Nova Scotia, the legislature of New Brunswick, which are repugnant to or inconsistent with the provisions of this act shall be and the same are hereby repealed.

That certainly indicates, I believe, that what the fathers of confederation were actually aiming at was a federal union proper. I believe they were well aware of what was involved in creating a proper federal union, for at that time there was a civil war raging between the federal union and the confederacy in the United States.

I assert that, from the history which I have examined, neither the spirit nor the terms of the Quebec resolutions were carried out in the British North America Act. There is no evidence which I have been able to discover to indicate that the preamble which we find on the British North America Act in printed copies here to-day was ever mentioned either in the House of Lords or the House of Commons. The preamble which appears on the present British North America Act refers to Canada as nothing but a united colony, whereas the Canadian preamble intended that Canada should be a federal union. When the preamble was discussed in the House of Lords, Lord Carnarvon, who introduced the bill on February 19, 1867, used these words, as reported at page 559 of the British *Hansard*:

The bill opens by reciting the desire of the several provinces to be federally united.

And again we find Lord Campbell, speaking on the bill, on February 26, making this statement, at page 1012-13 of the British *Hansard*:

The bill is founded, I believe, on what is termed the Quebec scheme of 1864. . . . Our lights indeed may be imperfect upon this part of the subject, and I will not dwell upon it. But one thing is clear: The preamble of the resolution comes before us in full and perfect authenticity.

I think it is quite evident from the quotations I have read that the preamble which was discussed was the preamble of the Quebec resolutions, but the preamble we find in the