

Mr. MacNICOL: It is a violation of the crown and pinnacle of the constitution, section 51, a straight violation of the British North America Act, and the main clause of that act, section 51.

Mr. LALONDE: An amendment, not a violation. There is quite a difference.

Mr. MacNICOL: It is a violation when you cannot amend it, and I do not believe the government have authority to amend it. To support my statement, I will read what Lord Atkin said. The quotation is as follows:

No one can doubt that this distribution is one of the most essential conditions of the inter-provincial compact to which the B.N.A. gives effect. If the true position of Lower Canada alone were considered, the existence of her separate jurisdiction as to property and civil rights might be said to depend upon loyal adherence to her constitutional right to the exclusive competence of her own legislature in these matters.

Lord Atkin says that the British North America Act was a compact. Well, if it was a compact between the four original provinces of Nova Scotia, New Brunswick, Ontario and Quebec, by what right does this government violate it? This proceeding is nothing short of a violation. If, of course, this bill or resolution is submitted to the provinces and receives their endorsement, I shall have nothing more to say about it; there would be nothing to do but go on with the programme as outlined. But until the government obtain the consent of the provinces I maintain that they are violating—I use that word again—what is the cornerstone of the whole act, that is section 51, having to do with representation in this house. I say to my hon. friends from the province of Quebec that I had expected everyone of them to rise and take a stand such as the premier of Quebec is taking.

Mr. LALONDE: He is one of your good friends.

Mr. MacNICOL: I know nothing about his politics.

Some hon. MEMBERS: Oh, oh.

Mr. MacNICOL: He is the premier of Quebec, at present in charge of that province; he recently won a by-election, and I believe he will win the one which is pending. Evidently he represents the people of the province, or he would not take the stand he has taken.

An hon. MEMBER: Oh, no.

Mr. WHITMAN: Elected on a minority vote.

Mr. MacNICOL: So I say that the government's action is a violation of the British
(Mr. Lalonde.)

North America Act, by which violation Quebec has more to lose than any other province.

An hon. MEMBER: You have said that so often you must be sure of it.

Mr. MacNICOL: I can repeat it many times and still be sure of it, because I believe it is true.

I feel the time has come to do a number of things which could be considered when, in due course, we are in a position to go into this whole subject. The Prime Minister and the Leader of the Opposition should both receive acclamations. It would be a good thing for the country if they did not have to fight a battle in their ridings, as the present Prime Minister (Mr. Mackenzie King) had to do at the last election; they would then be free to go around the country and enlighten the public as to their policies. Another matter which we might attend to is to rearrange our seats on a much fairer basis than at present, as they do in the United States. In many other ways we could usefully amend our present ways and methods of conducting our elections in Canada. The way many of the seats are laid out to-day is nothing short of a gerrymander, and it will not provide fair representation in this house. Therefore, I again say to the government, be careful. I say to the Minister of Justice (Mr. St. Laurent), since he is fathering the bill, be careful too. I ask him to follow the path that was so well laid out by the hon. member for Lake Centre this afternoon in the quotations he gave from other ministers of justice and leaders in this country, who, in regard to this particular section, kept their hands off the British North America Act.

By amending this section of the act you are opening the door to anything that might come along. It will serve no useful purpose to go much farther at the moment. In reorganizing our Canadian elections I was going to suggest that we might follow one good thing the province of Quebec has done. I do not know whether it was done by the present or the previous government; but when they call an election they appoint a deputy returning officer in each riding and the opposition party names the clerk. I think that is an amendment we could adopt. That, together with the reconstitution of our seats on the basis of five, seven and nine, or as closely as we could follow it, would result in a great improvement in Canadian political affairs.

Mr. F. W. TOWNLEY-SMITH (North Battleford): The discussions on this resolution and the subsequent amendment have been interesting so far, but they have been somewhat