

use of French civil law in Quebec, the ~~xxxxx~~ right of instruction in English or French in the schools of Quebec and the rights respecting religious instruction in the schools of Quebec and Ontario and certain other provinces.

All authorities are agreed that this minimum of conditions established at confederation cannot or should not be changed unless with the consent of the provinces concerned. In both Ontario and Quebec until recently there was a disposition to look on the vesting of power in the British Parliament to amend the B.N.A. act as a protection of these minimum essentials. With the evolution of the relationship of the dominions to Britain, however, it is questionable if that is now the case. A majority in the Canadian House of Commons and Senate could probably secure any change in the B.N.A. act it wished regardless of the opposition of any province.

A general overhaul of the constitution then would probably consist in an agreement on a new statute which would redefine the powers allocated to the province and the dominion. This would undoubtedly involve a break-down of the provincial legislative field of "property and civil rights" to clarify the position on social security legislation and ~~xxxxx~~ a new arrangement for the division of taxes and financial responsibility along the lines, perhaps, of the 1940 report of the Rowell-Sirois Commission. There could be no assurance, however, that any new scheme reached would be permanently satisfactory and hence an overhaul would also involve establishing a procedure by which the ~~the~~ constitutional Act could be changed and changed in Canada, in accordance with the precedents already established by the other dominions, Australia, New Zealand and South Africa.