

*Statute of Westminster*

in our duty towards the king and the empire. I think that the dominions, or the self-governing kingdoms of the empire, should now place upon their statute books a law providing that we contribute our share to the civil list of the king and the royal family. This would be a far better way of recognizing the benefits of monarchy than indulging in protestations of very lofty sentiment. This seems to me an opportune time for us to recognize our duty by taxing ourselves for the maintenance of the king and the royal family.

Hon. J. L. RALSTON (Shelburne-Yarmouth): Mr. Speaker, this legislation, as has been said, is extremely important, and while it does not, I submit, alter in the slightest the status which we have enjoyed for at least five years, it puts the seal and the signature to the deed. I submit the agreement was already arrived at, as appears by the report of the Imperial conference of 1926. The state of affairs actually existed; the deed remained to be signed, and this is the document by which we are to-day giving the seal of approval of this parliament.

There are just one or two points with regard to the form and effect of the address which it is proposed to present. My right hon. friend has suggested that the provincial conference was called in order that the provinces might be consulted, and in order to meet a request and something in the nature of a protest against the possibility of interfering with provincial rights. My hon. friend the former Minister of Justice (Mr. Lapointe) has already pointed out that at least as far as the form of the proposed statute is concerned, the conference on dominion legislation in 1929 expressly provided against any possibility of this act having the effect of permitting an amendment or repeal of the British North America Act, by the insertion of the clause which is at the bottom of page 29 of the report of that conference. I am not going to trouble the house by reading it, except to emphasize that as far as this feature is concerned, I submit the provincial conference was unnecessary.

In this connection may I say also to my hon. friend—and this may be regarded as a small point, but I submit it might be worthy of consideration—that the clause which has been substituted for the clause recommended in the conference of 1929, namely the clause at the bottom of page 5 of to-day's routine proceedings, possibly may be open to some misinterpretation along the line I desire to

[Mr. LaVergne.]

indicate. This clause as now drafted provides that—

—nothing in this act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

The provision recommended by the conference of 1929 was that nothing in this act should be deemed to confer any power to repeal or alter the constitution acts of the Dominion of Canada—this, I assume, would mean these acts past, present or future. Probably my right hon. friend and his law officers have considered the effect of limiting the British North America acts which are saved from repeal or alteration to the acts from 1867 to 1930. I have in mind the possibility that there may be an amendment to the British North America Act hereafter, to which this act will not apply.

Mr. BENNETT: The hon. gentleman has raised the question which was the basis of the difficulty of the provincial premiers and their governments. It is provided by the conference of 1929 that the British North America Act could be amended, as a result of the practice theretofore prevailing, by a bald majority of this house and the senate, which amendment might interfere with or lessen the powers of the provinces. It was to overcome that difficulty that the conference was held and the words mentioned agreed upon as making it beyond question that there could be no such interference as would lessen, restrict or even amplify the powers possessed by the provinces under their respective constitutions.

Mr. RALSTON: It is a matter of drafting; my right hon. friend has expert draftsmen, and I hesitate even to make the suggestion. What I am pointing out is that while the old clause provided that the constitution acts of the Dominion of Canada, which I submit include the constitution acts past, present and future, were not capable of repeal, the section we now have before us is limited to the British North America acts from 1867 to 1930. Therefore it is possible that the very thing which my right hon. friend suggests could be done might occur, namely that a majority of this house and of the senate might present an address to His Majesty, and amendments to the British North America Act might be made in 1931 or 1932 which would not be saved at all by the provisions of this act. I make that suggestion to my right hon. friend for what it may be worth. As I say, he has had the benefit of advice with respect to the drafting of the statute.