

*The Address—Mr. Cannon*

the people of my home province, that that moment should have come when it is our great good fortune to have at the head of the government of Canada a man like our Prime Minister (Mr. St. Laurent) on whom we can count to see that the powers that are taken by the federal government to amend the constitution do not encroach in any manner on the powers of the provinces as now granted by the constitution.

It is needless to say that, in order to attain nationhood, any sovereign nation exercises three basic powers: the legislative, the executive, and the judicial. If we are to exercise our legislative powers in their plenitude, it is essential that we be given the right to amend our own constitution, because it is the most important legislative power that any country can exercise. It is the fountain of the other two powers, the judicial and the executive. It is essential that we have the right to exercise our legislative powers, and I am sure that the whole of this great dominion of ours will join in thanking the government of Canada and this house for passing the legislation which has been announced in the speech from the throne and which will finally bring to us that fullness of power that we require in order to be a truly self-governing nation.

From a practical point of view, the powers of the provinces on constitutional questions will not be affected at all. As I have said before, we are only asking the parliament of the United Kingdom to give us the power to amend the constitution in purely federal matters. As to other matters, if there is need to amend our constitution, until we have made an agreement with the provinces, it will be amended as it has been amended in the past; that is to say, by an address to the parliament of the United Kingdom. If an amendment to the constitution is desired in any matter which clearly comes within the jurisdiction of the provinces, any such amendment would naturally be made by an address to the parliament of the United Kingdom, and the situation will not be changed as far as they are concerned.

Naturally, our opponents say that there may be a difference of opinion as to what are the powers belonging to the federal government and what are the powers belonging to the provincial governments. The answer to that is that the British North America Act will not be changed. It will remain as it is. We shall still have sections 91 and 92 which set out what those respective powers are. We shall still have the body of jurisprudence which has been built up and which has decided any difficulties that may have arisen as to the interpretation of that statute. If it

should happen, though—and this is something which is not likely—that the federal government should introduce some legislation which, in the opinion of one or more of the provinces, encroaches upon provincial rights, the provinces could then ask the federal government to refer the matter to the Supreme Court of Canada—and it is extremely unlikely that the federal government would refuse to do so—for a decision as to whether the matter was a federal or a provincial one. But let us suppose for the moment that the federal government should refuse to do so. Even then, the provinces themselves would have the recourse of referring the matter to their respective courts of appeal; and from there the matter could be brought to the Supreme Court of Canada by way of an appeal. Then, as a last resort, they would also have the method of attacking the acts that would be carried out by the federal government as a result of the legislation. For instance, suppose the federal government decided to amend the British North America Act in such a way that a certain field of taxation would be federal and not provincial. If the two methods that I have already set forth failed to bring results, it would always be possible for someone to attack the constitutionality of the act, refuse to pay the tax, and thus bring the matter before the courts.

There is no doubt whatever that basically the rights of the provinces are perfectly safeguarded and it cannot be said in truth that these rights are affected in any way by the legislation that is being brought before the house.

I should also like to say to hon. members of the opposition, whom I have had the pleasure and honour of hearing in this house, that they do not need to fear that the government of Canada, as it is now led by the Prime Minister (Mr. St. Laurent), will do anything to depart from the principles of democracy, or that he will take the bit between his teeth, to use an expression common among farmers in my county and others, and because of the great majority that he now has in this house, do things that he would not do otherwise. Those of us who know the Prime Minister can safely say without fear of being in error that the ship of state is safe in his hands, and that he will steer it on a fair and even course and will not take any flyers in one direction or the other.

Before closing my remarks I should like to say that it was brought to my attention recently by somebody that in Canada today, although the war has been over for four or five years, no fund has been set up to compensate those who have suffered personal or property loss as the result of the war. I