

APPENDIX

BRITISH NORTH AMERICA ACT—PROCEDURE IN AMENDMENTS

LETTER FROM PRIME MINISTER TO PREMIERS OF PROVINCES OTHER THAN QUEBEC

Office of the Prime Minister
Ottawa, September 14, 1949.

The Honourable Leslie M. Frost, M.L.A.,
Premier of Ontario,
Toronto, Ontario.

My dear Premier:

For some time the government has been giving consideration to devising a satisfactory means of removing the necessity, on every occasion on which an amendment to the British North America Act is required, of going through the form of having the amendment made by the parliament of the United Kingdom. It does not accord with the status of Canada as a fully autonomous nation that we should be obliged to have recourse to the parliament of another country, however close our association with that country, to determine our own affairs. Moreover, it has been made increasingly clear to the government that the parliament of the United Kingdom has no desire to perpetuate the existing anomalous situation any longer than is absolutely necessary.

Before the recent election I stated on several occasions that it was the view of the government that a method should be worked out to amend our constitution in Canada, and that any such method should include the fullest safeguards of provincial rights and jurisdiction, and of the use of the two official languages and of those other rights which are the sacred trust of our national partnership.

I stated also that it was the intention of the government, after the election, to consult the provincial governments with a view to working out a method of amending the constitution in Canada, which would be satisfactory to all Canadians.

My colleagues and I recognize that the working out of a satisfactory method of making all kinds of amendments will not be easy, and the government has accordingly decided to submit to our parliament, at the forthcoming session, an address requesting an amendment of the British North America Act by the United Kingdom parliament which would vest in the parliament of Canada the authority to amend the constitution of Canada but only in relation to matters not coming within the jurisdiction of the legislatures of the provinces, nor affecting the rights and privileges of the provinces, or existing constitutional rights and privileges with respect to education and to the use of the English and French languages.

Such an amendment would give the Canadian parliament the same jurisdiction over the purely federal aspects of our constitution that the provincial legislatures already possess over the provincial constitutions, while giving both to provincial rights and jurisdiction and to the historic rights of minorities an express assurance of legal protection which we feel they should have.

We recognize that amendments may be required from time to time in the national interest of those provisions of the constitution which concern both federal and provincial authorities, and that it would be desirable to devise a generally satisfactory method of making such amendments in Canada whenever they may be required.

The federal government would appreciate the opportunity of consulting with the governments of all the provinces on this matter in the manner most convenient to the provincial governments, at an early date after the conclusion of the forthcoming session of parliament. If the provincial governments should desire, meanwhile, to have a preparatory conference of constitutional experts, we would be ready to have federal officials participate.

Our aim is to reach agreement, as soon as possible, on a method of amendment which will relieve the United Kingdom parliament of an embarrassing obligation, and establish within Canada full and final responsibility for all our national affairs.

To this end we are inviting the co-operation of your government and the governments of all the other provinces of Canada.

Yours sincerely,

Louis S. St. Laurent

LETTER FROM PRIME MINISTER TO PREMIER OF QUEBEC

Bureau du Premier Ministre

Ottawa, le 14 septembre 1949.

L'honorable Maurice-L. Duplessis,
Premier ministre
de la province de Québec,
Hôtel du gouvernement,
Québec, Qué.

Mon cher premier ministre,

Depuis quelque temps, le gouvernement cherche à trouver un moyen satisfaisant d'éviter la formalité nécessaire, chaque fois qu'il est besoin d'amender l'Acte de l'Amérique du nord britannique, d'avoir à s'adresser au Parlement du Royaume-Uni. Si étroite que soit notre association à un autre pays, le fait que nous soyons obligés de recourir à son Parlement pour décider de choses qui nous concernent en tant que nation, ne concorde pas avec notre statut de nation autonome. Du reste, il est devenu de plus en plus évident au gouvernement que le Parlement du Royaume-Uni ne tient pas à perpétuer plus longtemps qu'il n'est absolument nécessaire, l'anomalie de la situation actuelle.

Avant les dernières élections, j'ai déclaré en maintes occasions que le gouvernement était d'avis qu'il était opportun d'élaborer un mode d'amender au Canada notre propre constitution et que tout procédé à cet effet devrait comporter les garanties les plus formelles pour la protection de la juridiction et des droits provinciaux, ainsi que de l'usage des langues officielles et des droits qui sont le dépôt sacré de notre unité nationale.

J'ai aussi déclaré que le gouvernement avait l'intention de consulter, après les élections, les gouvernements provinciaux afin de trouver un procédé acceptable à tous les Canadiens, par lequel le Canada pourrait amender sa propre constitution.

Nous reconnaissons, mes collègues et moi, qu'il ne sera pas facile de trouver un mode satisfaisant et général d'amender notre constitution; en conséquence, le gouvernement a décidé de soumettre à notre Parlement, à la prochaine session, une adresse priant le Parlement du Royaume-Uni de conférer au Parlement du Canada le droit de modifier la constitution du Canada, quant aux affaires ne rele-