

The province of Ontario has not replied so far.

I might say that we telegraphed Mr. St. Laurent to appear to-day, and at first he accepted but afterwards found that he had an appointment which prevented him from attending. It may be that he will be able to come and address us after the adjournment if it is found desirable.

We have with us this morning Dr. Beauchesne, Clerk of the House of Commons, who has some information he desires to give us on the subject of our reference.

Dr. ARTHUR BEAUCHESNE, C.M.G., LL.D., K.C., Clerk of the House of Commons.

Dr. BEAUCHESNE: Mr. Chairman and gentlemen: it is quite true that if we apply to the British North America Act the principles followed in the interpretation of statutes, it is not a compact between provinces; it is an Act of Parliament which does not even embody all the resolutions passed in Canada and in London prior to its passage in the British parliament where certain clauses that had not been recommended by the Canadian provinces were added. The resolutions of the Quebec conference were not passed by the legislatures of Nova Scotia and New Brunswick. As to this, I would refer you to the able papers read before the Canadian Political Science Association in 1931 by Mr. N. McLeod Rogers and the late Mr. J. S. Ewart. Nevertheless, the British North America Act has created a situation tantamount to a compact between our provinces which may differ in certain particulars, but, as far as legislative powers are concerned, are on equal footing.

Mr. BOURASSA: You mean between the provinces prior to confederation.

Dr. BEAUCHESNE: No, no, between all the provinces.

Mr. BOURASSA: Yes, but the compact was made before confederation.

Dr. BEAUCHESNE: Yes, there was a compact before confederation. It was embodied in the Act, and that Act has created a situation between all the provinces.

As they all contribute to the federal revenue, they are in partnership for the management of Dominion affairs and the four original provinces do not enjoy any special privilege over the other five. As a matter of fact, they are made equal by section 146 of the British North America Act which provides that new provinces may be admitted "subject to the provisions of this Act". These words are carefully repeated in section 2 of the Manitoba Act, in the preamble of the order-in-council admitting British Columbia to the Union, in the preamble of the order-in-council admitting Prince Edward Island, in section 3 of the Alberta Act and in section 3 of the Saskatchewan Act.

It follows that the British North America Act, as it stands to-day, after having been in force for many years, may be compared to the charter of a society in which the Dominion and the provinces are members and none of them should be listened to by the British parliament if it tried to alter that charter without the consent of the others. The fact that the Dominion of Canada did not exist before, but was created by, the British North America Act does not place it in an inferior position. The same thing happened to Ontario, Quebec, Alberta, and Saskatchewan which had no separate legal status before they were constituted into Canadian provinces. As the legislative powers of the nine provinces are defined in section 92, and the residuary powers are granted to the Dominion in section 91, it seems that neither the provinces nor the Dominion are free to ask that the British parliament either expand or contract those powers without the concurrence of the others.

When the British North America Act was passed, the population of the four provinces which formed the Dominion of Canada aggregated 3,070,601, or less than the present population of Ontario or Quebec. The total revenue of the Dominion in 1868 was \$13,687,928.00 and the total expenditure \$14,071,689.00. The net debt of the country was \$75,757,135. Our railway mileage was 2,278