

ago we were in the vanguard in the race for political autonomy, but we have seen Australia go before us thirty years ago when it received its constitution in 1901. We have seen conquered South Africa go in advance of us, some ten years later, and finally we have seen that glorious little green island coming out from its tomb after seven centuries of foreign domination, and asserting in the teeth of the powerful British nation its right to equality. We have lived to see the day when the statesmen of England bow in respect to that heroic nation which to-day is in the vanguard of all British possessions in the exercise of full powers of autonomy, at the same time realizing the truth of the prediction of Daniel O'Connell, "Grant liberty to Ireland and you will make a friend of her." It took a long time for Britain to repent and see the light; but now she has at her very door a shining example of the fact that liberty granted is far more productive of international amity than law applied with force or maintained by constitutional enactments.

Therefore, sir, may I conclude by saying that I pray for the not too quick but constant advance of the principle contained in this legislation, and for the day when Canada will once more be in the vanguard instead of the rearguard of enfranchisement and autonomy.

Hon. MAURICE DUPRE (Solicitor General): Mr. Speaker, may I first congratulate the hon. member for Labelle (Mr. Bourassa) on the speech he has just concluded. He said in his opening remarks that he considered himself a layman, but may I say to him in front of the batonnier of the province of Quebec the Minister of Marine (Mr. Duranleau), that if I were an examiner at the bar in my province I would be ready to have him called to the bar with no further examination.

Paragraph 66 of the report of the conference of 1929, which my hon. friend the ex-Minister of Justice (Mr. Lapointe) knows very well, was the cause of certain protests last fall before we left for the Imperial conference. This paragraph, with which my hon. friend from Quebec East dealt, reads as follows:

We are accordingly of opinion that the inclusion is required in the proposed act of the parliament of the United Kingdom of express provisions dealing with the matters discussed in the three preceding paragraphs, and we have prepared the following clauses:

I refer to this clause in passing because it is my contention that subsections 1, 2 and 3 with which we have to deal to-day are taking the place of the paragraph I am going to read:

(1) Nothing in this act shall be deemed to confer any power to repeal or alter the con-

stitution acts of the Dominion of Canada, the commonwealth of Australia and the dominion of New Zealand, otherwise than in accordance with the law and constitutional usage and practice heretofore existing.

Those last words were the cause of the protests. In other words, the report of the conference on the operation of dominion legislation in 1929 stated that nothing in the act should be deemed to confer any power to repeal or alter the constitution except in accordance with the law and constitutional usage and practice heretofore existing. In order to avoid any misunderstanding, and to put themselves on the safe side, Premier Ferguson, of Ontario and Premier Taschereau of Quebec sent protests to us. These protests were printed in all the newspapers; my hon. friends opposite are all acquainted with them, but may I quote to the house just three paragraphs. In his letter of September 10 Mr. Ferguson says:

The conference appears to have ignored the fact that the confederation of the provinces of Canada was brought about by the action of the provinces. Our constitution is really the crystallization into law by an imperial statute of an agreement made by the provinces after full consultation and discussion. The province of Ontario holds strongly to the view that this agreement should not be altered without the consent of the parties to it. On behalf of this province

Continues Mr. Ferguson:

. . . . I desire to protest most vigorously against any steps being taken by the Dominion government or the Imperial conference, to deal with the provincial treaty until the matter has been submitted to the provinces and they have had ample time to give the subject proper consideration.

To pursue the course indicated by the report of 1929 will not only greatly disturb the present harmonious operation of our constitution but I fear may seriously disrupt the whole structure of our confederation.

Mr. Taschereau, the Premier of Quebec, sent a protest along the same lines.

Mr. LAPOINTE: Not quite.

Mr. DUPRE: I have not the text of the protest here, but may I say to my hon. friend the ex-Minister of Justice that if he refers to the newspapers of the time he will see in black and white that Mr. Taschereau not only endorses the letter written by Mr. Ferguson but quotes from it as well, and he states that he also wishes to protest against anything we might do in London which might encroach upon the rights of the provinces.

Mr. LAPOINTE: Anything which might alter the constitution is what he said.