

takes place, perhaps upon abdication, certainly upon the acceptance of the abdication by the British statute. At that moment he who succeeds becomes monarch, in the same position exactly as was the monarch he succeeds. It will hardly be suggested that it was ever, or is now, within the power of the Parliament of Canada to change the monarch. It was not in our power before the British North America Act, for there was no Canada; nor was it afterwards. It was not in our power before the passage of the Statute of Westminster, and it is not now, after its passage. That is why there is a preamble. That is why it is a preamble and not a section of the Act. It never was within our power, it is not now within our power, and it cannot be as long as there is an Empire. So we do not get any further by passing this statute.

It has already been stated in the British Act that Canada has requested and consented. I think it has been wrongly stated there; but it is there; so the British Act is completely valid anyway.

Hon. Mr. LYNCH-STAUTON: Does not the law require only that it should be so recited?

Right Hon. Mr. MEIGHEN: That is all.

Now, I said I thought it was wrongly stated there. I repeat that. Canada did not request or consent. Canada did not need to request or consent, it is true, but Canada purported to do so by Order in Council. That Order in Council had no basis in any statute. It was utterly valueless. The Government had no authority to express anything for Canada. The Government cannot express by Order in Council unless there is a statutory base for it. But I do not want to confuse honourable members. This really does not matter. The British statute is valid and is plenary for the whole Empire in the acceptance of an abdication; and the fact is that if this section 4 ever did require anything, all it required was that this be stated in the British Act. That requirement has been met, for it is so stated. That being so, there is no need of this statute. I think it is unfortunate that we have it, because it merely creates a precedent that is going to be the means of confusion in the reasoning out of these matters for all time.

There are certain things for which there should be a statute if it is intended by the British Act that there should be a law applicable to Canada. This is not one of them. If it had been, I think the appropriate thing would have been an address from both Houses. But I say that section 4 does not apply at

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all, because the subject of the occupancy of the Throne never was under the purview and is not now in any sense within the power of Canada.

There was the recitation that if there was to be any change in the law of succession it should not under constitutional practice be made unless previously there had been request and consent by the parliaments of the dominions—quite a proper condition. If any change were made it would be right that we should act. But the law of succession stands as it was; consequently there was no need for legislation at all.

My only purpose in expressing these views is to put them on the records of the House in the hope that they may receive the attention they deserve at the hands of those who would be vested with responsibility if another contingency should arise. Had Parliament been sitting it certainly would have been a wise and, I think, a proper thing, for an address to be passed by both Houses. At the present stage there is no need of anything. But I do not stand in the way of the legislation.

Hon. Mr. MURDOCK: Would the right honourable gentleman explain for my benefit these words in the preamble?

—shall hereafter require the assent as well of the Parliaments of all the Dominions.

If one or two or three parliaments did not assent, would it not be possible for the British Parliament to make a law changing the order of succession?

Right Hon. Mr. MEIGHEN: In my judgment it would be quite possible to do it with complete legal effect without the consent of any dominion at all. The preamble merely recites what is a proper constitutional practice if there is intention to change the law of succession. But what I am trying to drive home is this, that in the present circumstances there has never been any intention to change the law of succession, and it has not been changed. Therefore the preamble is entirely irrelevant to the whole issue, and the title to this Bill is all wrong. It will be a subject of profound amazement to constitutional and legal writers for years to come that we should recite we are called upon to consent to a change in the law of succession and in the style and title of the monarch of this Empire, when there has been no such change at all.

Hon. Mr. LYNCH-STAUTON: Will the right honourable gentleman permit me a question? The honourable the Minister of Justice said in the other House that although His Majesty had abdicated and there was a demise of the Crown in law, it was not at all clear whether or not the former King's de-