

With the end of hostilities the emergency powers lapse. Decentralization will be in order and will be demanded by the provinces and by public opinion but at the same time in the vital fields of reconstruction and social security a measure of centralized planning and financing will be desirable. Decisions must be reached as to whether that can be done under the present constitution with such amendments as are practicable or whether the whole thing should be replaced with a new document to take effect as from the end of hostilities.

There are two theories about the ~~present~~ British North America Act which necessarily affect the approach to the problem. The compact theory is that the original provinces entered confederation under an agreement, did not surrender their former status but delegated certain powers to a new creature, the dominion and that no change can be made without their consent. The other theory is that the British Parliament, possessing supreme powers for legislating within the British Empire, delegated its powers to the dominion in part and to the provinces in part but clearly made the dominion the supreme creation. The compact theory has adherents among the legal authorities in some of the provinces but is not as widely entertained as the other. At the same time it is recognized that, even ~~though~~ if there was no compact between the provinces which has enduring legal effect the union of the provinces would NOT have come about had not certain conditions been met in the British North America Act. There is not much agreement on what these conditions were but as a minimum they embrace what are known as "minority rights", the right to use either the French or English language in parliament and in the legislature and courts of Quebec, the