

what Mr. Lapointe said in reply to the suggestions now made by the Minister of Justice, in this resolution:

I have tried to find in the debates on confederation and elsewhere the reason for the exception in subsection 4 of section 51, but have been unable to do so.

As a matter of fact no one seems to know why that section was placed in either the Quebec conference articles or the London conference articles. During one of the debates Mr. Bennett said that he had tried to ascertain the reason for it, and the only conclusion to which he could come was that it was meant to protect the representation of some of the maritime provinces, although there was no evidence to support that view. After reading the subsection he said:

Why this provision? I cannot find why it appears; I should be pleased if some one could give me a reason. Perhaps it was inserted to help some of the smaller provinces, but when it works the way we see it will work this year, certainly it is an anomaly which works unfairly. I am sure hon. members from Ontario want only representation by population.

An hon. MEMBER: Hear, hear.

Mr. Diefenbaker: Yes; that is what Mr. Lapointe said, but he gave warning of the dangers which would follow the course which is being followed here. He knew the difficulties, he knew the unfairness, and he pointed them out. I shall quote his words, in order to place the record fairly before the house. He said:

Before confederation they fought for it, and that should be the principle governing that province. What amazes me is that this same principle is not working the other way. Why should not the representation decrease when its proportion of population with regard to the whole of Canada has not decreased by one-twentieth? Why should it increase if the number is increased by less than one-twentieth? As it is, any other province which would come under the same conditions keeps its representation, not on account of its own increase, but because of decreases in other parts of Canada,—and not of Quebec, which is taken as the pivot.

He mentions the same difficulties as were referred to by the Minister of Justice the other day in what I think was a masterful address. Mr. Lapointe saw the difficulties in 1938, but he also saw something else, the dangers. I continue with what he said:

A suggestion was made that in order to equalize with Ontario, the number of representatives from Quebec should be increased. I do not think that would be a fair way of settling it. I believe the representation of Quebec should remain at sixty-five, as fixed by the British North America Act, but that subsection 4 of section 51 should disappear. Then we would have a real representation by population.

[Mr. Diefenbaker.]

With that point of view is there disagreement? How, then, are we to change it? This is where Mr. Lapointe, with his farseeing vision, portrayed the situation, realizing as he did that representation by population was not being achieved under that section.

Mr. MAYBANK: Will the hon. member permit a question?

Mr. Diefenbaker: Yes.

Mr. MAYBANK: Suppose the method which has just been suggested were followed, with which the hon. gentleman says he is in agreement, what would be the effect of it? Has the hon. gentleman worked out those figures?

Mr. Diefenbaker: These figures were given by the Minister of Justice. A perusal of *Hansard* by my hon. friend will give him the information he is asking for.

Mr. MAYBANK: Thank you.

Mr. Diefenbaker: I continue with Mr. Lapointe's remarks:

The right hon. gentleman opposite has stated that before parliament meets again at the end of January there will be an interprovincial conference. There are certain changes in our constitution, and with regard to taxation, which seem desirable. I submit the Prime Minister should place this matter before the premiers from the various provinces. If that were done I believe they would come to the conclusion that subsection 4, which certainly works unfairly, ought to be repealed.

Mr. BRIDGES: Will the hon. member permit a question? I do not interrupt often, and I assure him I will not do it again. Is it the hon. member's contention that no amendment to any section of the British North America Act can or should be made without the unanimous consent of all the nine provinces?

Mr. Diefenbaker: Apparently the minister has not been following the argument I have been advancing. I have been quoting the views expressed by his hon. friends, and after I establish that a departure in constitutional practice is being made in the resolution now before this house I will come to the situation he has in mind. Looking ahead a few years, this may well be a measure as a result of which the rights of minorities subjected to a majority in parliament will be destroyed. What did Mr. Lapointe say? He said the matter should be submitted to the provinces. He took that stand in 1932, and gave his successor in 1946 the answer as to the method to be adopted in order to secure fairness in representation. Not only did Hon. Mr. Crerar take that view, but Hon. J. L. Ralston took the same stand—and possibly this will