

union. If tricked or bullied out of what they highly value, they will never be content.

I suggest that hon. members opposite look at the words of Mr. Howe whom history books identify as one of theirs. If tricked or bullied—I emphasize especially that word “bullied”, they will never be content. It seems obvious to me that the government has found itself unable to arrange an honest practicable scheme for bringing home the constitution and has chosen to bully the provinces into accepting those things which they oppose. They will also have the opportunity, some day in the future, by way of their proposed referendum in section 42, to trick the provinces out of what is rightly theirs. To them, I say Joseph Howe was absolutely right when he said that this sort of policy would create incurable dissension.

So we see that compromise was the theme of the day and eventually it led to confederation. But the compromise did not stop there, for if it had we would never have survived as a country to see this day. No, this sense of co-operation and willingness to make certain concessions on behalf of many people is the underlying principle that has allowed Canada to become what it is today—the largest country in the world operating within the structures of co-operative federalism. This has come about because leaders of government have, over the last 100 years, chosen to pursue the ideals set out in that original agreement, those of co-operation, concession, reconciliation of differences and a spirit of unity in working toward a common goal—a Canada they love.

I think it might be wise to spend a few minutes examining some of the examples that have occurred over the past 100 years to illustrate the points I have just set forth. Many amendments to the British North America Act have been brought about over the years. I will come to those shortly. First, though, let us examine some of the lines of thought developed over a period of years with respect toward the union of the British North American provinces. In 1888 in an editorial in the *Toronto Globe*, the following philosophy was extended:

The provinces party to the bargain, were, at the time of the compact, independent nations in the sense that they enjoyed self-government subject to the Imperial veto upon their legislation, to the Imperial appointment of the Governor General and to the Queen's command of the forces. The dominion was the creation of the provinces, or in other words, was created by the British parliament at the request of the provinces. The dominion, being non-existent at the time the bargain was made, was plainly not a party to the bargain. It cannot then be a party to the revision of the bargain.

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Bear in mind this was in 1880 when already there were some pressures for changes in the bargaining procedures. Although this idea may be somewhat extreme in its exclusion of the central government from the amending process, it does bear out a valuable thesis, that the provinces were the creators of the federal government and therefore must play a vital role in any revision of the original pact. I submit that that is certainly not the case today. One year later a former prime minister, the Right Hon. Wilfrid Laurier, recognized the vital sense of agreement that must pervade any discussion on the topic of federalism when he said:

The Constitution

The only means of maintaining confederation is to recognize that, within its sphere assigned to it by the constitution, each province is as independent of control by the federal Parliament as the latter is from control by the provincial legislatures.

This perhaps may be the best assessment of that tenuous fine line that defines our system of government. Each of the 11 governments is independent of the other within the framework of the original agreement. What actually lies at the very heart of Mr. Laurier's statement and is most important in any interpretation of that statement, is that no government should act unilaterally to overrule the other. Once again, the spirit of co-operation is emphasized as being essential in this assessment of confederation. Mr. Laurier was much more forceful in his comment on the distribution of powers when he wrote to Lomer Gouin, a member of the Quebec legislative assembly in 1918. In that letter he said:

To give to the central government, which is drawn from the majority race and the majority religion, the authority to interfere in the jurisdiction assigned to the provinces, is to destroy the legislative independence of the provinces and to make of it a snare and a mockery.

Just what is the hon. gentleman saying? He is asserting that any attempt by the central government to move into provincial jurisdiction such as is proposed to this House presently is to make the authority of the provinces a mockery and essentially to destroy them as a voice of government as originally set out in the British North America Act. It would seem to me that there is no better appraisal of the outcome of the passage of this proposed resolution than that delivered by Mr. Laurier over 60 years ago. Let me quote from another authority:

Federalism is by its very essence a compromise and a pact. It is a compromise in the sense that when national consensus on all things is not desirable or cannot readily obtain, the area of consensus is reduced in order that consensus on some things may be reached. It is a pact or quasi-treaty, in the sense that the terms of that compromise cannot be changed unilaterally. This is not to say that the terms are fixed forever, but only that in changing them, every effort must be made not to destroy the consensus on which the federated nation rests.

That was a quote from the great man himself, the Prime Minister. This of course was his philosophy prior to his rise to power and his attempts to lead Canada down the garden path to a unitary state. It was back in 1964 that the right hon. gentleman delivered a paper to a conference of Canadian law teachers and political scientists whom he was no doubt trying to impress with his wise assessment of the Canadian governmental system.

I must say there are very few times that I find myself in agreement with the Prime Minister, but I find it very easy to agree with him on that statement. I believe, though, that every effort has not been made by the present government to preserve the vital consensus upon which the federated nation rests, if I may borrow the words of the right hon. gentleman. It is fine to say all of these things, but unless such sentiments as they convey are put into practice they are of little value.

For the next few minutes, I would like to examine some of the actions of various men throughout history which do, in fact, embody the philosophies I have just cited. First let us look at the example of 1907 when an amendment was proposed with regard to the federal subsidies paid to the provinces. It is of little relevance to this debate to spend any time on the