

question of whether such unilateral action was legal, and six provinces sued, saying it was not. In April 1981 premiers from all the provinces except Ontario and New Brunswick met in Ottawa and agreed on patriation with an amending formula they could all support. Changes in the Constitution would require the consent of Parliament and of seven provinces, representing 50 per cent of the population. However, a province would be able to opt out of an amendment which took away existing provincial rights or powers, and it would be entitled to fiscal compensation in the event such an amendment did not apply in that province.

On September 28, 1981, the Canadian Supreme Court handed down two rulings, giving some comfort to both sides. It said the unilateral

action by Parliament was legal, but it also said that it was contrary to the "conventions" which held that patriation should be made with the substantial consent of the provinces. "Substantial consent" was loosely defined as meaning more than two provinces but less than ten. The Court said it would be up to the political actors to define it more precisely in the political arena.

The First Ministers met again in the wake of the decision in November, and after intensive negotiations and additional changes the federal government and nine of the provinces reached an agreement. Quebec was the one holdout.

The Final Hours

The First Ministers met Monday, November 2, 1981, at the government's old and handsome



Peter Lougheed, Angus MacLean and William Bennett



Brian Peckford



Claude Morin, then Québec's Minister of Intergovernmental Affairs, Peter Lougheed and René Lévesque