

Mr. FLEMING: And in 1925, page 300 of *Hansard*, the Right Hon. Ernest Lapointe is reported as follows:

Surely, the British North America Act cannot be made a scrap of paper, as that treaty was made at that time. There is a way, perhaps, yes; but the only way is the friendly way, is the legal way, is the constitutional way. It is to approach the various parties to the agreement with a view to arriving at an understanding as to the changes which may be necessary and which may be agreed upon by all the parties to the pact. As I have said, I do not think there could be any other way; I believe that any arbitrary action in the matter would simply defeat its own purpose and would strike at the root of our national unity. I think I cite history correctly when I say that every time there has been a dispute in Canada as regards provincial rights, those who were on the side of provincial rights were victorious in the end. I do not think there can be any attempt to change the mutual charter of both the dominion and the provinces by the arbitrary action of this parliament. I do not think it is possible to do it. To those who want changes, and I am willing to admit that there might be the necessity for changes, I would say that the only way to get them is the constitutional way, to ask the consent of the various parties to confederation. Mr. Speaker, after sixty years of confederation I think we may safely say that notwithstanding the great obstacles which were in their way the fathers of confederation who gathered in 1865 did a great work; I think we may boldly say after sixty years that their work has been a very satisfactory one. It was not perfect; there is no perfection in human devices, but certainly they did the best they could.

As I have said, I would not like to leave the impression that my own view is that no changes should be made at any time, or that no changes are possible.

And further on:

I am not one of those who are riveted to the past and who are prepared to deny to our children the liberty of the future, but those changes the necessity for which may be seen as a result of our experience of sixty years cannot be made unless you proceed in a legal and constitutional way; they cannot be made arbitrarily; they cannot be made only at the will and at the request of the dominion parliament; but those who are just as much interested as the dominion parliament in this matter must have their say, must be consulted, and must give their assent.

And finally, the Right Hon. Ernest Lapointe, speaking on section 51 of the British North America Act made the following statement in this house during the 1932-33 session, as reported at page 1593 of *Hansard*:

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 65, 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.

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 con-

stitution 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.

The voices of the great Laurier and Lapointe are stilled. Their wise words are no longer heeded by this government. The cause which they championed has been renounced by those who lead the Liberal party in this house to-day.

On the other hand, the Progressive Conservative party subscribes to these views so eloquently championed by Sir Wilfrid Laurier and the Right Hon. Ernest Lapointe, and takes issue with the present Minister of Justice and the government. The Progressive Conservative party declares that the provinces should be consulted before this, or any other amendment as far-reaching in its effects and implications, is sought by parliament in the constitution. In this important question the Progressive Conservative party is willing to abide by the results of consultation with the provinces.

Mr. EDOUARD RINFRET (Outremont) (Text): We have before us a resolution the express effect of which will be a more equitable apportionment of members of parliament between the various provinces. Everyone in this house seems to be satisfied with the merits of the resolution, but some hon. members are critical of the method proposed to be adopted to achieve what seems to be a common goal. We have heard criticism to the effect that the desired result could be obtained without the necessity of applying to the imperial parliament. We have been criticized both in and outside this house because we have not consulted and we do not intend to consult and have the authorization or consent of the provinces. It is my intention, Mr. Speaker, to consider and analyse these two contentions and to try to show that they are far from conclusive, as was claimed, and that they should be put aside.

When I listened to the learned and strong exposé of his case made by the hon. member for Stanstead (Mr. Hackett) I was really and genuinely impressed by his logic and I was tempted to agree with him completely; but upon a more careful study of the question and upon a more lengthy scrutiny of the decisions of the Supreme Court and of the Judicial Committee of the Privy Council on the New Brunswick, Nova Scotia and Prince Edward Island references, I have come to the conclusion that his argument could not possibly