

rights which are purely economic are not included in this bill is no indication that those who are fathering it regard them as unimportant. They are omitted because economic freedom of that kind is a matter for positive action by governments, and their achievement is quite different from the negative prohibitions against interference with the political and personal rights of the individual, which have been included. Thus there are two different divisions of the progress which I think we should make: one has been omitted from the bill; the other is embodied in it as fully as possible under the circumstances.

May I repeat that all I ask is that the motion be considered. I feel sure that honourable senators in view of the nature and the comprehensiveness of the subject, will not deny me that. I suggest that the resolution should be referred to a committee, say the Committee on Immigration and Labour, which is perhaps the most appropriate body for the purpose. There it can be considered, and, if this course be thought wise and meet, the substantive motion, that it be referred to the coming conference for further consideration, be concurred in.

Hon. J. J. Kinley: I rise to second the resolution proposed by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I think he is to be commended for his study of this subject and for presenting it to us in concrete form. However, I do not second his resolution with a feeling of unqualified assurance, because, I must admit, my knowledge of the matter is too limited. The resolution contains eighteen distinct articles, having various meanings, and it seems to me that more thought than I have been able to give to it would be necessary before one could vote upon it. I pay tribute to the eminent source from which the resolution comes, but as a humble member of this house whose responsibility in approving or disapproving these articles rests within himself alone, I should like to have additional information. There are some articles about which I am enthusiastic, and others about which I am not so sure. For this reason I think the proper way to deal with the resolution is to follow the suggestion of the honourable senator from Toronto-Trinity, and refer the subject matter to committee for study.

A Canadian bill of rights is something which has been discussed in the other place as well as throughout the country. The honourable senator from Toronto-Trinity has said that Canada is the freest country in the world, bar none, and I agree with his statement. The inspiring national anthem of our American neighbours ends with the note that theirs is "the land of the free and the home

of the brave". With this we would agree, but at the same time I am sure we sometimes feel that their constitution is rather rigid and that we possess freedoms, through our flexibility, which they do not have.

The resolution, in substance, comes from the League of Nations, and is therefore an agreement of many countries. That being so, there may be an element of compromise: it may be that if Canadians are the freest people in the world we would be surrendering something by adopting all the articles of this resolution. By adopting a bill of rights specifically defining our freedoms, we might be restricting rather than advancing the objectives we have in view.

I have been reading a book entitled *British North America Acts and Selected Statutes, 1867-1948*, at the beginning of which there is a note which reads, in part, as follows:

This is a new edition of the "British North America Acts and Amendments" published by the King's Printer in 1943.

All this material has been brought together, selected and annotated by Dr. Maurice Ollivier, K.C., F.R.S.C., Joint Law Clerk of the House of Commons, for the convenience of parliamentarians, civil servants, and more specially for the benefit of students of the Canadian constitution.

I now read from page 29, where it says:

Here we might ask ourselves what is a constitution and we will find that it is the fundamental law of a state directing the principles upon which the government is founded and regulating the exercise of the sovereign powers, directing to what bodies and persons those powers shall be confided and the manner of their exercise.

Amongst the distinctions to be established in constitutions we should mention that of—written and unwritten constitutions. These words however should not be taken too literally as in a country which is governed by a written constitution much of the constitutional or fundamental law is unwritten and is to be found outside the written document called: "The Constitution" for instance amongst the constitutional conventions which have really the force of law. On the other hand a country has an unwritten constitution when the constitution is not contained in a single and overriding document, which does not mean, however, that no part of this constitution is written. In countries like England for instance it has been said that the country did not have a constitution because it could not produce a written document called the Constitution; "however there is no doubt that there exists an English constitution, which any student of history may recognize and admire, composed of a limited number of conceptions and privileges granted by the kings of the earlier periods of certain great leading principles admitted at different times and transmitted from generation to generation, imperishably recorded in Magna Carta and in the Petition of Right, the Bill of Rights, the Act of Settlement and many other statutes. It is composed also of traditions, customs and constitutional conventions. It means freedom to think, to live, to worship and to work out our destiny as men and women who have a great mission and a great responsibility and obligation." The English constitution is part of our own from the very preamble of the B.N.A. Act where it is stated that the provinces have expressed the desire to be federally united with a constitution similar in principle to that of the United Kingdom.