

Mr. CAHAN: What clause is the hon. member referring to?

Mr. BOURASSA: The peculiar clause relating to Canada:

Nothing in this act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

Then:

The powers conferred by this act upon the parliament of Canada or upon the legislatures of the provinces shall be restricted to the enactment of laws in relation to matters within the competence of the parliament of Canada or of any of the legislatures of the provinces respectively.

Which is quite in accordance with the spirit and law of the constitution. But suppose we passed an amendment, for example, to diminish the representation of one of the provinces either in the Senate or here, or to change some of the subsections of section 91 which may affect indirectly the provinces? The Secretary of State (Mr. Cahan) in his speech of May 11 has made reference to possible changes in the constitution which might affect the provinces, although they relate to federal matters alone. I leave the legal gentlemen to go further into the matter, but I think it was quite right for the member for Shelburne-Yarmouth to raise that point.

However, I do not attach tremendous importance to it, because in my view of course this is not a final settlement of the question. As the Minister of Justice (Mr. Guthrie) and the Secretary of State have stated previously, and as the ex-Minister of Justice (Mr. Lapointe) and my humble self have stated previously in the province of Quebec, the time must come when we will exercise our full jurisdiction over the constitution beyond what is already granted to the provinces under section 92. Of course the constitution of Canada at large or any rights belonging to the provinces cannot be changed by this parliament without the concurrence of the provincial legislatures. And of course they would not and should not consent to the right of the Dominion to amend its constitution being entirely unconditional without first asserting and having it acknowledged that this being a confederacy, no more than in the United States, no more than in Switzerland, no more than in Australia, the federal parliament exercising only part of the sovereign jurisdiction cannot make alterations in the constitution which would encroach upon an equal sovereign jurisdiction exercised by the various provinces. The time will certainly come when there will be enough wisdom, enough sense of self-respect either in the provinces or the Dominion of Canada, to find

[Mr. Bourassa.]

means of exercising that right of amending our own constitution by cooperation between the Dominion parliament and the provincial legislatures.

There is just one point I wish to emphasize in the interests of my own province and in the interests of national amity and equity. I have never yet let it be stated or insinuated, and so long as I am in public life I will never let it be stated or insinuated that the province of Quebec is so forgetful of its sense of responsibility and of nationhood, that because of its timidity it would block the exercise of the sovereign will of the Canadian nation.

Mr. LAPOINTE: Hear, hear.

Mr. BOURASSA: Of course the province of Quebec, and I think the other provinces as well, will resist any encroachment on the part of the federal parliament over what has been acknowledged and practised for sixty years as the undoubted rights of the various provinces; but I think also in all those matters which are common to the whole nation, the people of Quebec, who were the pioneers in the fight for liberty and equality in this country, the people of Quebec who extended the franchise to the Jews before the British parliament did so, the people of Quebec who followed the example of Maryland and put all creeds upon the same footing of legal equality, Dissenters as well as Anglicans at a time when in England every man who did not conform to the ecclesiastical laws of the realm was still under legislative or government enactments that were humiliating to him, the people of Quebec who raised the standard of liberty and equality in their province before it was done in any other part of the British Empire, not excluding the United Kingdom itself—in all those matters which are common to the whole nation I should not like to see my province which has been in the vanguard for fifty years be now in the rearguard. I should like to see the thought grow in England that in Canada, once the first outstanding possession of the British Empire, the descendants of two nations that have so long warred against each other for the possession of the new world have finally found means of agreeing between themselves and planting in the soil of America the seed of a great free nation. I admit that on account of these difficulties with regard to the right of appeal to the privy council and the amendment of the constitution, I feel somewhat ashamed to find that in the year 1931 the Dominion of Canada is in the rearguard of all the dominions in the exercise of full-fledged autonomy. Sixty years