

Now, while I do not oppose the measure, I want to place upon the records of the House my views as to the correctness of the procedure which has been followed. I am afraid the Government, or, perhaps, to put the blame just where it belongs, the law officers of the Crown, did not give the subject that close, attentive thinking which it merited. In my opinion there is no need of this Bill at all. I know the Government is in good faith in presenting it, and I intend to support it.

I listened carefully to the argument of the honourable leader of the Government in this House, who tried to convince us of the necessity of the measure, and based his contention upon the Statute of Westminster. I know the Statute of Westminster is in effect. I never thought it really registered much of an advance, if any, and I have always been very doubtful of the wisdom of solidifying into words a constitutional position which has grown through the years, my own faith being that it would have been better left as it was, in the form of a constitutional established practice, than expressed in the form of a definite and fixed statute. But we have the statute. Therefore it becomes us to see just what Canada should do in the presence of the statute and in the circumstances.

There has been an abdication. An abdication of what? Of the Throne of Great Britain and the British Dominions beyond the Seas, and of the Emperorship—if that is the term—of India, by His late Majesty King Edward VIII. There has been what might be described as an acceptance by the Parliament of England of that abdication as a demise of the Crown, and it has been declared by the British Act to be a demise of the Crown. That is what has taken place.

Let us see then where the Statute of Westminster comes in. There are only two portions of the statute which have any bearing on the point at all. First I will read the recital, upon which, apparently, the honourable leader of the Government in this House mainly depends as a justification for this Bill. I ask honourable members to follow me closely, because its very presence here has a significance that I do not think is appreciated. It is present as a recital, not as a section of the statute. It is in this language:

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall

hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom.

Now, the leader of the Government says that by virtue of that recital we ought to consent, because it recites that it is the proper thing for us to do as a Parliament when there is a change in the law touching the succession.

My first affirmation is this—and it is very vital. There is no change in the law touching the succession. The law touching the succession to the Throne and to the style and titles is exactly the same now as it has been for scores of years. There has not been the dotting of an *i*; there has not been a subtraction or an addition. Its identity is precisely what it was. It is embodied in the Act of Settlement, and there it is provided that on the demise of the Crown he or she who occupies such and such a relationship shall succeed. As that law stands exactly as it was, there is no relevancy whatever to this preamble. There is no necessity that can possibly rest on this preamble, for the very plain, manifest reason that the *raison d'être* of the preamble, namely, a change in the law of succession, does not exist.

Now I come to section 4. I do not think the leader of the Government sought, if I understand him correctly, to found any need for this legislation upon section 4. It reads as follows:

No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion—

Honourable members, I rest upon those words.

—as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

Suppose it were contended—and it has been in another place—that because of that section we should pass legislation requesting and consenting. I propose to answer that contention. What the legislation says is that if a statute is passed by the Parliament of Great Britain, that statute is not part of the law of Canada unless it is expressed in the statute that Canada has requested or consented thereto. Now, no statute has been passed by the Parliament of Britain that is intended to be part of the law of Canada. The British North America Act establishes as our monarch the monarch of Great Britain, the one person fixed by the Act of Settlement as monarch of the Empire, of Great Britain and the dominions, and of India. If there is a demise of that monarch there is no king of Canada. A demise of that monarch