

CANADA

House of Commons Debates

OFFICIAL REPORT

Thursday, January 14, 1937

SECOND SESSION—EIGHTEENTH
PARLIAMENT—OPENING

The parliament which had been prorogued from time to time to the 14th day of January, 1937, met this day at Ottawa, for the dispatch of business.

The house met at three o'clock, the Speaker in the chair.

Mr. Speaker read a communication from the Governor General's secretary, announcing that His Excellency the Governor General would proceed to the Senate chamber at three p.m. on this day, for the purpose of formally opening the session of the dominion parliament.

A message was delivered by Major A. R. Thompson, Gentleman Usher of the Black Rod, as follows:

Mr. Speaker, His Excellency the Governor General desires the immediate attendance of this honourable house in the chamber of the honourable the Senate.

Accordingly the house went up to the Senate chamber.

And the house being returned to the Commons chamber:

VACANCIES

Mr. SPEAKER: I have the honour to inform the house that during the recess I received communications from several members, notifying me that the following vacancies had occurred in the representation, viz:

Of Fizalam William Perras, member for the electoral district of Wright, by decease;

Of Hon. Peter John Veniot, member for the electoral district of Gloucester, by decease;

Of Edgar Rodolphe Eugene Chevrier, member for the electoral district of Ottawa East, consequent upon the acceptance of an office of emolument under the crown.

I accordingly issued my several warrants to the chief electoral officer to make out new writs of election for the said electoral districts, respectively.

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NEW MEMBERS

Mr. SPEAKER: I have the honour to inform the house that the clerk of the house has received from the chief electoral officer certificates of the election and return of the following members, viz:

Of Hon. Simon Fraser Tolmie, for the electoral district of Victoria (B.C.).

Of Rodolphe Leduc, for the electoral district of Wright.

Of Clarence Joseph Veniot, for the electoral district of Gloucester.

Of Joseph Albert Pinard, for the electoral district of Ottawa East.

NEW MEMBERS INTRODUCED

Rodolphe Leduc, Esquire, member for the electoral district of Wright, introduced by Right Hon. W. L. Mackenzie King and Hon. Fernand Rinfret.

Clarence Joseph Veniot, Esquire, member for the electoral district of Gloucester, introduced by Right Hon. W. L. Mackenzie King and Hon. J. E. Michaud.

Joseph Albert Pinard, Esquire, member for the electoral district of Ottawa East, introduced by Right Hon. W. L. Mackenzie King and Hon. J. C. Elliott.

Hon. Simon Fraser Tolmie, member for the electoral district of Victoria (B.C.), introduced by Right Hon. Sir George Perley and Hon. H. A. Stewart.

ABDICATION OF KING EDWARD VIII

MESSAGE FROM HIS FORMER MAJESTY DATED
DECEMBER 10, 1936, AND INSTRUMENT OF
ABDICATIO

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, I have received from His Excellency the Governor General a message from His former Majesty, King Edward VIII, dated December 10, 1936, and the instrument of abdication of Edward VIII, of the same date.

Abdication of King Edward VIII

The message communicates His former Majesty's final and irrevocable decision to renounce the throne to which he succeeded on the death of his father, and sets forth the instrument of abdication executed by King Edward VIII on that day. Originals of the instrument of abdication and of the message, each signed in His former Majesty's own hand, were forwarded by command of King Edward VIII, by letter, from Buckingham palace, on December 10, 1936, to His Excellency the Governor General.

The text of the instrument of abdication and of His former Majesty's message were communicated by cable to His Excellency the Governor General on the morning of December the 10th, 1936, and immediately communicated by His Excellency to his ministers.

The originals of the message and of the instrument of abdication are under my hand at the moment. It is my intention, unless hon. members of either the Senate or the Commons should otherwise direct, to have them deposited for safe custody in the office of the Privy Council.

I place in your hands, Mr. Speaker, to be read to hon. members and to be retained among the records of this house, a photostatic copy of each of these documents.

Mr. SPEAKER: The documents are as follows:

Instrument of Abdication

I, Edward the Eighth, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare my irrevocable determination to renounce the throne for myself and for my descendants, and my desire that effect should be given to this instrument of abdication immediately.

In token whereof I have hereunto set my hand this tenth day of December, nineteen hundred and thirty six, in the presence of the witnesses whose signatures are subscribed.

Signed at
Fort Belvedere
in the presence
of
Albert
Henry
George

EDWARD R. I.

After long and anxious consideration, I have determined to renounce the throne to which I succeeded on the death of my father, and I am now communicating this, my final and irrevocable decision. Realizing as I do the gravity of this step, I can only hope that I shall have the understanding of my peoples in the decision I have taken and the reasons which have led me to take it. I will not enter now into my private feelings, but I would beg that it should be remembered that the burden which constantly rests upon the shoulders of a sovereign
[Mr. Mackenzie King.]

is so heavy that it can only be borne in circumstances different from those in which I now find myself. I conceive that I am not overlooking the duty that rests on me to place in the forefront the public interest, when I declare that I am conscious that I can no longer discharge this heavy task with efficiency or with satisfaction to myself.

I have accordingly this morning executed an instrument of abdication in the terms following:—

"I, Edward VIII, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare my irrevocable determination to renounce the throne for myself and for my descendants, and my desire that effect should be given to this instrument of abdication immediately.

In token whereof I have hereunto set my hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

(Signed) Edward R. I."

My execution of this instrument has been witnessed by my three brothers, Their Royal Highnesses the Duke of York, the Duke of Gloucester and the Duke of Kent.

I deeply appreciate the spirit which has actuated the appeals which have been made to me to take a different decision, and I have, before reaching my final determination, most fully pondered over them. But my mind is made up. Moreover, further delay cannot but be most injurious to the peoples whom I have tried to serve as Prince of Wales and as king and whose future happiness and prosperity are the constant wish of my heart.

I take my leave of them in the confident hope that the course which I have thought it right to follow is that which is best for the stability of the throne and empire and the happiness of my peoples. I am deeply sensible of the consideration which they have always extended to me both before and after my accession to the throne and which I know they will extend in full measure to my successor.

I am most anxious that there should be no delay of any kind in giving effect to the instrument which I have executed and that all necessary steps should be taken immediately to secure that my lawful successor, my brother, His Royal Highness the Duke of York, should ascend the throne.

Edward R.I.

10th December, 1936.

ALTERATION IN THE LAW TOUCHING THE SUCCESSION TO THE THRONE

Right Hon. W. L. MACKENZIE KING
(Prime Minister) moved for leave to introduce Bill No. 1, respecting alteration in the law touching the succession to the throne.

Motion agreed to and bill read the first time.

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 r colleagues, the late
 former minister and
 rovince of New Bruns-
 government.

Besides his relatives and those very close to
 him, nobody of this present generation has
 perhaps been more intimately connected with
 the late Hon. Mr. Veniot than I happened to
 be during the last twenty-five years. In 1912,
 I had the honour of being chosen to assist
 him in his capacity of organizer of the politi-
 cal party to which we both had pledged our
 allegiance, in New Brunswick. In 1917, I sat
 with him in the New Brunswick legislature;
 in 1921, I became his colleague in the govern-
 ment of that province; from 1923 to 1925, I
 served under him in the same government;
 in 1934, again I became his colleague in the
 House of Commons, and finally, in 1935, I
 succeeded him in the dominion government as
 the representative of the province of New
 Brunswick.

A few moments ago, the right hon.
 Prime Minister (Mr. Mackenzie King) said
 that the main characteristic of that worthy
 colleague of ours was his courage, and if I
 take the liberty of making these few remarks
 in my own language which was also the
 mother tongue of the late Mr. Veniot, it is
 in order to point out the spirit with which
 he made it his duty to regain that very
 French language which was his own, in spite
 of his environment and the fact that he had
 to acquire his primary education in a prov-
 ince where he could not learn the French
 language.

At the age of twenty-one years Hon. Mr.
 Veniot, who wished to devote himself to the
 social and economic re-establishment of his
 Acadian compatriots, realized that it was
 necessary for him to recover his mother
 tongue, and although he was compelled to
 fight for a living and to learn a trade, he
 devoted himself to the study of the French
 language and learned it sufficiently well to
 become the undisputed leader of his Acadian
 fellow citizens during the last forty years of
 his life.

Hon. Mr. Veniot was a patriot in the fullest
 acceptance of the word; he was truly a
 Canadian. He had the honour of being
 prime minister of his province and during
 the few years that he led the government
 of New Brunswick it may be said that the
 impression which he made on public affairs
 in that province was all to his credit. He
 promoted primary education, he organized
 technical schools, he initiated the Workmen's
 Compensation Act, and also legislation with
 regard to health, roads, hydro electric ser-
 vices, in a word everything that could make
 for the economic and social revival of those
 whom he was leading. He had a firm will,
 and his conception of duty did not stop at
 sacrifice. He well deserves to have his

memory honoured by his own Acadian com-
 patriots as well as by his fellow citizens in
 Canada, that larger homeland which he con-
 sidered as his own.

Mr. Speaker, I deem it a great privilege to
 associate myself with those, who a few
 moments ago, spoke so highly of him, and
 to say how much we owe to that great
 Canadian who will surely rank some time in
 the future among the men who have done
 much for their country.

Mr. J. S. WOODSWORTH (Winnipeg North
 Centre): Mr. Speaker, perhaps it is almost
 unnecessary to say that hon. members in this
 section of the house desire to join with other
 hon. members in paying our respects to the
 memory of those who have passed from us, and
 expressing our sympathy with the immediate
 friends and relatives.

BUSINESS OF THE HOUSE

ACCESSION OF KING GEORGE VI—DEBATE ON SPECIAL ORDER

On the orders of the day:

Right Hon. W. L. MACKENZIE KING
 (Prime Minister): Mr. Speaker, before the
 orders of the day are called, may I say a word
 with reference to the appearance on the order
 paper of the special order in the following
 terms:

That an humble address be presented to His
 Majesty King George VI, extending the greet-
 ings of the members of this house upon His
 Majesty's accession to the throne, and conveying
 to His Majesty and to Her Majesty the Queen
 the assurance of their loyalty and support.

Hon. members will recall that yesterday
 when I asked for unanimous consent to pro-
 ceed with the resolution to-day the hon. mem-
 ber for Winnipeg North Centre (Mr. Woods-
 worth) took exception to my so doing. After
 what I said in reply to the hon. member I
 thought he had agreed to allow the motion to
 be made, but he told me after adjournment
 last night that you, Mr. Speaker, had mis-
 understood his intention in the matter, and
 that in reality he intended to press his objec-
 tion. I mentioned to the member for Winnipeg
 North Centre that I thought hon. members
 generally believed he had consented to the
 order being proceeded with. Moreover I
 drew his attention to the fact that if we did
 not proceed to-day with the resolution we
 could not deal with it until after the debate
 on the address in reply to the speech from the
 throne has taken place, because of the house
 having agreed to give it precedence on Mon-
 day. I pointed out, further, that if the resolu-
 tion were not proceeded with until after we
 had discussed the bill respecting the law
 touching the succession, it might be some time

Accession of King George VI

before it could be adopted. I expressed to him the hope that he would not offer further objection. He has stated to me frankly that he has no desire to delay the motion, but that he feels the point he has raised is one which should be strongly taken; that in bringing forward a resolution expressing loyalty to the new king before disposing of a bill respecting succession the government is not proceeding logically.

My hon. friend has said to me that while agreeable to our proceeding this afternoon, he may nevertheless find it necessary to say something to the government by way of criticism of its action in having consented to the enactment by the parliament of Westminster of the abdication bill. If on this resolution the hon. member for Winnipeg North Centre should desire to exercise some latitude in criticizing the government—while he may not wish to refrain from criticizing the government, I believe he does not desire particularly to do so on this resolution—I am sure the house will be tolerant of his attitude in view of an understanding reached between the hon. member and myself last night, subject of course to the approval of all hon. members, which would permit consideration of the resolution this afternoon.

ACCESSION OF KING GEORGE VI

ADDRESS TO HIS MAJESTY CONVEYING GREETINGS
AND ASSURANCES OF LOYALTY AND SUPPORT

Right Hon. W. L. MACKENZIE KING
(Prime Minister) moved:

That an humble address be presented to His Majesty King George VI, extending the greetings of the members of this house upon His Majesty's accession to the throne, and conveying to His Majesty and to Her Majesty the Queen the assurance of their loyalty and support.

He said: Mr. Speaker, my purpose in rising is to ask hon. members to unite in a resolution of confidence and good will to our new king upon his accession to the throne, and to express our loyalty and support to His Majesty King George VI and Her Majesty Queen Elizabeth.

It is not my intention this afternoon to say anything about the circumstances which led to the accession to the throne of King George VI, beyond saying that they are without precedent in British history. May I point out, however, that they serve to reveal clearly the double foundation on which, throughout the British commonwealth of nations, rests the essential relationship of the crown and the people, namely, on the part of the crown, consecration to all that is highest and best in the well being of a people, and on the part of the

[Mr. Mackenzie King.]

people, loyalty to the crown, as a symbol of the sum and substance of all that is most cherished in the collective life of a nation or a people. In words of unmistakable sincerity, His Majesty King George VI has given assurance of his desire and of the desire of the queen to consecrate their lives for all time to the service of the people.

I can not do better than to read to this house the message sent by King George VI to the two houses of parliament at Westminster a day or two after His Majesty's accession to the throne. The message, under the signature "George R.I.," is as follows:

I have succeeded to the throne in circumstances which are without precedent and at a moment of great personal distress, but I am resolved to do my duty and I am sustained by the knowledge that I am supported by widespread good will, and sympathy from all my subjects, here, and throughout the world.

It will be my constant endeavour, with God's help and supported by my dear wife, to uphold the honour of the realm, and promote the happiness of my peoples.

This gracious message, which was presented to parliament on December 14, was supplemented by another message which was broadcast, to the empire, at the early dawn of the new year. The king's new year greeting to his peoples in all parts of the empire was in these words:

In this first New Year's day of my reign I send all the peoples of the empire my warmest wishes for their welfare and happiness.

In succeeding to the throne, I follow a father who had won for himself an abiding place in the hearts of his peoples, and a brother whose brilliant qualities gave promise of another historic reign. His reign was cut short in circumstances upon which, from their very sadness, none of us would wish to dwell.

I realize the full responsibilities of my noble heritage. I shoulder them with all the more confidence in the knowledge that the Queen, and my mother, Queen Mary, are at my side.

Throughout my life it will be my constant endeavour to strengthen the foundations of mutual trust and affection, on which relations between the sovereign and people of the British Empire so happily rest. I ask your help toward fulfilment of this purpose, and I know that I do not ask in vain.

In this deeply moving message, and from what we know in other ways of the character of our new king, we are able to discern in him one

Who comprehends his trust and to the same
Keeps faithful with a singleness of aim.

There could be no surer guarantee of the extent to which King George VI may be expected to meet the great responsibilities of his reign than the reverence which he has for the memory of his father, his determination to follow in his father's footsteps, of whom it

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may truly be said there never was a better
 king, and the similarity, in many particulars,
 of their dispositions and lives.

It is remarkable that in so many ways their
 lives have been so alike. King George V,
 like King George VI was a second son. The
 early part of the life of each was spent in
 association with the navy; and both came to
 the throne in circumstances which were wholly
 unexpected. As I have said, in disposition the
 present king is very like his father, and those
 qualities which made his father beloved by
 his people will equally make the present king
 beloved by them as well. There is that
 quality of natural simplicity and dislike of
 what is ostentatious, the desire to be unob-
 trusive in his ways, the enjoyment of the
 simple and wholesome things of life; the love
 of home; the joys of country life; a dignified
 tradition of comradeship and human under-
 standing, and a fine sense of duty and obliga-
 tion.

Like his father the present king has been
 singularly fortunate in his happy family life.
 The lives of King George VI, of his queen and
 of their children, are almost as familiar to all
 in this country as they are to the people of
 England.

In sharing the great responsibilities of the
 throne, Queen Elizabeth, herself a descendant
 of early Scottish kings, promises to be to
 King George VI all that Queen Mary was to
 King George V. Already Queen Elizabeth
 and the little Princesses Elizabeth and Mar-
 garet Rose, have won an abiding place in the
 hearts of the people.

In one further particular His Majesty is
 greatly blessed. He continues to enjoy the
 loving tenderness and sure guidance of a
 mother to whom he has been greatly devoted,
 and who, I believe, among women is the most
 honoured and most beloved in the world
 to-day.

It is well, Mr. Speaker, that all these things
 are so because never before has a king
 ascended the throne at a time as critical in
 the affairs of the world as the present. Never
 before has there been thrust on a pair of
 young shoulders responsibilities wider and
 weightier than those which rest upon the
 shoulders of the present king.

Our new king has given us his assurance,
 in no uncertain terms, that he will seek to
 do his part. Already he has accepted his re-
 sponsibilities in a dignified and courageous
 manner. It remains for us to give our assur-
 ance that in the great work of government we
 will do our part. Therefore I am glad to be
 able to avail myself of this, the earliest oppor-
 tunity, to bring forward in this house a reso-

lution expressive of our confidence, our good
 will, our loyalty and our support. It will,
 I know, meet with the unanimous acceptance
 of members of this house. In presenting the
 resolution I am proud to be joined by my
 right hon. friend, the Acting Leader of the
 Opposition (Sir George Perley).

I beg to move, seconded by Sir George
 Perley:

That an humble address be presented to His
 Majesty the King in the following words:
 To The King's Most Excellent Majesty:

Most Gracious Sovereign:

We, the members of the House of Commons
 of Canada, in parliament assembled, desire
 respectfully to extend our greetings upon Your
 Majesty's accession to the throne, and to convey
 to Your Majesty and to Her Majesty the Queen,
 the assurance of our united loyalty and support.

Your Majesty's gracious New Year's message,
 sending warmest wishes for the welfare and
 happiness of your peoples, and dedicating your-
 self and the queen to their service, has been
 deeply appreciated by Your Majesty's subjects
 in Canada in common with those of other parts
 of the British Empire. We believe that, under
 the blessing of Divine Providence, Your Majesty
 will be vouchsafed guidance and strength to
 meet the responsibilities of your noble heritage,
 and to fulfil your purpose to strengthen the
 foundations of mutual trust and affection be-
 tween the sovereign and his people.

We pray that, amid the confusions of the
 world, and the uncertainties of the times, Your
 Majesty's throne may be established in righteous-
 ness; that Your Majesty's counsellors may be
 endowed with wisdom; and that all endeavours
 of Your Majesty's reign may be directed to the
 well-governing of your peoples, the preservation
 of freedom, and the advancement of unity
 and peace.

Right Hon. Sir GEORGE PERLEY
 (Argenteuil): Mr. Speaker, nothing could give
 me greater pleasure than the honour of second-
 ing a resolution of this kind, an address of
 loyalty to His Majesty, King George VI.
 The Prime Minister (Mr. Mackenzie King)
 has moved the resolution in felicitous terms
 and we associate ourselves with his expres-
 sions of loyalty and devotion to the crown.
 From his earliest years the present king, as
 Prince Albert, was brought up and trained
 with the idea in mind that he might some day
 succeed to the throne, and he was taught the
 duty and privilege of service. At the out-
 break of the great war he was serving in the
 Royal Navy, and he was present at the battle
 of Jutland. While still a young man he began
 to take part in public functions as a member
 of the royal family. My position as High
 Commissioner for Canada gave me the
 privilege of meeting Prince Albert several
 times during our stay in London, and I formed
 a high opinion of his ability and his keen
 sense of duty.

Accession of King George VI

I was present officially when he was given the freedom of the city of London at the historic Guild Hall, where he made his first public speech of any importance. We were also at Westminster Abbey when the prince as Duke of York married the charming Scotch girl, and it was a delight to witness the popular enthusiasm on that occasion.

Since that time both the duke and the duchess have carried out the many duties that fall to the lot of members of the royal family in such a way that they have endeared themselves to everyone and have given an example of happy family life such as we all admire and respect.

With this background His Majesty comes to the throne well qualified by training and heredity to bear his heavy burden. He is endowed with wisdom and understanding, and is thoroughly conversant with the constitutional form of government of the British Empire or the British commonwealth of nations of which we are all so proud. We are a free people, and a great and very real democracy under a constitutional monarch. British subjects in every part of the world have shown conclusively that they are devoted to the crown under all circumstances. In many ways His Majesty is like his beloved father, King George V, and I believe that under his wise guidance and with the support of his charming consort the prestige of the monarchy and the proud loyalty of the people for their king will be increased as the years roll on.

To quote from the final words of the present resolution, we pray "that all endeavours of Your Majesty's reign may be directed to the well-governing of your peoples, the preservation of freedom, and the advancement of unity and peace."

We on this side join whole-heartedly in extending to His Majesty and to Her Gracious Majesty Queen Elizabeth our respectful greetings and our assurance of loyalty and support. May I add the sincere wish that their majesties may be blessed with long life, happiness and prosperity. "God save the King."

Hon. ERNEST LAPOINTE (Minister of Justice) (Translation): Mr. Speaker, I highly appreciate the privilege which is mine of seconding the resolution moved by the right hon. the Prime Minister (Mr. Mackenzie King) and of tendering to His Majesty King George VI, on the memorable occasion of his accession to the throne, the respect and good wishes of my French speaking fellow-citizens.

It has been said by a foreign observer that the association of the nations of the Com-

[Sir George Perley.]

monwealth has just given to the world, which has witnessed the downfall of so many empires and the disappearance of so many historic institutions, a great and comforting spectacle that of all its peoples uniting in a common sentiment of loyalty to the crown, in which they respect the symbol of their unity and of their glorious past.

Now that we have achieved the astonishing political progress of conciliating monarchy and democracy, the sovereign no longer directly exercises power, but he continues to be its living emblem.

The United Kingdom and the Dominions, conscious of the providential mission which is theirs of working for the maintenance of stability, order and peace throughout the world, have, in admirable unison, recognized in the proclamation of their new monarch a guarantee of their continuity and of the safeguard of the best British traditions. The Duke of York's striking physical and moral resemblance to his father has been noted with satisfaction in recent years. Schooled like him in the hard and wholesome discipline of a sailor's life, he is moreover endowed with the high moral qualities and absolute devotion to duty that earned for George V the loyalty and affection of his subjects.

After serving his country in the navy and in the air force during the war, our monarch has devoted himself in times of peace to the study of social and industrial questions and to the establishment of closer bonds between social classes. All those who have had the privilege of knowing his distinguished personality, of appreciating the simple and manly dignity of his character, are sure that he fully realizes his responsibilities and that he will scrupulously abide by the rules and duties of constitutional monarchy.

Indeed, in his first official statement to the privy council, the King affirmed his intention strictly to respect the principles of our form of government and his resolve to consecrate himself, before and above all else, to the welfare of his subjects.

May I be permitted to express to the King the assurance of our loyalty and of our wish to see him devote himself to the good government of his people and to the preservation of liberty and of peace.

We wish also to give expression to our respect for Her Majesty the Queen who, by her noble qualities of heart and mind, seems naturally destined to second the devotion of her royal husband.

In conclusion, I wish to recall the words of the official proclamation of His Excellency the Governor General of Canada and to repeat that we beseech "God by whom all

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kings and queens do reign to bless the Royal
Prince George the Sixth with long and happy
years to reign over us."

Mr. J. S. WOODSWORTH (Winnipeg North
Centre): Mr. Speaker, I do not rise to voice
any objection to the words of the address,
but as I intimated yesterday I protest against
the government introducing an address at this
stage of the proceedings. King George VI
may be king de facto, but as I see the matter
he is not king de jure until this parliament
enacts appropriate legislation.

I am really not concerned as to what person
occupies the throne, but I am concerned with
maintaining the rights of parliament, and it
is strange that I should have to take this
attitude especially with the present Prime
Minister (Mr. Mackenzie King) in his seat.
It is undoubtedly regrettable that matters of
procedure and criticisms of government policy
should be mixed up with a formal address
to His Majesty, but as I suggested yesterday
the Prime Minister might have avoided this
by deferring his motion. The bill which the
Prime Minister has introduced should in my
judgment have preceded this address; other-
wise the debate on that bill loses all reality.
The Prime Minister stated yesterday that the
bill referred particularly to the question of
succession in the future, but surely when King
Edward VIII was placed by Mr. Baldwin in
the position where he had to make an im-
portant choice, and he chose abdication—

Mr. MACKENZIE KING: Might I inter-
rupt my hon. friend? I do not think he in-
tends to misrepresent Mr. Baldwin's position,
but I have no understanding that Mr. Baldwin
placed the former king in any such position.
All that I have heard, and all that I have
read of dispatches, would indicate that His
former Majesty had himself asked certain
questions of Mr. Baldwin which Mr. Baldwin
answered. I do not think that in any way
did Mr. Baldwin seek to embarrass His former
Majesty.

Some hon. MEMBERS: Hear, hear.

Mr. WOODSWORTH: Mr. Speaker, I refer
to Mr. Baldwin's speech in the House of
Commons at Westminster:

I saw the king on Monday, November 16, and
I began by giving him my view of a possible
marriage. I told him that I did not think that
a particular marriage was one that would
receive the approbation of the country. That
marriage would have involved the lady becoming
queen. I did tell His Majesty once that I
might be a remnant of the old Victorians, but
that my worst enemy would not say of me that
I did not know what the reaction of the English
people would be to any particular course of

action, and I told him that so far as they went
I was certain that that would be imprac-
ticable. . . .

Then His Majesty said to me—I have his
permission to state this—that he wanted to
tell me something that he had long wanted to
tell me. He said: "I am going to marry Mrs.
Simpson, and I am prepared to go."

It is to that statement I refer.

Mr. DUPUIS: What is the hon. member
quoting from?

Mr. WOODSWORTH: That statement you
will find in Mr. Baldwin's speech in the
House of Commons.

Mr. DUPUIS: But in what publication?

Mr. WOODSWORTH: I just happen to
be quoting from a number of documents that
are included in the January issue of the
Nineteenth Century magazine.

Some hon. MEMBERS: Oh.

Mr. WOODSWORTH: Mr. Speaker, I think
I am quite in order.

Mr. MACKENZIE KING: May I say to
my hon. friend that I imagine the document
he is quoting from is not the full text or he
would probably have given it. I think the
Hansard of the House of Commons at West-
minster will show that prior to the part my
hon. friend has just read Mr. Baldwin had
said that His Majesty had raised this ques-
tion with Mr. Baldwin first, asking Mr. Bal-
win what in his opinion would be the result
of an endeavour to have parliament enact a
morganatic marriage act.

Mr. WOODSWORTH: My point, Mr.
Speaker, is this, that when the king was placed
in that position, or found himself in that
position, the succession was at that time altered.
That is all I want to emphasize at this time.

It seems to me that we as members should
not have been required to take the oath of
allegiance before taking our seats in this
house and voting on this question. The other
day we received a note from the clerk of the
house—I have no doubt he had been instructed
by the government—

Mr. MACKENZIE KING: May I say to
my hon. friend that the government has not
sought to instruct the clerk, but I believe the
clerk has tried to perform his duty as he
believed it should be performed.

Mr. WOODSWORTH: The note said that
an hon. member cannot sit in the house until
he has taken and subscribed to the oath as
required by the British North America Act.
We had already taken the oath a year ago
and already have seats in parliament. If on

Accession of King George VI

the demise of the throne parliament can carry on, I submit that so also can a member retain his seat. But I have no desire to make a scene, and further than that I do not think the matter is of sufficient importance—

Some hon. MEMBERS: Hear, hear.

Mr. WOODSWORTH:—for me to take the action that Mr. Bradlaugh did in England a good many years ago.

I would point out that this house has a very slight knowledge of what actually took place in Great Britain. We have had to depend very largely upon newspaper accounts and radio messages. I have a notice on the order paper asking for the production of papers relative to the abdication of King Edward VIII. These should be before the house, I submit, before the bill is discussed, and the bill should be passed before the address is moved. It is true that the Prime Minister has not absolutely refused to bring down the papers, but he said yesterday that he had consulted with Mr. Baldwin and is consulting with the prime ministers of other dominions to see what they are going to do. I hope the time will come before very long when the Prime Minister of Canada will decide these matters on their merits—

Mr. MACKENZIE KING: May I say to my hon. friend that correspondence is two-sided, and one is not at liberty, where correspondence is confidential, to bring down correspondence unless he has the consent of the other party to the correspondence.

Mr. WOODSWORTH: Well, I submit that when matters of great concern are at stake the members of parliament ought not to be expected to act without an intelligent knowledge of the grounds on which action is to be taken. I have no desire in this matter to do any muck-raking, but the people of this country have the right to know the fundamental facts of the case. Why all this haste and secrecy? Was Mr. Baldwin's action, after all, caused by pressure from the dominions? Whose statement are we to accept, that of Mr. Baldwin or that of our own Prime Minister? I think such questions are important.

I have here a cartoon by Low which represents a procession secretly in the dead of night in which the throne and the demised crown are being transferred under a policy of "hush," "silence" and "mystery," while the press and public opinion have been gagged. It seems to me that our Prime Minister is quite willing to join in that procession.

The government have introduced this bill. If the action of the government on December [Mr. Woodsworth.]

10 was constitutional, surely further legislation is unnecessary. Within a few hours of the Prime Minister's statement of December 10 I wired him saying—

As a member of parliament pledged to loyalty to King Edward VIII—

As we all were at that time.

—I protest against the usurpation by the cabinet of the powers of parliament.

That, I believe, was before the order in council was passed.

There are two questions that persist in my mind. First, why should our Prime Minister, in connivance with Mr. Baldwin, be in a position to absolve me and other members from our declaration of loyalty to King Edward VIII; and, second, why should the Liberal party be in a position to decide who is to be king of the Canadian people? I am not indulging in captious criticism; I am simply trying to emphasize the importance of the precedent which has been and is being set. The Prime Minister relies, I suppose, upon a fait accompli, but in bringing this about he has deliberately set aside an important statute and acted contrary to a constitutional convention. Doubtless the Prime Minister was in a difficult position, I concede that; but the cost of pleasing the British government has been altogether too great.

Mr. MACKENZIE KING: I do not wish to interrupt, but I must take exception to my hon. friend's statement. There was no question of trying to please the British government. When we come to the measure itself I think I shall be able to show the house that the government's action in every particular complied with the Statute of Westminster and was satisfactory.

Mr. WOODSWORTH: I can only use my own judgment, but it seems to me that this action has made the Statute of Westminster a farce. While in Winnipeg the Native Sons were celebrating the anniversary of the passing of the Westminster act, a Liberal prime minister of Canada was lending himself to rubber-stamping a decision of the government of the United Kingdom. Further, so far as Canada is concerned we have once more gone back to government by order in council, thus setting a most dangerous precedent. If the Prime Minister can choose our king he can declare war or commit this country to any policy of less importance than the selection of the head of the state.

It seems to me that the Prime Minister has rather shifted his ground from the position taken in the public statement he gave to the

Canadian people. Minister explained. Baldwin might. He refers to the. I read the pert.

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that the Prime Minister ground from the position statement he gave to the

Canadian people a few weeks ago. The Prime Minister explains his position with what Mr. Baldwin might call "appalling frankness." He refers to the Westminster act, from which I read the pertinent paragraph:

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.

In his statement to the public the Prime Minister admits that—

The action involved in giving effect to His Majesty's instrument of abdication constitutes such an alteration.

That is, an alteration in the law touching the succession, which is something that has already been done. If the Prime Minister is correct in the statement he made yesterday, that the bill is not retroactive, then it should be—decidedly it should be, because we cannot pass over a complete change in the occupancy of the throne, putting down one king and setting up another, and assume that parliament has no particular concern with such a proceeding. The Prime Minister attempts to distinguish between "the legal standpoint" and the preservation of the constitutional convention. In maintaining the first he quotes from section 4 of the Statute of Westminster, which deals with procedure:

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, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

I understand that some lawyers are prepared to say that what is contained in the preamble does not control the various sections; but this preamble is of a very special nature in that it embodies very clearly and definitely a statement of constitutional convention, a convention concerning which the Expert conference of 1929 said:

Such conventions take their place among the constitutional principles and doctrines which are in practice regarded as binding and sacred whatever the powers of parliament may in theory be.

In so far as this section refers to any alteration in the law touching the succession to the throne, it is clear that this can be done only by the action of the dominion parliament.

The Prime Minister, however, leaves this attempted but rather nebulous distinction of legal and constitutional and hastens to emphasize the practical aspects of the case. He pointed out in his public statement that the time element enters in. Well, who created the imperative crisis—the king, or Mr. Baldwin, or Mrs. Wallis Simpson, or the American gossips? Surely if the king of the United Kingdom can be distinguished for legal purposes from the King of Canada then the recognition of the King of the United Kingdom as king of Canada can wait until there is time to call parliament. If the selection of the king of Canada is of such minor importance, the question arises: Why a king at all?

Parliament is now in session; it might have been considered that the very first step would be to discuss and settle this matter. Instead of that we are asked to pass a resolution of loyalty to the king. Surely this is not the proper time to introduce an address of that kind; let us do it at the proper time—after the bill is passed.

What is the Prime Minister's conception of keeping a statute? In his address to the public he stated that he will have it—

—asserted and safeguarded to the greatest practicable extent—

Mark that.

—consistent with all the circumstances of time and space—

Plenty of latitude there.

—and with the imperative, practical necessities—

"Practical" again, and the practicability to be judged by Liberal standards.

—which confronted the government on this unprecedented occasion.

Surely that kind of interpretation could drive a coach and four through any statute!

I would ask the Prime Minister why he adopts one attitude towards the Statute of Westminster, which was put on the statute book only five years ago, and such a different attitude towards the British North America Act, which was put on the statute book seventy years ago. Such an unprecedented situation, declares the Prime Minister, "was not contemplated" when the Statute of Westminster "was drawn and enacted." I ask him, was unemployment on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Was depression on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Were debt burdens, dominion, provincial, municipal and private on an unprecedented scale contemplated when the British North America Act was drawn and enacted? Were great ac-

cumulations of wealth and arbitrary powers of control by the holders thereof on an unprecedented scale contemplated when the British North America Act was drawn and enacted?

Then why does not the Prime Minister recognize the time element in connection with such matters? Why does not the Prime Minister carry out the provisions of the British North America Act "to the greatest practicable extent consistent with all the circumstances of time and space and with the imperative practical necessities" which confront his government and all governments in these rapidly changing days? It looks to me as if the present Prime Minister is prepared to carry out statutes only when it suits him, and that government by orders in council seems to him to be quite justifiable when a Liberal government is in office.

I do not intend to discuss the matter at any greater length on this occasion; it is not in order to say anything with respect to the terms of the bill. What further I have to say will be reserved until the bill is under discussion. At this time I wish merely to lodge a protest against the action of the government in what seems to me to be an effort to railroad through a matter of great importance.

Mr. **POULIOT**: Does the Statute of Westminster provide for a king for Canada other than the king of the United Kingdom?

Mr. **WOODSWORTH**: No, but it does definitely provide that there shall be no new king nor shall anything be done touching the succession without the consent of the governments of the dominions.

Mr. **POULIOT**: If it is the government it is not the parliament.

Mr. **WOODSWORTH**: The parliaments, of course I should have said.

Mr. **POULIOT**: Oh.

Mr. **J. H. BLACKMORE** (Lethbridge): Scarcely a year ago it was my privilege to express devotion to His former Majesty King Edward VIII. To him British peoples everywhere had given warm and spontaneous love and great hopes were entertained for our future under him. His passing is now a mournful memory. After all, however, the British union of peoples is greater than any man. Men may come and go, but the British race must go on. Let us then turn from the past to the future. King George VI has merited our admiration and our loyalty. When I remember the tireless pains with which he has mastered his handicaps I am [Mr. Woodsworth.]

confident that under God he will be able to overcome, with us, the grave difficulties which everywhere beset our way. I take pleasure then in joining with my colleagues in this parliament in saying, "God save the King."

Motion agreed to.

Mr. **MACKENZIE KING**: I think we should sing the national anthem.

The members rose and joined in singing the national anthem.

On motion of Mr. Mackenzie King the house adjourned at 4.30 p.m.

Monday, January 18, 1937

The house met at three o'clock.

PRECIOUS METALS MARKING ACT

Hon. **NORMAN McL. ROGERS** (Acting Minister of Trade and Commerce) moved for leave to introduce Bill No. 2, to amend the Precious Metals Marking Act, 1928.

Motion agreed to and bill read the first time.

CANADIAN AND BRITISH INSURANCE COMPANIES ACT, 1932

Hon. **CHARLES A. DUNNING** (Minister of Finance) moved for leave to introduce Bill No. 3, to amend the Canadian and British Insurance Companies Act, 1932.

Mr. **BENNETT**: Explain.

Mr. **DUNNING**: The amendment is a minor one, affecting small companies incorporated by the provinces in relation to the deposits which they are called upon to make with the superintendent of insurance.

Motion agreed to and bill read the first time.

WEIGHTS AND MEASURES ACT

Hon. **NORMAN McL. ROGERS** (Acting Minister of Trade and Commerce) moved for leave to introduce Bill No. 4, to amend the Weights and Measures Act.

Mr. **BENNETT**: Explain.

Mr. **ROGERS**: It is the intention of the amendment to settle some confusion which has arisen as to the jurisdiction of a police or stipendiary magistrate to hear cases under the Weights and Measures Act. It has been deemed advisable to add to subsection (b) of section 82 the words underlined in section 1 of the bill:

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Hon. **NORMAN McL. ROGERS**:
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at year we voted out opted the slogan "no the town of Bathurst; king for assistance re-used to give him bread taxpayer. We separated provincial and federal direct relief funds were to overcome the objection relief funds for the pay- carried on by ourselves, rces, giving our people g snow, hauling gravel; we made them work, cents an hour for ten six days a week. Our overnight, so to speak. d dollars a year for the an equal sum for each d federal governments. e return, some personal good will from all who instead of allowing them soon reduced our muni- near zero mark, because was forced to reason the lf in this way: "If the ork forty odd hours a as well work on my own or myself." Henceforth nd means of standing on ecoming self-supporting. have not had a single ave only the ordinary and sick that we always will have with us.

imply that every muni- can achieve the same re methods, but I do; no getting away from t—that to-day, with the cannot get the ordinary r work, let alone do t, so long as he knows in front of his nose, so sustenance by the mere nd. If our governing l out of this morass of nly hope lies in getting onsciousness, compelling personal return for the re, by cutting out this eetering, this subsidizing ging on the public treas- ny persons have existed st five or six years.

his house know that in direct relief exists there on the misery of the owners or managers of

business institutions fostering the direct relief idea because they have waxed fat on it, because they tripled or substantially increased their annual cash receipts. These men are no better than brigands, who must be fought in every possible way, but chiefly by the endeavour to promote the principle of "work for living," by the preaching of the gospel of "work for bread and sustenance," regardless of the source from which the work is obtained.

It is towards this goal, no doubt, that the national employment commission is directing its best effort. It has already accomplished very much through its home improvement plan, through its farm employment plan, through its classification of the unemployed into various categories. But there remains one final step to take, and that is to abolish the greatest enemy of true labour by suppressing as far as possible direct relief, state supported charity, the subsidizing of idleness, and to replace it by instilling into the minds of our people work consciousness instead of dole consciousness. This we must do before we can correct the astonishing paradox of prosperity almost equal to that of 1929 running parallel with unemployment of still alarming proportions.

(Translation): Mr. Speaker, it affords me great pleasure to second the motion of my hon. colleague from Essex West (Mr. McLarty) for an address in reply to the speech from the throne.

Right Hon. R. B. BENNETT (Leader of the Opposition): It is not difficult to discharge the formal duty that devolves upon one holding my position, namely, to congratulate the mover (Mr. McLarty) and the seconder (Mr. Veniot) of the address which, Mr. Speaker, it is proposed shall be presented to His Excellency. The speech of the hon. member for West Essex (Mr. McLarty) does him infinite credit, and to me it is a matter of some satisfaction to know that he was at one time a member of the profession in the province in which we both resided. The relations between himself and all other members practising there were friendly, as one would expect, and he carried on the practice of his profession on the very high level which one might anticipate from the speech to which we have listened to-day. I thank him for his kindly references to myself and join with, I am sure, every member of this house in congratulating the hon. member for Gloucester (Mr. Veniot) upon the speech which he has just delivered. It indicates a mind that is carefully considering the great problems that surround us, the solution of which we have not yet learned nor yet found. It was a

speech which we should expect from one who has so long been engaged in the practice of the healing art. I too have some pride in the hon. gentleman's speech inasmuch as we are natives of the same province; there is a saying among those who are sometimes not able adequately to judge, that if anyone is from New Brunswick or from Dalhousie university he has a warm place in my heart.

The speech from the throne apparently does not contemplate a lengthy session. The duties that devolve upon the Prime Minister (Mr. Mackenzie King) in connection with the coronation and the imperial conference are such that, I take it, he is anxious, while doing full justice to every demand that may be made upon him and his government by the country, to be able at the same time to discharge the very serious and onerous responsibilities that rest upon him by virtue of his position; and so far as we may be able to do so, we will endeavour to expedite the business of this house in order that the first minister, who will represent, on the occasions to which I refer, not a party but the whole of Canada, may be relieved of worry as to whether he will be able to attend, and, through prompt and efficient dispatch of business, may be able to represent us at that time.

It is fitting that the speech from the throne should in its very first paragraph direct attention to the changes that have taken place during the last few weeks. I am sure that the speech from the throne adequately expresses the views of every Canadian with respect to the deep concern with which we learned that Edward VIII had renounced the throne of his fathers. It will serve no good purpose to discuss that matter now. I can only read the words of His Majesty King George VI in his New Year's message:

In succeeding to the throne I follow a father who had won for himself an abiding place in the hearts of his peoples, and a brother whose brilliant qualities gave promise of another historic reign. His reign was cut short in circumstances upon which, from their very sadness, none of us would wish to dwell.

I think, however, that if one were to ask me what words that I have read during these weeks more nearly express what I conceive to be the attitude of the late king toward the problems with which he had to deal, those words would be found in this quotation from Othello:

I have done the state some service, and they know't;—

No more of that.—I pray you, in your letters, When you shall these unlucky deeds relate, Speak of me as I am; nothing extenuate, Nor set down ought in malice: then must you speak

Of one that lov'd not wisely, but too well.

Our duties as subjects of His Majesty the new king cannot, I conceive, be more clearly expressed than in the language which His Majesty used both on the occasion of his accession to the throne and in his New Year's address. In acceding to the throne he said:

I meet you to-day in circumstances which are without parallel in the history of our country. Now that the duties of sovereignty have fallen to me I declare to you my adherence to the strict principles of constitutional government and my resolve to work before all else for the welfare of the British commonwealth of nations.

With my wife as helpmeet by my side I take up the heavy task which lies before me. In it I look for all the support of all my peoples.

But more significant are the words used in his New Year's message:

Throughout my life it will be my constant endeavour to strengthen the foundations of mutual trust and affection, on which relations between the sovereign and people of the British Empire so happily rest. I ask your help toward the fulfilment of this purpose, and I know that I do not ask in vain. . . . My wife and I dedicate ourselves for all time to your service and we pray that God may give us guidance and strength to follow the path that lies before us.

Mr. Speaker, is it too much to say that each of us as a Canadian, each citizen of this vast empire, in whatever part he may find himself, should dedicate himself to the service of his country even as the king and queen have dedicated themselves for all time to the service of their peoples. With that I leave the subject, for I am conscious that there must be and will be an earnest desire and effort on the part of all to render to the state, in these troublesome times, such service as will accord with the declaration of His Majesty.

I cannot, however, permit this matter to pass without making at least one observation that arises out of certain discussions which have taken place, both in and out of this house. Respectfully I suggest that the statute dealing with the succession has not been altered. I have no hesitation in saying that had I occupied the position which the Prime Minister now occupies I should have taken exactly the course he took in dealing with the problem which he had to meet.

I think it might be well to look at the language of the statute before we conclude too hastily that there has been any change in the law affecting the succession. The statute is short, and in order that there may be no misapprehension as to the position which I suggest is the sound one I may perhaps read it:

Whereas His Majesty by his royal message of the 10th day of December in this present year has been pleased to declare that he is irrevocably determined to renounce the throne for himself and his descendants and has for

[Mr. Bennett.]

that purpose executed the instrument of abdication set out in the schedule to this act and has signified his desire that effect thereto should be given immediately.

And whereas, following upon the communication to his dominions of His Majesty's said declaration and desire, the Dominion of Canada, pursuant to the provisions of section four of the Statute of Westminster, 1931, has requested and consented to the enactment of this act, and the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa have assented to (the enactment of this act).

Be it therefore enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and the commons in this present parliament assembled and by the authority of the same as follows:—

1. (1) Immediately upon the royal assent being signified to this act, the instrument of abdication executed by His present Majesty on the 10th day of December, one thousand nine hundred and thirty-six, set out in the schedule to this act, shall have effect and thereupon His Majesty shall cease to be king and there shall be a demise of the crown—

This is the part to which attention should be directed:

—and accordingly a member of the royal family next in succession to the throne shall succeed thereto and to all the rights, privileges and dignities thereunto belonging.

(2) His Majesty, his issue, if any, and descendants of that issue, shall not, after His Majesty's abdication, have any right title or interest to or in the succession to the throne, and section one of the act of settlement shall be construed accordingly.

Not modified, but construed.

(3) The Royal Marriages Act of 1772 shall not apply to His Majesty after his abdication nor to the issue, if any, of His Majesty or descendants of that issue.

Now, having read that statute, I think it is only necessary to direct the attention of the house to the fact that it constituted an acceptance of the resignation of office by His Majesty the late king. We call it in technical parlance his abdication, but we had no precedent for abdications and as to the implications of them, and the statute, in order that there might be no doubt in the matter declared that there was a demise of the crown. The king was dead.

Mr. LAPOINTE (Quebec East): Hear, hear; that is right.

Mr. BENNETT: The king was dead. And from that there followed, not a new law of succession, not a new method, but the application of the provisions of the act of settlement by which the Duke of York, being then heir to the throne by the death of the then king, succeeded as George VI. That is the position.

Then, further, the statute merely declares that it should be thus construed. That is

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the instrument of the schedule to this act, and that effect thereto is hereby made.

and upon the communion of His Majesty's said Dominion of Canada, and of section four of the Statute of 1931, has requested the assent of this act, and in Australia, the Dominion of South Africa (in pursuance of this act).

and by the king's most excellent Majesty, and with the advice and consent of his present parliament, the authority of the same as

in the royal assent being the instrument of abdication of His Majesty on the 10th day of January, 1936, and there shall be a

which attention should

member of the royal family who shall succeed to the throne shall have the same rights, privileges and immunities as

the issue, if any, and the king, shall not, after His Majesty's death, have any right title or interest in the throne, and the act of settlement shall be

construed.

the Statute of 1772 shall be construed as if it had been made after His Majesty's death.

that statute, I think it directs the attention of the House that it constituted an act of office by His Majesty.

We call it in technical terms, but we had no precedent as to the implications of the statute, in order that the matter should be determined by the House.

Quebec East): Hear,

the king was dead. And it was not a new law of the method, but the application of the act of settlement of York, being then the death of the then king George VI. That is the

statute merely declares and is construed. That is

all. That is, not having any former precedent, except in the case of James, in which parliament declared that he had abdicated—whether or not he had was a nice question, but at least they declared that he had—leaving that for the moment, parliament then said: We will construe the act of settlement, because the king has made himself dead, as though it were a demise of the crown.

The next section merely gives effect to the first section. The king is no longer a royal personage and no longer requires any consent by parliament to his marriage. That is all there is about that. And the last section deals with the question of himself and his descendants, because England at one time had some difficulties about pretenders, and in order to obviate any difficulty of that kind the statute makes it perfectly clear that that question should not arise.

There is also the question as to the method by which Canada made known its views upon the matter. The Statute of Westminster provides that no act passed by the parliament at Westminster shall have effect in this dominion without the request and assent of the dominion. That merely means the executive of this country in the absence of any provision to the contrary. So far as the government of the day is concerned, it staked its life upon the action which it took, and under our system of constitutional government, with the administration commanding as it does a majority in the House of Commons, the question becomes nothing but a matter of recording the will of that majority upon the records of this house. The question which arose in South Africa and Australia and New Zealand is entirely different. Section 4 does not apply to those dominions except under certain conditions to which attention need not now be directed, namely, by their acceptance of them. South Africa did accept them, I think, in 1934, and so far as Australia and New Zealand and Newfoundland are concerned, they no longer have any application. The statute itself is clear upon that point. Section 10, subsection 3, states that the dominions to which this section applies are the commonwealths of Australia, New Zealand and Newfoundland, and the first part of the section declares that none of the following sections, that is, sections 2, 3, 4, 5 and 6, shall extend to a dominion to which this section applies as part of the law of that dominion unless adopted. The question whether parliament should antecedently express its opinion is one which I think cannot be successfully raised, having regard to the issue which had to be determined. When

the statute was framed in the form in which it is it was done for the purpose of meeting an emergency which might arise, just as an emergency arose in this case. If this parliament should take an opposite view to that taken by the executive it would of course mean the resignation of the government and an application to the parliament at Westminster to enact a statute which would repeal the provision to which effect had been given by an executive which did not command the support of a majority of the house. I think that is all I can usefully say on the matter, although there may be more that could be said.

The question that arises as to the international situation, which naturally engages the attention of every thoughtful man, is certainly one which you would expect to be dealt with immediately after the reference to the change in the succession to the throne. That the international situation is an unhappy one goes without saying. I saw the other day, from a source which is usually accurate, a statement that the moneys expended for armaments and munitions in 1936, together with the commitments made for that year, which will be afterwards expended, amount to the almost incredible figure of three thousand million pounds. I had no means of checking the accuracy of the statement, but it appeared in a responsible journal as an estimate coming from a usually responsible source. That in itself indicates how serious the situation is. Happily we are not menaced by it as many countries are. Those who have travelled in Europe realize the difficulties there are in crossing boundaries, in connection with the enforcement of customs and other laws at frontiers, in connection with passports and so on. Perhaps those who live in Europe little appreciate what it means to live on this continent; sometimes they express the view that it is impossible for them to understand the conditions under which we live as compared with their own.

I for one, however, do not despair because there has been a breakdown in the instrument that was forged by the wit and wisdom of men, relatively, so few years ago, to preserve the peace of the world and, if possible, to prevent another world war. The League of Nations has failed. No one doubts that. Its failure has filled the hearts of many with great sorrow, but the fact that an institution set up by human hands fails is no reason why the wit and wisdom of men should not upon its ruins build a successful league of nations to effect and impose, by their own act, collective security. A few weeks ago in Sydney,

d make a statement at with reference to the s it might avoid further course of this debate 1 were I to take advan- which is an appropriate address refers to the he statement I have in

he abdication of the : two issues which it is and distinct. The first he events which led up t to abdicate, including advice, if any, as may to His Majesty. The onstitutional and legal se followed by the gov- to give effect to the th respect to the matter

ese issues, may I say at win, Prime Minister of a very full and very the parliament at West- 10 with reference to the himself more than to any occasioned the action Majesty King Edward not be necessary for me ct the attention of hon use to the fact that no liament, of any party in ed the absolute sincerity Baldwin's utterances.

Iear, hear.

KING: May I, more- former Majesty, on the had, as he himself said, own behalf without any t, stated in a broadcast entire world, that he had with full consideration the crown and in par- win, the prime minister, had there been anything constitutional difference em, or between him and e decision he had made his alone. He emphasized there been any conflict his ministers.

r might well be left at ss I would leave it there not for the fact that some hon. member for Winni- (Mr. Woodsworth) may some misunderstanding in may have created some

suspicion. I think his remarks, in so far as they might have that effect, should be replied to at this time. What I have further to say will be said largely with that object in view.

Let me make clear first of all that so far as the government of Canada is concerned—and I refer now to the statement of my hon. friend that there had been connivance between the government of Canada and the government of Great Britain, or between myself and Mr. Baldwin with regard to the king's abdication—the first communication received by myself or the government from Mr. Baldwin came after Mr. Baldwin had had three conferences with His former Majesty. Mr. Baldwin has told of one of these conferences which came about at his own instance, in which he spoke to His Majesty as a counsellor and friend. He then referred to three other conferences which he had with the former king, each of which was at the request of His Majesty. At the first of these conferences the king had intimated to Mr. Baldwin that he intended to marry Mrs. Simpson; that he realized that she could not be queen, and that he was "prepared to go." I believe that was the expression used. Mr. Baldwin stated that naturally he was greatly surprised at any such thought in His Majesty's mind and so expressed himself, and said he would require time to think the matter over.

The next interview came when the king himself again sent for Mr. Baldwin. At that interview the king raised a new question, which was as to whether in Mr. Baldwin's opinion the parliament at Westminster would enact a law which would permit him to marry the lady to whom he had referred, she however not to have the position of queen but to live with him at Buckingham Palace as his wife, to take no part in affairs of state, he on his part and she also agreeing that as far as any issue of the marriage was concerned, such issue should be barred from succession to the throne. Again Mr. Baldwin expressed surprise at the matter concerning which his view had been asked. He stated that he would need time to consider the question and pointed out to His Majesty that in considering the question further it would be necessary for him to put the matter formally before the whole cabinet and communicate with the governments of the several dominions since the governments of the dominions were concerned equally with the government of Great Britain in anything which might affect the crown. His Majesty recognized this to be so, and Mr. Baldwin left His Majesty after the interview with the understanding that it was His Majesty's wish that the dominions would be communicated with.

As I have said, it was after these interviews that the first communication came from Mr. Baldwin to myself, from Mr. Baldwin as Prime Minister of the United Kingdom to myself as Prime Minister of Canada, with an intimation that a similar communication was being sent to the prime ministers of the different dominions of the British commonwealth. Mr. Baldwin asked in the communication he sent me whether I would inform him as to what I thought would be the opinion of the people of Canada with respect to the two matters to which I have referred, first the marriage of the king to Mrs. Simpson, she becoming queen, and, second, the marriage of the king to Mrs. Simpson, she not to become queen, but to be the king's wife as described. Mr. Baldwin said that he wished to have this information from the different dominions in order that their views might serve as a guide to him in giving further consideration to the matter.

I replied to Mr. Baldwin's communication, giving it as my view that the people of Canada would not approve of either arrangement.

Some hon. MEMBERS, hear, hear.

Mr. MACKENZIE KING: Shortly after that communication had been sent, our government was formally advised that His Majesty the king was considering abdication. We were told that His Majesty had asked as to the British government's view with regard to the question of a morganatic marriage, or rather I should say had asked the Prime Minister what he believed, having had an opportunity to consult his colleagues, would be the view of the British government and of the British parliament with respect to the enactment of a morganatic marriage act. Mr. Baldwin replied that his inquiries had gone far enough to show that neither the governments of the dominions nor the United Kingdom government would take the responsibility of introducing any such measure. The king stated that he was not surprised that it was so, and apparently no further reference was made to the matter.

The point I wish to make clear here—and I am stating these matters as they came in correspondence to me; all have been publicly stated in Mr. Baldwin's remarks to the British house—is this, that no advice was tendered to the sovereign except in relation to this one question which I have mentioned, nor was advice sought in any other particular. An intimation was received from the Prime Minister of Great Britain to the effect that possibly the different dominions might wish of their own accord to tender advice to His

Majesty. There had been reports in our newspapers, dispatches from the old country—and they were alluded to by my hon. friend the other day—to the effect that Canada was initiating or insisting upon action in this matter. Just why some people in the old country find it necessary continually to seek to have it appear that Canada is the country that is pressing for certain things, I am unable to understand.

When I read these cables, I had very much in mind what happened some months ago when we were told by a section of the press of the old country that it was Canada's proposal that there should be sanctions imposed against Italy of a character that theretofore had not been imposed, that Canada was insisting in these matters. I thought it advisable very promptly to remove any misconception of that kind with respect to the existing situation, and accordingly I issued the following statement to the press on December 4. I believe hon. members will agree that throughout this entire matter I have preserved in so far as it was possible, holding the position I do, as discreet a silence as could be observed, and when I broke it I did so only to prevent erroneous impressions gaining ground which it might be impossible for us later on to overtake. The following is the statement I issued to the press:

There is one thing I should like to say about many of the cabled communications which have appeared in our press. It is quite wrong to allege that in the existing situation any proceeding or course of action in Great Britain has been at the instance of or upon the insistence of the dominions, and of Canada in particular, as distinguished from the United Kingdom. I can, of course, speak with knowledge and authority only in so far as Canada is concerned, but I believe what I am saying will be found to be equally true of all the self-governing dominions.

There is and has been on the part of the Prime Minister and government of the United Kingdom full recognition of the fact that the several dominions are vitally interested in all that pertains to the crown. As a consequence, there is, and has been, consultation between the several governments. The initiative has necessarily been with the British government. It has been taken, however, with due regard to the collective concern and responsibility of the several governments of the British commonwealth.

I have mentioned, Mr. Speaker, that in replying to Mr. Baldwin's first communication I did so entirely on my own. In that particular my attitude was similar to that of Mr. Baldwin himself in relation to his colleagues. He intimated to the House of Commons at Westminster that having regard to the character of the conversations held and the critical

[Mr. Mackenzie King.]

situation involved he had thought it advisable to deal with the matter himself in the first instance before having it come into the arena of general discussion and into the light of publicity, the occasion for which he had hoped might never arise. However, when the matter once came before the British cabinet, and I was so advised by the Prime Minister of Great Britain, I immediately communicated to my colleagues the opinion that I had given to Mr. Baldwin. We considered at that moment if we should advise His Majesty on our own as was done by some of the other dominions. My colleagues shared in its entirety the view which I had expressed in my communication to the Prime Minister of Great Britain and authorized me in communicating further with the Prime Minister to say that he might convey to His Majesty the view which I had personally expressed as the view of the entire cabinet; that it expressed our united opinion of how the situation would be viewed by parliament and by the country.

The one question upon which we really had to express an opinion was whether or not we could as a government undertake the responsibility of introducing to this parliament a bill to make possible a morganatic marriage. We felt that no government in Canada would for one moment think of assuming that responsibility any more than in any of the other dominions of the British Empire or in the United Kingdom itself. Nor did we believe that if such a measure were introduced it would get the support even of my hon. friend from Winnipeg North Centre (Mr. Woodsworth).

May I say that we took one further step. When it became publicly known that the issue had narrowed down to the one point to which I have referred, where His Majesty had himself to choose between two loyalties and decide which of the two he would choose, we as advisers to His Majesty on behalf of the Canadian people felt that we should send a communication to him which would let him know, without any question, what in our opinion was the right thing for His Majesty to do. Accordingly, after conferences with my colleagues in the cabinet, on December 8, I called on His Excellency the Governor General, His Majesty's representative, and asked His Excellency if he would communicate to His Majesty an expression of opinion from the government of Canada in relation to the situation which His Majesty was considering. This opinion was communicated at once by His Excellency and was received by His Majesty before a final decision

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I do not v parliament an it to pass in saying that s decision take the people of the deep remember th former Majes as Prince of ber the way i of kingship reign, and ab gracious man invitation of

had thought it advisable to appear in person in the first instance, but as it came into the light of the situation and into the light of the position for which he had arisen. However, when he appeared before the British House of Commons, advised by the Prime Minister of Great Britain, I immediately expressed to my colleagues the opinion that we should support Mr. Baldwin. We would not do so if we should have our own as was done in the dominions. My colleagues entirely agreed with the view which I expressed in my communication to the House of Commons in Great Britain and authorizing further with the view that he might convey the view which I had personally expressed. Our united opinion would be viewed by the House of Commons.

Upon which we really have an opinion as to whether or not the Government should undertake the proposal of this parliament, a morganatic marriage, that no government in the present moment think of assuming any more than in any of the other parts of the British Empire. Nor did we measure were introduced in support even of my hon. member for North Centre (Mr.

I took one further step. It is publicly known that the Government has come down to the one point where His Majesty is between two loyalties, the two he would choose, His Majesty on behalf of the Government felt that we should send him which would let any question, what in the right thing for His Majesty, accordingly, after conferences in the cabinet, on December 10, His Excellency the Governor-General, His Majesty's representative in Canada, His Excellency if he would send His Majesty an expression of the opinion of the Government of Canada which His Majesty's opinion was communicated to His Excellency and was reported before a final decision

was made. What I asked His Excellency to communicate as a direct message to the king from his Canadian ministers by myself as Prime minister was as follows:

My colleagues and I desire to have Your Majesty made aware of the deep sympathy we feel for you in the momentous decision which, at the present time, you are being called upon to make.

There is no doubt in our minds that a recognition by Your Majesty of what as king is owing by you to the throne and to Your Majesty's subjects in all parts of the British commonwealth should, regardless of whatever the personal sacrifice may be, be permitted to outweigh all other considerations.

A formal acknowledgment of that particular communication was not received from His former Majesty, but hon. members will recall that in His Majesty's communication to his several governments advising them of his decision to renounce the throne, he expressed his appreciation of the appeals which had been made to him to take a different decision. He emphasized as well that the decision was entirely his own.

The former king made one further statement, and it is one which I think we should all have in mind. He said he hoped he might have the understanding of his peoples and he asked his peoples to believe that the decision he had taken was that which he believed was best for the stability of the throne and empire and the happiness of his peoples. I believe that His Majesty in those words spoke sincerely, and that in making the decision he did he took it, as he has said, from the standpoint of what, as he knew the situation himself, he believed would be most in the interests of the throne and of his peoples. That, however, is an individual opinion, and each must form his own opinion. May I add that I hope none of us will be too quick to judge any man's actions, and least of all the actions of one who has carried the burden which the former King Edward bore for so many years.

I do not want this matter to pass in this parliament any more than Mr. Baldwin wished it to pass in the British parliament without saying that so far as Canada is concerned the decision taken by His Majesty is one which the people of Canada received with a feeling of the deepest sadness. We shall always remember the impression formed of His former Majesty when he visited this country as Prince of Wales. We shall always remember the way in which he shouldered the duties of kingship during the short period of his reign, and above all we shall never forget the gracious manner in which he accepted the invitation of the war veterans of Canada to

proceed to Europe to unveil the monument at Vimy in memory of those who had lost their lives in the Great war. It is of interest that this should have been the only official occasion in the reign of His former Majesty on which he visited the continent of Europe.

I think, Mr. Speaker, that I have said about all that needs to be said with respect to the circumstances which led up to the king's abdication and this country's part in relation thereto. I have given parliament what I have given to-day in order that this House, the other House, and the country should know of Canada's part in the matter. I cannot think of anything in the correspondence which I have kept back which would be at all pertinent. I have tried to give everything of significance. I believe the statement I have made will clear the minds of the public of this country of any doubt, if there should happen to be any, with respect to the wisdom of the part which this government took in relation to what preceded the actual abdication of the king.

In connection with this whole matter there was necessarily a great deal of correspondence, as correspondence took place, not only with Great Britain but with the governments of the other dominions of the British commonwealth. When it became apparent that there was a possibility, then a probability, and, finally, a certainty of the king's abdication, it became necessary for all governments to consider very carefully what their action would be with respect to the enactment of a measure or measures to give effect to the instrument of abdication and with respect to questions which might arise pertaining to the succession.

May I point out two considerations which it seems to me are necessary to be kept in mind at all times by all the governments of the British commonwealth when dealing with questions which may affect the commonwealth as a whole. On the one hand, there is the importance of laying emphasis upon national autonomy and, on the other, the equal importance of laying emphasis upon imperial unity. These two must be regarded as inseparable if the British commonwealth is to hold together. There are times when it is necessary to emphasize strongly the position of our national autonomy; there are other times when it is equally desirable that the need of unity between all parts of the British Empire should be strongly stressed. If there ever was a time in British history when it was of importance that the unity of the British Empire should be demonstrated to all the other nations of the world, it was when a question affecting the crown itself was under consideration. Our government, in its every

action, kept before it the importance of preserving everything that was essential to national autonomy, but equal emphasis was placed upon a unity which was never felt more strongly than at this particular period.

What this incident has served to reveal is that because of our British parliamentary institutions there is a bond as between the different parts of the commonwealth, the strength of which, perhaps, the world has never previously known. As a result of that bond, as a result of the understanding which one part of the empire has of matters which are of concern to other parts, it has been possible for the United Kingdom and all the dominions to take the concerted action which has met with general approval in the parliaments of all.

At six o'clock the house took recess.

After Recess

The house resumed at eight o'clock.

Mr. MACKENZIE KING: Mr. Speaker, when the house rose at six o'clock I had been speaking on matters pertaining to the abdication of the former king. I pointed out that there were really two issues: one, the events which led up to the abdication, in connection with which it was important to consider what advice had been tendered to His former Majesty; the other issue being the propriety of the procedure from a legal and constitutional point of view adopted by this Canadian government at the time of the change of sovereigns. I had completed all that I wished to say on the first issue. I shall now have a word or two to say with regard to the second.

In considering the action of the government it is necessary for the house to understand just when it was that the government was advised of the final decision of the former king to abdicate. Perhaps hon. members will be interested in knowing that the first definite word we received came very late on the evening of Wednesday, December 9. At that time we were informed that on the following day His Majesty intended to execute an instrument of abdication renouncing the throne for himself and his successors and that legislation would immediately thereafter be introduced in the British house giving effect to the abdication and barring from succession to the throne any issue of King Edward. It was early on the morning of the day following, Thursday, December 10, that we received the actual word from Buckingham Palace that the king had executed an instrument of abdication and had communicated his intention to renounce the throne for himself and his

[Mr. Mackenzie King.]

descendants. That word was sent from Buckingham Palace to His Excellency the Governor General by cable. It was immediately communicated by His Excellency to his ministers. Subsequently that information was sent by mail also from His Majesty the king. Both the instrument of abdication and the communication were signed in His Majesty's own hand. Both of these documents were read to hon. members of the house on the day of the opening. Perhaps I should make it clear that His Majesty sent the original of the abdication and the original of his communication announcing his intention, not only to both houses of parliament at Westminster, but to each of the governments of the self-governing dominions. The documents which came to Canada are now in the safe custody of the privy council.

Immediately after receiving this authoritative information, the cabinet, which had been summoned to meet anticipating the receipt of both communications, considered an order in council which was submitted to His Excellency for approval and which set forth the reasons why the government thought it well to proceed in the manner it did, namely to request and to consent to the enactment by the British government of an act which came to be known as His Majesty's Declaration of Abdication Act, 1936.

Mr. CAHAN: Would the right hon. gentleman allow a question?

Mr. MACKENZIE KING: Yes.

Mr. CAHAN: I do not wish to interrupt, but the right hon. gentleman said that he would allow questions if doubt arose.

Mr. MACKENZIE KING: Yes, certainly.

Mr. CAHAN: Did this dominion by any other instrument or document request and consent to the enactment of the act dealing with the abdication? Was that request and consent conveyed through any other instrument or document than the order in council to which the right hon. gentleman refers?

Mr. MACKENZIE KING: No, it was not. Naturally, in preparing for any possible emergency, every possibility was considered, and the British government were advised the day before that in the event of the king abdicating they might expect a communication along certain lines, lines which I am about to indicate. The only official communication which was sent is the one that I am about to read. I think it had better be placed in its entirety on Hansard because it sets forth all of the important stages and also the reasons which governed in the matter of the government's action.

Certified to the committee the Excellency the Governor General, December, 1936.

The committee before them 1936, from the Minister and Affairs submitted Minister of J

1. That His Majesty's report tenth day of Majesty's government this day duly tion, a copy of

2. That His United Kingdom tentation to into the parliament effect to His Majesty and to provide the said legislation, a copy of

3. That the provides in the as follows:

And when out by way inasmuch as free association British colonies they are under the crown, established members of one another touching the royal style the assent the dominions United Kingdom

and in the following (4) No Kingdom this act shall to a dominion that act and consent

4. That in the interests of the satisfied, it request and consent of the to insure convention the preamble sary to make of the parliament

5. That, by day of November ada has been day of January

6. That it assembling enable appropriate taken prior enactment of parliament

The communication of the Minister and Affairs, with of Justice, a

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Certified to be a true copy of a minute of the committee privy council approved by His Excellency the Governor General on 10th December, 1936.

The committee of the privy council have had before them a report dated 10th December, 1936, from the Right Honourable the Prime Minister and Secretary of State for External Affairs submitted, with the concurrence of the Minister of Justice, as follows:

1. That His Majesty the king through His Majesty's representative in Canada has, this tenth day of December, 1936, informed His Majesty's government in Canada that he has this day duly executed an instrument of abdication, a copy of which is hereunto annexed;

2. That His Majesty's government in the United Kingdom have communicated their intention to introduce immediately legislation in the parliament at Westminster in order to give effect to His Majesty's instrument of abdication and to provide for the succession to the throne. The said legislation to be based upon a draft bill, a copy of which is hereunto annexed;

3. That the Statute of Westminster, 1931, provides in the second recital of the preamble as follows:

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,

and in the fourth section as follows:

(4) 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 unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

4. That in order to ensure that the requirements of the fourth section of the statute are satisfied, it is necessary to provide for the request and consent of Canada to the enactment of the proposed legislation; and, in order to insure compliance with the constitutional convention expressed in the second recital to the preamble hereinbefore set forth, it is necessary to make provision for securing the assent of the parliament of Canada thereto;

5. That, by proclamation dated the thirtieth day of November, 1936, the parliament of Canada has been summoned to meet on the 14th day of January, 1937;

6. That it is impossible so to expedite the assembling of the parliament of Canada as to enable appropriate parliamentary action to be taken prior to or contemporaneously with the enactment of the proposed legislation by the parliament at Westminster.

The committee, therefore, on the recommendation of the Right Honourable the Prime Minister and Secretary of State for External Affairs, with the concurrence of the Minister of Justice, advise—

(a) That the enactment of legislation by the parliament of Westminster, following upon the voluntary abdication of His Majesty the king, providing for the validation thereof, the consequential demise of the crown, the succession of the heir presumptive and revision of the laws relating to the succession to the throne, and declaring that Canada has requested and consented to such enactment, be hereby approved;

(b) That the proposed legislation, in so far as it extends to Canada, shall conform as nearly as may be to the annexed draft bill;

(c) That the legislation, enacted as aforesaid, shall be submitted to the parliament of Canada, immediately after the opening of the next session, so as to enable the parliament of Canada to take appropriate action pursuant to the provisions of the statute of Westminster;

(d) That His Majesty's government in the United Kingdom shall be informed accordingly.

All of which is respectfully submitted for Your Excellency's approval.

E. J. Lemaire,
 Clerk of the Privy Council.

There is attached to the order in council copy of the instrument of abdication and a copy of a bill to give effect to His Majesty's instrument of abdication and for purposes connected therewith, which was entitled, an act to be cited as His Majesty's Declaration of Abdication Act, 1936.

As I have said, that order in council was passed on the morning of December 10, and immediately communicated by cable to His Majesty's government in Great Britain. The cable was received before the bill to which it refers was introduced in the British house. As I have already mentioned, His Majesty's instrument of abdication was executed on the morning of the tenth, and the bill was introduced and received first reading in the British house later on in the day. It passed its second and third readings on the day following and also passed the House of Lords and was assented to on the afternoon of December 11, at which time King George VI immediately succeeded to the throne.

What I wish to point out immediately is this. Our government had, as I have said, no definite assurance that His Majesty King Edward VIII had finally and definitely decided to renounce the throne for himself and his successors until word came from Buckingham Palace itself in the manner I have indicated. Had the government called parliament together before receiving that definite word, it would have been equivalent to an assumption on the part of the government that the king was going to abdicate. It was, I believe, the wish of all parties at that time that His Majesty should not abdicate. I have given to the house this afternoon the advice—if hon. members wish so to term it—which the Canadian government tendered His

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KING: Yes.

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KING: Yes, certainly.

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KING: No, it was not.
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Majesty while he was considering his final decision, it expressed the hope that His Majesty would see his way to take the course which was obviously the one which the peoples of the commonwealth hoped he would take. So that until the very end, one might say, or within a day at the most of the abdication, it was not possible for the government to be certain that King Edward VIII had reached an irrevocable decision.

Might I direct attention also to this fact, that had parliament been specially summoned several days would necessarily have elapsed before parliament could have met. Parliament had already been summoned for regular session by His Excellency; we knew that parliament would be meeting on the fourteenth day of this month. It would have taken at least six or eight days for members to gather together here after any summons had been sent out prior to the abdication of the king. Every hon. member of the house has the right to expect that he will receive sufficient notice and have sufficient time to be in his place in the house when important business is being transacted. I believe this house would have censured the government had we not afforded an opportunity sufficient for all hon. members to be in their seats if it had been thought essential to call parliament together for any purpose whatsoever. I wish to make quite clear that it was in every way impossible to have had parliament here in time to pass any legislation prior to the time at which King Edward abdicated, or simultaneously, shall I say, with that of the British parliament—absolutely impossible.

I do submit, Mr. Speaker, that in matters of this kind the government must take the course which it believes will commend itself to members of parliament generally. I am sure that the hon. members of this house would not have welcomed any summons to be here within a limited number of days—any summons that had been sent out immediately prior to the abdication of the king—in order to consider what should be done with respect to the abdication and the accession of the new sovereign. In this matter the cabinet was governed by circumstances of time and space in reference to which all matters have to be considered, and in addition to that it was governed by the common sense of the situation. But may I point out that, quite apart from all that, as the right hon. the leader of the opposition (Mr. Bennett) said this afternoon, there was nothing that this parliament could have done to have

[Mr. Mackenzie King.]

prevented the succession of King George VI to the throne once King Edward VIII had abdicated. The minute King Edward VIII abdicated there was a demise of the crown. And upon the demise of the crown the next in order of succession comes to the throne. The next in succession was the present King George VI.

A demise of the crown may take place in one of two ways, either by the death of the sovereign or by abdication. Heretofore in British history abdication has not been thought of except, as my right hon. friend mentioned this afternoon, in one case. Then it was an afterthought rather than a forethought, and it was not believed that anything of the kind would occur again. The demise of the crown occurred the moment King Edward abdicated—and there is nothing to prevent a king abdicating. No parliament can prevent a king abdicating; that is his right and his privilege, and when he abdicates there is a demise of the crown.

Mr. CAHAN: Must not the act of abdication be accepted by parliament?

Mr. MACKENZIE KING: No; I am glad my hon. friend has asked that question.

Mr. CAHAN: The authorities I find seem to indicate it.

Mr. MACKENZIE KING: I beg to differ with my hon. friend. My understanding is—and I have also looked up authorities—that there is nothing to prevent a king abdicating. If he desires to renounce the throne and abdicate there is nothing that parliament can do about it. Parliament may pass acts galore, but it cannot alter the fact that the king has left the throne, and another king has succeeded the moment he has abdicated.

Mr. BENNETT: I think my right hon. friend will reconsider that in a moment, for this reason: His Majesty King Edward VIII assented to the bill that accepted the abdication. If the throne became vacant by the mere abdication he was no longer king. After he had executed the instrument he was no longer king, but he was king until he assented to the bill.

Mr. MACKENZIE KING: That is quite true as regards what happened in this case, but if he had abdicated and gone away and had not waited to assent to the bill it could not have been suggested that he was still king.

Mr. CAHAN: There would have been an act declaring that he had abdicated.

Mr. MACKENZIE KING: The fact of abdication.

Mr. CAHAN: If he had left the throne, he would have had to do an act in order to get the crown. There is no question of abdication.

Mr. MACKENZIE KING: The fact that I have mentioned is that the king has abdicated, either by death or by abdication.

Mr. CAHAN: Parliament.

Mr. MACKENZIE KING: The fact that I have mentioned is that the king has abdicated, either by death or by abdication. The fact that the king has abdicated is quite a different matter.

Mr. CAHAN: The fact that the king has abdicated is quite a different matter.

Mr. MACKENZIE KING: It is equally evident that the king has abdicated, either by death or by abdication. The fact that the king has abdicated is quite a different matter.

Mr. CAHAN: The proper time.

Mr. MACKENZIE KING: The fact that the king has abdicated is quite a different matter. The fact that the king has abdicated is quite a different matter. The fact that the king has abdicated is quite a different matter.

Mr. CAHAN: The proper time.

Mr. MACKENZIE KING: The fact that the king has abdicated is quite a different matter. The fact that the king has abdicated is quite a different matter. The fact that the king has abdicated is quite a different matter.

on of King George VI to Edward VIII had abdicated the crown. And the crown the next day passed to the throne. The present King

may take place either by the death of abdication. Heretofore abdication has not been my right hon. friend's case. Then rather than a foregone conclusion, not believed that anything would occur again. The moment occurred—and there is nothing indicating. No parliament abdicating; that is his case, and when he abdicated of the crown.

Is not the act of abdication by parliament?

KING: No; I am glad to answer that question.

What authorities I find seem

KING: I beg to differ. My understanding is—based on authorities—that in the event a king abdicating, the crown passes to the throne and abdication that parliament can do may pass acts galore, the fact that the king has another king has succeeded has abdicated.

I think my right hon. friend that in a moment, for instance King Edward VIII had accepted the abdication—became vacant by the fact that he was no longer king. After the instrument he was no longer king until he assented

KING: That is quite what happened in this case, the king had abdicated and gone away and assented to the bill it could be stated that he was still

There would have been an act had abdicated.

Mr. MACKENZIE KING: Yes, but the fact of abdication rests with the king himself.

Mr. CAHAN: The initiation of it, yes; but if he had left England, then parliament would have had to deal with the situation and pass an act in order to create a demise of the crown. There is no demise on the mere signing of abdication.

Mr. MACKENZIE KING: The authorities I have consulted on the matter all indicate that demise may take place in one of two ways, either by the death of the sovereign or by abdication.

Mr. CAHAN: Yes, when accepted by parliament.

Mr. MACKENZIE KING: That is quite sufficient for me, and that is all I wish to convey to my hon. friend—that the abdication of the sovereign was what in effect created the demise of the crown. The fact that parliament subsequently agreed to the abdication is quite a secondary consideration.

Mr. CAHAN: Oh, no; it is equally essential as the signing of the abdication.

Mr. MACKENZIE KING: Well, assuming it is equally essential, it could not have altered the situation one whit so far as this parliament is concerned, unless my hon. friend is going to suggest that we might have held up the abdication for a week by waiting until the members were summoned. Perhaps that is the point he has in mind.

Mr. CAHAN: I will make my point at the proper time.

Mr. MACKENZIE KING: This government sought to meet the wishes of King Edward in his communication, namely, that effect might be given to the abdication as quickly as possible and that his brother might succeed to the throne without delay, so that there might be as little disturbance as possible politically throughout the country. And that was the wish which the British government sought to carry out. My hon. friend may be contending that we might have waited for a week or two and not assented to the abdication until parliament could have been brought together here.

Mr. CAHAN: I am suggesting no more than I stated, that the act of signing the document of abdication did not effect an abdication until that was accepted by parliament.

Mr. MACKENZIE KING: Well, I will not contend further with my hon. friend on the point. It is a very minor one so far as the issue that I am discussing now is concerned,

no matter which way it is decided. The real question at issue at the moment is whether the present government adopted a proper procedure in requesting and consenting to the act which was passed by the British parliament, rather than refusing to take that course and summoning our own parliament to deal with the matter by legislation. If we had adopted the latter course there would meanwhile have been uncertainty, confusion and doubt as to the legality of executive and judicial acts. We would have been inconveniencing every hon. member of this house; we would have been adopting what I think hon. members and the country generally would have regarded as an absurd course, losing altogether the spirit of the constitution and accepting some letter, straining at a gnat and swallowing a camel. But more than that, I would like to know what hon. gentlemen opposite would have had to say about a government which found it necessary at that critical time in the history of the British commonwealth of nations to make Canada's apparent separation from the other members of the commonwealth so marked to all the world. That was the real alternative; that is what we would have been getting in the way of criticism to-day if we had waited for a week for Canada's parliament to assemble and act. Hon. gentlemen opposite would have been saying: When you had the Statute of Westminster before you, and when it contained a clause which gave you all the power needed to have a new sovereign become the King of Canada the moment he became King of the United Kingdom, and you did not take it, what possible explanation is there other than that you are seeking in some way separation from the rest of the empire? That is what we would have heard.

Mr. CAHAN: Does the right hon. gentleman suggest that in view of the relations which exist between Canada and the United Kingdom there could be a King of Canada apart from the King of the United Kingdom? If so, I wish most emphatically to dissent from that suggestion.

Mr. MACKENZIE KING: I am saying what hon. members opposite would have said.

Mr. CAHAN: Well, you might leave them to say it.

Mr. MACKENZIE KING: Some afternoon we might have a pleasant debate on that one question. But I certainly do not want to raise it at the moment.

Mr. CAHAN: But the right hon. gentleman might make his argument without suggesting what other people would say, until they say it.

Mr. MACKENZIE KING: The trouble is my hon. friend interrupts so often that I almost forget the argument.

May I draw the attention of hon. members to the clause in the Statute of Westminster under which action was taken? I have already read it in the order in council, but I think hon. members ought to observe how clear and emphatic it is. After what the right hon. leader of the opposition (Mr. Bennett) has already pointed out, it should hardly be necessary for me to repeat it. But it may serve the purpose of helping to remove doubt if I remind the house that he and I are agreed on the propriety of the course pursued under this section. I shall read to the house the clause as it appears in the act:

4. No act of the 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, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

Hon. members will notice that the language used is, not that the government has consented, or parliament has consented, but that that dominion has requested and consented to the enactment thereof. I am reading from a collection of British dominion papers in *The World's Classics* edited with introduction and notes by Arthur Berriedale Keith, he being an outstanding authority on Constitutional matters. I read from this particular document because, opposite the word "dominion" there is an asterisk which directs attention to a footnote, and the note is as follows:

The necessity of parliamentary requests was negated by dominion representatives. See parliamentary debates 260, page 279.

The fact is that at the time this particular statute was being considered at Westminster it was moved in amendment that instead of the word "dominion" there should be substituted the word "parliament." But the mover of that amendment was told by the minister in charge of the bill that at the wish of the dominions themselves the word "parliament" should not be inserted, and that the word "dominion" should be left as it was, in order, as the right hon. leader of the opposition has pointed out this afternoon, that in the event of some emergency necessitating action by the government rather than parliament it would be possible for the government to act.

Now let me quote from the debate in the United Kingdom parliament, *Parliamentary Debates*, vol. 260, page 279:

[Mr. Cahan.]

(Parliament of the United Kingdom not to legislate for dominion except by consent.)

Sir J. Withers: I beg to move, in page 3, line 8, after the second word "that," to insert the words "the parliament of."

If my amendment is accepted the clause will read:

"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, unless it is expressly declared in that act that the parliament of that dominion has requested and consented to the enactment thereof."

This amendment, to a certain extent, is a drafting amendment. The parliament of each dominion is always referred to as the authority for testing the opinion of that particular dominion, and, therefore, to make the clause read properly, the words I have suggested ought to be inserted.

Mr. J. H. Thomas: —

Mr. Thomas was secretary for the dominions at that time.

—If I had only to consult my own personal wishes I should be quite willing to accept this amendment, but the clause was drafted in its present form at the request of the dominions themselves. The government were indifferent on this point, but the real answer is that as far as the government was concerned we did not care which method was adopted, but what is now proposed was put in at the request of the dominions.

Amendment negatived.

I think perhaps my right hon. friend may have been present at conferences where the matter was discussed, and among others may have given reasons why in his opinion it was better to allow the word "dominion" to stand rather than insert the word "government" or "parliament."

Mr. BENNETT: I think that is correct.

Mr. MACKENZIE KING: To meet possible emergencies. But may I draw the attention of the house to a further reason, which appears in the statute itself, for believing that it was not the intention by the use of the word "dominion" to imply parliament, but rather to leave it optional with the government. That reason appears from subsection 3, clause 9, which relates to Australia. It reads as follows:

In the application of this act to the Commonwealth of Australia the request and consent referred to in section 4 shall mean the request and consent of the parliament and government of the commonwealth.

Now if by "dominion" had been meant the parliament, the Australians would not have asked to have placed in the statute the section which I have just read, which says that notwithstanding what is said in section

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KING: To meet pos- t may I draw the atten- a further reason, which itself, for believing that ion by the use of the imply parliament, but tional with the govern- appears from subsection 3, ; to Australia. It reads

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4 with respect to any dominion, the request and consent of the parliament must be required, as well as that of the government of the commonwealth.

Mr. BENNETT: That was done at the instance of Sir James Latham, now the chief justice, then the attorney general. We discussed it the other evening.

Mr. CAHAN: And Australia has never accepted section 4?

Mr. MACKENZIE KING: No; Australia has not accepted section 4. I shall not go into the action of the other dominions; if it is desired that can be discussed when we come to take up the bill to which a first reading has already been given. But I think what I have said will make it perfectly clear that the government was acting entirely within the provisions of the statute when by order in council it communicated its request and consent, and secured the insertion of "the request and consent of" Canada in the preamble of the abdication bill, thereby making the provisions of that act applicable also to our dominion when the statute was enacted.

That, I think concludes about all I need to say on the question of the propriety of the procedure. However, I should like to add that I think some word of appreciation should be expressed in this parliament of the service which was rendered to Canada at the time, and to all other parts of the British commonwealth of nations, as well as to the United Kingdom, by the Prime Minister at Westminster, the Right Hon. Stanley Baldwin. I do not think it is possible to speak in too high praise of the sympathetic and sagacious manner in which Mr. Baldwin dealt throughout with one of the most difficult situations with which any prime minister could possibly be faced, and his action, being of the character it was, has placed the entire commonwealth under deep obligation to him.

I should like also to say a word of appreciation of the services which were rendered to our government at the time of this crisis, so called, by the dominion's office in London and by Sir Frances Floud, the high commissioner of the United Kingdom in Ottawa and the members of his staff. Most of the communications from the Prime Minister of Great Britain came to our government from the Dominion's office and nearly all communications from the governments of other self-governing dominions of the commonwealth came through the dominion's office.

All reached us through the high commissioner for the United Kingdom resident in Ottawa. Throughout the entire period covered by the correspondence the high commissioner's staff was on duty night and day. I cannot imagine work being more promptly and efficiently performed in every detail than was the case with the work as carried out in this matter by the Dominions office in London and by the high commissioner and the members of his staff in Ottawa.

Now, Mr. Speaker, I come back to other subjects mentioned in the address. May I immediately extend my very hearty congratulations, as the right hon. leader of the opposition (Mr. Bennett) has already done, to the mover and the seconder of the address. This was not a maiden speech for the hon. member for Essex West (Mr. McLarty); we have heard him in this parliament before. Those of us who have had that privilege expected that we would receive from him this afternoon an address of high merit in the manner of its delivery, its matter, its composition and in other particulars. In that we have not been disappointed, but rather, may I say, greatly delighted. A day or two ago I mentioned to the hon. member for Gloucester (Mr. Veniot) and to the house something of the loss we felt this house had suffered in the passing of his distinguished father. After having heard the hon. member for Gloucester this afternoon. I feel sure all will congratulate him on what he has brought to the house in the way of debating ability, and other talents.

In reviewing the speech from the throne this afternoon, Mr. Speaker, the right hon. leader of the opposition, seeking to account for the economic recovery which is so noticeable even to him, undertook to say that he thought it was due in large part to the government pursuing the course of its predecessors. That was the most amazing statement I have ever heard, even from my right hon. friend. Pursuing the course of its predecessors? What was the course of its predecessors, for example, with respect to tariffs in the matter of trade? My right hon. friend went on the theory that the higher tariffs were raised the more trade would increase. He believed that if you had embargoes you would help along good will between nations and assist in the development of international trade; at least that is what I assume from his actions.

The present administration, when it came into office, instead of seeking to pursue the policies of my right hon. friend began to reverse them as rapidly as possible. When, on coming into office, we were confronted with a

Death of Indian Boys

back to the reservation with one of these families. Unhappily this turned out not to be correct.

The bodies were not discovered until the next day. The following forenoon, or about noon, the school authorities dispatched a sleigh to bring the youngsters back to the school. When the homes of the parents were reached it was discovered that the boys had not arrived; search was instituted and in a short time the bodies were discovered on the ice of Fraser lake.

An inquest was held on January 4, and the school was exonerated from any blame. It may be of interest to the house, because the occurrence is a very sad one, if I give the finding of the inquest. After stating that death was due to exhaustion and consequent freezing, the jury reported:

We, the jury, feel that such circumstance was unavoidable in view of the evidence in this case.

We feel, however, that more definite action by the school authorities might or should have been taken the night upon which the disappearance took place.

Further, it is our opinion that more co-operation between the authorities and the parents of the children would in future help to lessen the danger in the future of any repetition of such an incident.

Also that excessive corporal discipline, if practised, should be limited and that better understanding would exist between pupils and disciplinarians if the latter were English-speaking.

There is no evidence that there was any corporal punishment. It is true that a report appeared in some of the western papers that the youngsters had received corporal punishment as a result of which they had left the school. I think that is unlikely, especially in view of the fact that they left on a holiday when the ordinary school was not in session and when apparently they were having the festivities usually associated with New Year's Day. We have not yet received, although we have wired for it, a copy of the evidence taken at the inquest. In fact I am not sure the evidence was reported verbatim, and I am unable at the moment to inform the house on that point. But if it was reported verbatim the report will be received in due course and will be studied. In the meantime I am giving consideration to the matter of recommending to my colleagues that an inquiry into all the relevant facts be made by a judge. But before reaching a final decision on that I prefer to wait and study the evidence taken at the inquest if it is available.

[Mr. Crerar.]

ABDICATION OF KING EDWARD VIII

ALTERATION IN THE LAW TOUCHING THE
SUCCESSION TO THE THRONE

Right Hon. W. L. MACKENZIE KING (Prime Minister) moved the second reading of Bill No. 1, respecting alteration in the law touching the succession to the throne.

He said: Mr. Speaker, the purpose of this bill is to secure the assent of the parliament of Canada to the alteration in the law touching the succession to the throne set forth in the act of parliament of the United Kingdom intituled, His Majesty's Declaration of Abdication Act, 1936. The United Kingdom Act is printed as schedule two to the bill, which is now before the house.

It may perhaps serve to limit discussion and to make clear exactly what is intended by the provisions of His Majesty's Declaration of Abdication Act if I read to the house what was said at Westminster by the Prime Minister of the United Kingdom on the second reading of the bill, and also what was said in the House of Lords by the Lord Privy Seal, who was in charge of the measure in the House of Lords.

As hon. members will recall, the abdication bill was introduced in the commons at Westminster on December 10 and received its first reading on that day. The second reading took place on the morning of December 11. Speaking on the second reading, the Right Hon. Stanley Baldwin said:

The provisions of this bill require very few words of explanation from me at this stage. It is a matter which of course concerns the dominions and their constitutions just as it concerns us. As the house will see, four dominions—Canada, Australia, New Zealand and South Africa—have desired to be associated with this bill. As regards the Irish Free State, I received a message from Mr. de Valera yesterday telling me that he proposed to call his parliament together to-day to pass legislation dealing with the situation in the Irish Free State. The legal and constitutional position is somewhat complex, and any points with regard to that which anyone desires to raise would more properly be dealt with at a later stage.

The bill gives effect to his majesty's abdication, and provides that His Royal Highness the Duke of York shall succeed to the throne in the same way and with the same results as if the previous reign had ended in the ordinary course. It is necessary to have an act of parliament because the succession to the throne is governed by the Act of Settlement, which makes no provision for an abdication or for a succession consequent upon an abdication. It is also necessary expressly to amend that act by eliminating his majesty and his issue and descendants from the succession. This is affected by subsections (1) and (2) of clause 1.

Subsection (3) deals with the Royal Marriage Act, of 1772. This act provides, in effect, that

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no descendants of George II, other than the issue of princesses married into foreign families, shall be capable of contracting a marriage without the consent of the king, with the proviso that where that consent is refused in the case of such a descendant above the age of 25, he may give notice to the Privy Council, and the marriage may take place after twelve months unless within that period both Houses of Parliament have expressly declared their disapproval of the marriage. The act was passed merely to provide a measure of control over the marriages of those who might succeed to the throne or whose descendants might succeed. It would be clearly wrong that the provisions of the act should apply to his majesty and his descendants, who, on the passing of this act, will cease to have any right in the succession.

Those were Mr. Baldwin's words on the second reading. Viscount Halifax, Lord Privy Seal, spoke as follows in the House of Lords on the second reading:

The bill itself is a plain and simple and short one. Your lordships will observe that in the second paragraph of the preamble the bill records the consent of the Dominion of Canada and the assent of the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa to it. The preamble is drawn in rather complicated form consequent upon the statutory form of the Statute of Westminster, and the preamble represents the result of protracted consultations with the governments of the dominions, and as it stands, carries the full agreement of all the dominions that are mentioned in it.

Clause 1 gives effect to his majesty's declaration of abdication and makes the necessary provision to that end. I might perhaps particularly call your lordships' attention to the words in subsection (1), "and there shall be a demise of the crown." The purpose of those words is to make it clear that the passing of the crown by other than death does in fact constitute a demise of the crown in order that what I may call the machinery of the state shall continue without interruption.

I believe that up till a certain date in our history that was not so—various remedial measures to avoid such interruption have from time to time been passed, and these remedial measures have always talked about demise. Therefore it is important to secure the remedial effect of those measures for the continuation without interruption of the matters to which they referred by employing that phrase in this bill.

Subsection 2 makes it plain that the necessary alteration of the Act of Settlement follows the surrender by his majesty, on his behalf and of his descendants, in the succession to the crown, and, lastly that that having been done and his descendants being thereby excluded from the line of succession, subsection 3 makes it plain—as indeed would be no doubt considered appropriate—that the Royal Marriages Act no longer applies to any such issue.

I might supplement what is set forth in these two statements by adding that the title to the crown was vested by the Act of Settlement of 1701 in the heirs of the body of Sophia, Electress of Hanover and granddaughter of James

I. This provision involved the crown descending, with certain exceptions, as if it were real property, under the law of inheritance of the United Kingdom before 1926, when this branch of the property law was altered. Power remained in the king in parliament to alter the succession. Until 1931 this power to alter the succession was vested solely in the parliament of the United Kingdom. In that year formal recognition was given to the fact that the succession to the throne was a matter of direct and deep concern to all the members of the British commonwealth of nations. That recognition is set forth in the Statute of Westminster, both in section 4, which was read repeatedly yesterday, and in the preamble. Let me re-read section 4 of the Statute of Westminster:

(4) 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 unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

As the parliament of the United Kingdom could not, under the terms of the Statute of Westminster, pass an abdication act which would extend or be deemed to extend to Canada unless the dominion had requested such legislation in advance and consented thereto, steps were taken in the most expeditious and appropriate manner to convey that request and consent and to secure their expression in the United Kingdom Act. Steps are now being taken to secure the assent of the parliament of Canada necessary to the alteration in the law touching the succession to the throne.

I need not repeat what was said yesterday with respect to the manner in which this dominion signified the request and consent of Canada to the enactment of the abdication act. I wish, however, to answer, if I may, a point which was raised by the hon. member for Winnipeg North Centre (Mr. Woodsworth) on a previous day, when he inquired whether it was not a fact, if the action of the government on December 10 was constitutional, that further legislation was unnecessary.

My reply to that question is, certainly not. The action of December 10 was designed to secure immediate legal effect to the change. The present legislation is designed to carry out the constitutional convention expressed in the preamble to the Statute of Westminster. Let me read the constitutional convention as it appears there. Of course the preamble, as hon. members know, is not an operative part of the statute; nevertheless

preamble

whatever appears in the preamble is of special significance in relation to the purposes of this statute itself. The constitutional convention is set forth as follows:

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.

The act which has been passed by the British government does alter the law touching the succession to the throne, and it is for that reason we are now asking the assent to its provisions of the parliament of Canada.

Mr. BENNETT: In what regard does it alter the law?

Mr. MACKENZIE KING: In the particular which I have just quoted in what I read from the statement of the Prime Minister of Great Britain.

Mr. BENNETT: The succession to the throne is still the same as it was under the Act of Settlement; the Duke of York succeeded.

Mr. LAPOINTE (Quebec East): But the children of Edward will be barred.

Mr. BENNETT: There are none.

Mr. MACKENZIE KING: There have been days, as I think my right hon. friend said yesterday, when there were pretenders to the throne, and it might be advisable to provide in advance that no pretender who might arise in future should be able to cite his right to the succession by virtue of no change having been made in the law touching on the succession at the time George VI succeeded Edward VIII. It was necessary expressly to amend the act of settlement by eliminating the former King Edward VIII and his issue and descendants from the succession.

May I mention another reason why it is advisable that this parliament should give its assent to the alteration in the law respecting the succession. The British North America Act, the written part of our constitution, repeatedly makes specific reference to the crown and the position the crown holds with respect to legislation in our parliament and in the legislatures of the several provinces. The preamble reads:

[Mr. Mackenzie King.]

Whereas the provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into one dominion under the crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom—

I direct the attention of the house to the fact that the reference there is to the crown of the United Kingdom of Great Britain and Ireland. Similarly section 2 contains the following words:

2. The provisions of this act referring to Her Majesty the Queen extend also to the heirs and successors of her majesty, kings and queens of the United Kingdom of Great Britain and Ireland.

And in other sections of the act—section 9, for example—executive government and authority of and for Canada is hereby declared to continue and be vested in the queen. I might mention sections 17, 55, 56, 57 and 91, all of which have reference to the queen and her successors. I shall leave it to my hon. colleague the Minister of Justice (Mr. Lapointe) to deal with the legal aspects of the matter. I hope I have explained, in a manner which will permit debate to proceed intelligently, the purpose and significance of the measure and why it is introduced at this time.

Before concluding may I address a few remarks to my hon. friend, the member for St. Lawrence-St. George (Mr. Cahan). Last night he and I spoke with reference to the relation of parliament to abdication, and I thought at the time and saw, when reading Hansard later, that we were speaking at cross purposes. I had in mind the right of a sovereign to abdicate. My hon. friend was emphasizing the necessity of parliament acting with respect to abdication. I thought he was pointing out that the sovereign could not abdicate unless parliament permitted him so to do. If that was his point of view I must maintain the position I took at the time, namely that parliament cannot prevent a sovereign from abdicating if he wishes to abdicate. I grant that action by parliament is essential to validate the position of the successor where a sovereign has abdicated or been deposed, and it was for this reason the parliament at Westminster took the action it did when Edward VIII executed an instrument of abdication, and asked parliament to give effect to it.

I had in mind at the time of speaking one or two authorities on the subject. In this connection I should like to quote a paragraph from an article by Mr. J. A. Spender, which appeared in the January Fortnightly under the heading King and People. I believe hon.

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of the house to the crown, and the crown of Great Britain and Ireland. Section 2 contains the following:

This act referring to the crown shall extend also to the heirs of the king, kings and queens of Great Britain and Ireland.

of the act—section 2. The government and the crown is hereby declared to be in the queen. I have read sections 7, 55, 56, 57 and 91, and I leave it to my hon. friend the member for the University of Toronto (Mr. Cahan).

of Justice (Mr. Cahan). Last night I explained, in a debate to proceed and significance of which was introduced at this time.

by I address a few words, the member for the University of Toronto (Mr. Cahan). Last night with reference to the abdication, and I saw, when reading the speech, when I was speaking at cross-purposes, and the right of a My hon. friend was speaking of parliament act. I thought he was speaking of the sovereign could not be permitted him so point of view I must have taken at the time, and cannot prevent a thing if he wishes to act by parliament. The position of the king has abdicated or not for this reason the member took the action. I executed an instrument and asked parliament to

time of speaking one word on the subject. In this I quote a paragraph from J. A. Spender, which appeared in the Fortnightly under the title "The Throne". I believe hon.

members will agree that few if any persons are more qualified than Mr. Spender from a wide knowledge and close study of parliament and its proceedings to speak with authority upon the position of the sovereign in relation to parliament and the people. In this article on page 7 Mr. Spender says:

Learned lawyers suggested all manner of difficulties in the Statute of Westminster when the question of the King's abdication arose. It has never been questioned that abdication is within the discretion of the sovereign. It was a favourite device of Queen Victoria's to hint at this possibility when displeased with her ministers. She had this remedy, she reminded them in 1871, if they would insist on keeping parliament sitting interminably and compelling her to remain in England until it was prorogued. Taking from the Lords their power to alter or reject measures, she told Campbell-Bannerman when he was minister in attendance at Balmoral in 1894, was something which "might be obtained from a president, not from her." The question at this point was not whether the sovereign has the right to withdraw, but what measures would be necessary to validate the position of his successor and to bar the succession to any children of the former king.

There was no difficulty about this in the British parliament, but corresponding legislation was necessary in all the dominion parliaments, and it was asked with some apprehension, would they all accept the Duke of York, might not some of them seize the opportunity to advance republican ideas, and if one of them dissented, would not the validity of the succession be open to question by all under a strict interpretation of the Statute of Westminster?

The event dissipated all these fears and alarms. The commonwealth parliaments acted in unison with Great Britain and with remarkable unanimity and promptness.

This quotation, I trust, will serve to make clear what I was seeking to assert with respect to a sovereign's right to abdicate, and the function of parliament with respect thereto.

Hon. C. H. CAHAN (St. Lawrence-St. George): Mr. Speaker, with regard to the authorities—or alleged authorities—which are quoted, and particularly with reference to the observations of Mr. Spender, may I say that I regard Mr. Spender's article as a popular interpretation of the difficulties which arose in England by reason of the king signing his letter of abdication, rather than an expert opinion upon the constitutional difficulties therein involved.

At the outset I desire without reservation whatsoever to acknowledge the validity and sufficiency of the act of parliament of the United Kingdom enacted on December 11 last, and entitled His Majesty's Declaration of Abdication Act, 1936, which received the assent of His former Majesty King Edward

VIII. There can be no doubt about that, and I will not find it necessary to repeat this observation in the argument I am about to make. That is fundamental. The act known as His Majesty's Declaration of Abdication Act was enacted by a parliament having paramount jurisdiction and authority, and its validity cannot be questioned. Therefore I say that there is no doubt whatever, and that no doubt can arise as to the status of our present king, George VI. His Majesty has succeeded to the throne, and to all the rights, privileges and dignities thereunto belonging.

I desire nevertheless to consider the act of the parliament of the United Kingdom and the measure before us in the light of the grave constitutional precedents which have been established thereby. Upon the former king assenting to the act in question, there was a demise of the crown. I suggest, still, that there was no demise of the crown until that act passed and was assented to. It is not necessary for us to split verbal subtleties over the matter. Upon the demise of the crown, the act expressly provided for the succession of our present king, George VI. Furthermore it provided a few details in connection with the demise and the exclusion of any possible heirs of the former king. I shall repeat the provisions:

(1) Immediately upon the royal assent being signified to this act, the instrument of abdication executed by His present Majesty on the 10th day of December, one thousand nine hundred and thirty-six, set out in the schedule to this act, shall have effect and thereupon His Majesty shall cease to be king and there shall be a demise of the crown, and accordingly a member of the royal family next in succession to the throne shall succeed thereto and to all the rights, privileges and dignities thereunto belonging.

That act was passed by a supreme parliament. Notwithstanding the provisions of the Statute of Westminster, in so far as those provisions may not have been in accord with the act passed on December 11, that latest act was valid.

A proclamation was then made that the new king had ascended the throne. The ordinary formalities were complied with in the streets of London and in the public places of that city. Thereupon an instrument was signed by His Excellency the Governor General of Canada, and also I think by the Secretary of State of Canada, which declared to the people of Canada that King George VI had succeeded to the throne. It was provided, and properly so, by whoever had jurisdiction in the matter, that every member of this house should subscribe to the oath of allegiance to the new king before taking his seat in the house.

The king mentioned in the British North America Act, which has not been amended, is the king of the United Kingdom of Great Britain and Ireland. I suggest that there can be no division of the throne. At times I read in the papers of the king as the king of Canada, which may be a popular style of reference. I saw also what I thought was a rather silly and grotesque statement by a newspaper in one of the maritime provinces to the effect that for the first time the king was being recognized as the king of certain provinces in this dominion. The king is the king of the different provinces, in a sense; the king is the king of the city of Ottawa; the king is the king of the county of Wright, but only because these different localities with certain geographical descriptions are included in the Dominion of Canada, in the commonwealth of nations and with the possessions and territories of the crown throughout the British Empire.

There is but one king and no matter what action was taken by the government of Canada it could not effectively destroy the legal fact that the proclamation of George VI as king in London under a statute of the imperial parliament constituted him as king with all the attributes and qualities which are mentioned in the British North America Act. In fact we had to consider this whole question in a statute passed in 1934 with reference to the oaths of allegiance, after the Statute of Westminster had been duly enacted in 1931. Chapter 21 of the statutes of 1934 provided that except in the case of the oath to be given under the provisions of the Naturalization Act, which is provided for by a special statute in accordance with another imperial statute dealing with naturalization, and excepting the oath prescribed for members of parliament by the British North America Act, which this parliament could not amend or modify, the oath of allegiance to be administered in Canada on all occasions shall be the following:

I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors according to law. So help me God.

Then follows another provision:

(2) Where in the said oath of allegiance the name of His present Majesty is expressed, the name of the king or queen of Great Britain, Ireland and the British dominions beyond the seas, for the time being, shall be substituted from time to time.

Clearly admitting that there could be no separate king for Canada, and clearly admitting that in accordance with the provisions of the British North America Act, which we all recognize, the king of the United Kingdom

[Mr. Cahan.]

is and will continue to be the king mentioned and described in the British North America Act, 1867, which establishes the Canadian constitution. The king of the United Kingdom is "His Majesty" who is a constituent part of all legislation passed by the parliament of Canada.

I am not dealing with the provisions of other dominion constitutions because they are somewhat different. There was a distinct provision in the Union of South Africa Act of 1909, and again in the act of 1934. My impression, which is that of one who is not acquainted with their law and constitution beyond reading from time to time the provisions thereof, is that the Union of South Africa has declared that the king of the United Kingdom shall be deemed to be the king of South Africa under its constitution. Certain reservations have been made which just suggest the possibility that South Africa might change its allegiance by secession. Similar suggestions have come from the Irish Free State from time to time, but none of these have any validity except as hypothetical cases suggested for the purposes of political discussion.

When an abdication has taken place which is recognized by a statute applying to every part of the king's dominions, colonies and possessions, why should we at this stage take the novel and ineffective course of providing by statute that this king, who has been proclaimed in Canada as elsewhere throughout the empire, should be deemed by an act of the parliament of Canada to be the king of the United Kingdom and of all parts of the empire? I should like to suggest that the drafting of the bill to confirm the abdication act was perhaps hurriedly done. But the "whereases" provided in the preamble to that act are not binding provisions of the statute, and have no legal effect in construing the enacting clauses themselves.

I notice that in a statement which was given to the public by the Prime Minister on December 10 last he said:

Following upon the receipt this morning of the expression of the king's declaration and desire, an order of his excellency the governor general in council was approved, embodying the necessary request and consent to the enactment of the appropriate legislation as regards Canada by the parliament of the United Kingdom, and the government of the United Kingdom was advised accordingly.

He then proceeds to deal with the Statute of Westminster, and says:

The statute as a whole does apply to Canada, which is therefore guaranteed under section 4 that no legislation of the United Kingdom

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parliament can apply to Canada unless Canada has expressly requested such application in advance, and consented to its terms.

The order in council of December last, as the Prime Minister stated last evening, is the only document by which Canada requested and consented to the proposed act of the imperial parliament. The newspapers state that the meeting of council was convened at 9.30 in the morning. I assume that some time must have elapsed for so momentous a decision to be given by the members of His Excellency's council, but 9.30 in the morning in Ottawa is 2.30 in the afternoon at Westminster. About three o'clock at Westminster the bill was introduced in the parliament of Great Britain. So that any criticism I make of the order in council and of the statute which is alleged to have been passed in consequence of that order in council is softened and modified somewhat by the fact that these hon. gentlemen meeting at 9.30 in the morning, had only a half an hour in which to approve and finally carry through the order in council dealing with so momentous a matter, and then have it embodied in the form of a cable addressed to the government at Westminster.

Mr. MACKENZIE KING: May I say to my hon. friend that I explained yesterday that the government had very carefully considered all possibilities and had given the utmost time and thought to what it might be necessary to do in what necessarily would be a very short time. The fact that council met formally between 9 and 9.30 to pass the order in council does not mean that the order in council had not been very carefully considered and very carefully drafted a day or two days before it was approved.

Mr. CAHAN: I was trying to excuse the right hon. gentleman, as one who, with his colleague the Minister of Justice (Mr. La-pointe), introduced that draft order to council, because on its face it seems to be one of the most hopelessly confused examples of draftsmanship that has ever come to my knowledge among the records of the privy council.

Mr. MACKENZIE KING: That is only my hon. friend's opinion.

Mr. CAHAN: That is my opinion, and I am stating it frankly.

Mr. LAPOINTE (Quebec East): We have had my hon. friend's views on other legisla-tion before.

Mr. CAHAN: Let us deal with the Statute of Westminster. The Statute of Westminster

was not drafted with such expedition as was the Act of Abdication or the order in council upon which it was assumed to be based. The Statute of Westminster was approved at an imperial conference, which reported upon the operation of the dominion legislation in 1929, and the provisions of the proposed statute, so far as they refer to Canada in that recom-mendation and report of 1929, signed by the present Minister of Justice, were accepted and approved at a later date by resolution of a provincial conference held at Ottawa in 1931. In the meantime the imperial conference of 1930 had met and approved of the recitals to the proposed Statute of Westminster, but the prime minister of that day, the present leader of the opposition (Mr. Bennett), suggested that before final assent should be given to the provisions of that statute they should be con-sidered by the representatives of the provinces of Canada. The result was that a provincial conference was convened in Ottawa early in 1931; on June 30, 1931, a joint resolution of both houses of parliament was approved by the Commons, and on July 6, 1931, that same joint resolution approving of the terms of the statute was passed by the Senate of Canada. It appears in the volume of our statutes for 1931.

The Statute of Westminster was subse-quently enacted in December 1931. My right hon. friend the prime minister in his address stated that some significance was attributable to the fact that in respect of the request and consent of the dominions, it was not stated in section 4 of the Statute of Westminster that that should be the request and consent of the parliament of Canada; and by reason of the fact that the parliament of Canada was not mentioned he assumed, as he often makes assumptions, that the government of Canada could act in requesting and consenting that imperial legislation should apply to the Do-minion of Canada in a special way, as provid-ed under section 4 of the Statute of West-minster.

Mr. MACKENZIE KING: My hon. friend's leader made the same assumption.

Mr. CAHAN: I did not catch it if he did, but even if he did, if it came up for discussion my leader is always open to hear discussion of legal points, and I have known him as well as eminent men on the bench to reverse their preliminary opinions after hearing a full dis-cussion.

Where, I would like to know, does the dominion government get authority for any order in council except through a Canadian statute? Has it not been declared time and

Answer by

time again by the competent courts of Canada that an order in council passed and approved by His Excellency the Governor in Council is valid and legally effective only when there is found supporting statutory authority for the passing of that order in council? This is not the United States of America. There, by their constitution, the president is made the chief executive of the republic, with vast powers vested in him, the like of which are not known outside of one of the modern states—fascist or nazi or communist. We have lived so long in proximity to the United States and the Prime Minister has considered American legislation and American methods to such an extent that he evidently loses sight of the fact that this country is not a part of the United States of America, and that the United States constitution does not apply to Canada. In this country no order in council is effective unless it has the authority of a Canadian statute behind it to render it valid and effective. In the conference of the premiers of the dominion that was the issue we were considering; we considered it time and again, studying the possible effect of those clauses of the proposed Statute of Westminster which would have effect within the confines of Canada. As I remember, it was distinctly said that the request and consent of the Dominion of Canada inevitably and necessarily meant one of two things: either that that request and consent should be made by parliament, as we were discussing it then, in the way in which parliament has always made similar requests and consents, by joint resolution of the Senate and House of Commons of Canada; or that it must be made, if made by a government, in virtue of some statutory authority enacted by the parliament of Canada, expressly vesting in the government the right by order in council to transmit such request and consent.

The right hon. gentleman and those associated with him have presumed without any such statutory authority, by an order in council passed by the governor in council alone, to request and consent to imperial legislation, and to secure that imperial legislation passed by the parliament of the United Kingdom should extend to Canada as part of its fundamental law. This action by order in council had never entered the mind of any sane man who attended either of those conferences at which I was present. It never was discussed; it never was suggested. What does it mean? And it is to this that I wish to call attention, because the action of the government, in requesting the passing of this

[Mr. Cahan.]

Declaration of Abdication act, establishes a precedent of most momentous import to the whole people of Canada. It implies that a government in Canada, simply because it deems it politic to do so, without statutory authority from the parliament of Canada—with no more authority than the three tailors of Tooley Street had to enact imperial legislation—may propose that legislation intimately concerning and affecting Canada, passed by the United Kingdom, shall apply as part of the law of Canada and become effective and be recognized necessarily by all the courts of Canada without the Commons consenting, and without the Senate of Canada consenting. What does that signify?

The right hon. gentleman says that if the Commons of Canada does not approve of the arbitrary action which has been taken, then it can vote to turn out the government and put another government in office. That is the reply he makes.

Mr. MACKENZIE KING: No; it was my hon. friend's leader who said that.

Mr. CAHAN: No.

Mr. MACKENZIE KING: Oh, yes.

Mr. CAHAN: You said it first.

Mr. MACKENZIE KING: Surely the hon. gentleman does not think that I would be able to get ahead of his leader to that extent.

Mr. CAHAN: I am not trying to get ahead of anyone. I did not understand him to say so. But what does it mean? It means that the Commons of parliament has supreme authority and is in a position to exclude the Senate from legislative action in respect of important measures affecting the life and property of the people of this country. That is what it means. It means a violation of the express provisions of our own British North America Act, that legislation shall be enacted by the two houses of parliament, and that they alone can grant authority to the government. They alone have authority to enact and apply legislation to the whole dominion.

Now this order in council is a precedent. In my lifetime, which is short, it may not cause grave difficulties in Canada. It may not do so within a year or two, but I am convinced as I stand here to-night, with eternity in front of me, that the time will come when that precedent will be regarded by the people of the country as a whole as a most violent disruption or attempt to disrupt the whole constitution of Canada as at present expressed in our British North America acts, and as expressed in the com-

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plementary legislation which parliament has passed by virtue of the authority of those acts.

I have an entirely different theory. I may be wrong, but I doubt whether section 4 of the Statute of Westminster applied to this condition at all. I doubt whether it applied to the abdication of King Edward VIII. I doubt whether legislation should have been passed under that section, because, no constituted parliament or government of any dominion had the legislative jurisdiction to deal with an act of abdication. We are circumscribed within the four corners of the British North America Act. Do you find there any authority for the parliament or Canada to change the succession or to deal with the accession of a new king, or to exclude a former king and the heirs of his body from the succession? Do you find that anywhere in the British North America Act? That is one of the subjects which have never been vested by the imperial parliament in any dominion of the commonwealth. It never was vested in Canada. Therefore, when we dealt with that matter, the imperial parliament was unwilling and regarded it as imprudent to divest itself of its exclusive authority to deal by legislation with such matters.

The right hon. gentleman read the provision:

... 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.

That was not placed in one of the enacting clauses of the Statute of Westminster and in the deliberations of the several imperial conferences attention was directed to that fact. The Minister of Justice has subscribed his name to at least two reports which I remember, in which it is expressly stated that the placing of such a clause in the preamble to the Statute of Westminster was a mere convention, that it simply stated expressly what were the conventions then existing which had grown out of the use and custom of the United Kingdom in its relations to the dominions and others. And it was said that if that clause were inserted in the statute as one of its enacting clauses of the Statute of Westminster it would effect such rigidity as would render it almost inapplicable to cases of exigency and crisis which might hereafter arise. Therefore that clause was placed in the preamble where it has no effective legal binding authority or obligation.

But in dealing with that clause the various conferences or parliaments considering the

matter never suggested that the assent of the government of this dominion might be required. It was not left open to the suggestion that following some precedent of some despotic country the government or the despotic head of that government, without statutory authority from its parliament, could deal with such an important matter without consulting the popular assembly if such existed. But this preamble has no legal or binding authority; it is inserted by way of advice as to the constitutional procedure that should be followed. It says:

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—

It does not say it is.

—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—

Of whom? Of the governor general in council? Of the Minister of Justice? Of the Prime Minister? No. It expressly states:—shall hereafter require the assent as well of the parliaments of all the dominions as of the parliament of the United Kingdom.

Yet the right hon. gentleman goes to another section and says that because the words "Dominion of Canada" are there mentioned it is left perfectly free for the governor in council without statutory authority to assume that position and to fulfil that definite requirement of constitutional custom and procedure.

I have taken a good deal of time. I have a number of authorities; I do not intend to cite them, but when this matter was before the imperial conference of 1930, at which Canada was represented by the present leader of the opposition, it was made clear on page 18 of the British report—I have not the Canadian report at hand—as follows:

To this end it seemed desirable to place on record the view that the sections of the statute relating to the Colonial Laws Validity Act should be so drafted as not to extend to Canada unless the statute was enacted in response to such requests as are appropriate to an amendment of the British North America Act. It also seemed desirable to place on record the view that the sections should not subsequently be extended to Canada except by an act of the parliament of the United Kingdom enacted in response to such requests as are appropriate to an amendment of the British North America Act.

That paragraph clearly indicates the nature of the request which was to be made by or

on behalf of Canada in order that an imperial enactment might hereafter extend to Canada as a part of the law of Canada.

Now I ask the right hon. gentleman what is the real significance of this bill which he proposes to enact? The bill contains certain recitals by way of preamble, and then goes on to say:

1. The alteration in the law touching the succession to the throne set forth in the act of the parliament of the United Kingdom intituled "His Majesty's Declaration of Abdication Act 1936" is hereby assented to.

What is the recital? The recital is:

Now, therefore, His Majesty by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

Who is "His Majesty"? His Majesty King George VI, if you please. He is the king to whom we owe allegiance. It in fact recites:

Now therefore His Majesty King George VI, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.

It proceeds to enact a ratification, or purports to enact a ratification, of the abdication of his predecessor, which was already ratified and confirmed only with the assent of his predecessor; it ratifies and enacts that his own succession to the throne is confirmed and made regular, and that the heirs of the body of the late king shall no longer be entitled to assume the office of sovereign of the empire. And that we, the parliament of Canada duly assembled should now pretend to enact such a statute as that with the consent of his present majesty, appears to me to be the most ridiculous suggestion that I have heard in my time.

Mr. MACKENZIE KING: May I ask my hon. friend a question: Did I understand him to say that King George VI succeeded to the throne only with the assent of King Edward VIII and that such assent was essential to King George VI's succession to the throne?

Mr. CAHAN: I say he did succeed to the throne by an act assented to by the former King Edward VIII; there is no doubt about that. And until King Edward VIII had given his assent to the abdication act, King Edward VIII remained king of the United Kingdom of Great Britain and Ireland.

Mr. MACKENZIE KING: That is just the point I want to bring out. Suppose King Edward VIII, instead of waiting after he had signed the instrument of abdication, had left England and gone to the South Pole, and had refused to take any further part in

[Mr. Cahan.]

legislation. Does my hon. friend still say that his assent would have been necessary in order to effect a demise of the crown?

Mr. CAHAN: We have one precedent for what the right hon. gentleman has stated; it is clear, and I need not go into it. There was a king, King James II, who did not formally abdicate but who left the kingdom, went abroad and took up his residence there. The parliament of Great Britain enacted a bill known as a declaration of rights; in fact I think there were two declaration of rights dealing with the matter, the final one being dated February 16, 1689, declaring that James had abdicated and that the throne was vacant.

Mr. MACKENZIE KING: Yes, but James did not—

Mr. CAHAN: Wait a moment. In defiance of the law and of the constitution that then existed, he had abandoned the throne, had fled to a foreign country although he had not signed an act of abdication. The parliament which was summoned declared that his acts were equivalent to an abdication and should be regarded as a formal abdication. Parliament declared that the throne was vacant, and proceeded to provide that the succession should be through William and Mary and their heirs failing, to the heirs of the body of Anne, and failing them to the heirs of the body of William.

Mr. MACKENZIE KING: They validated the position of James II's successor.

Mr. CAHAN: I disagree with the words; rather than validating his abdication they practically expelled him from the throne.

Mr. MACKENZIE KING: I said they validated the position of his successor as king.

Mr. CAHAN: That was involved, but I do not quite see how that applies to this case. This succession is established. King George VI is king. The succession remains to the heirs of his body, and the descendants of King Edward VIII are precluded from claiming the throne. There is not one scintilla of legal enactment required to perfect it, yet we are asked or we invite the new king to go through the farcical action of assenting to a Canadian act ratifying the abdication of his brother, his own accession to the throne and certain other results that flow therefrom. What is necessary, rather, is to find some formula whereby the precedents established on this occasion by my right hon. friend may be limited for all time to this particular incident.

Mr. LAPOINTE (Quebec East): Oh, oh.

Mr. CAHAN

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Quebec East): Oh, oh.

Mr. CAHAN: Well, it is easy to laugh, but I think it is more serious than that. What have we done? The statute passed in England asserts in its preamble that this dominion—I am not referring to the others—has requested and consented to the enactment of this abdication act, and the imperial statute is based upon that preamble. It was Mark Twain, I think, who wrote a story about a boy who declared, "It is so because my father says it is so, and if my father says it is so it is so even if it ain't so." That is about the position in which we are placed.

Whether the government of Great Britain were fully advised as to the confusing contents of the order in council that was passed, or whether it was simply stated to them by cable that Canada requested and consented to this enactment, I do not know. I do not agree at all with the contention of the right hon. gentleman that whatever correspondence passed should not be brought down by him in parliament, on the ground which he stated, that these were communications between two parties. That may be so, but the communications which are relevant and material were the communications sent by the right hon. gentleman for the purpose of procuring an act of the parliament of Great Britain. They are not exempt from production by reason of the fact—

Mr. MACKENZIE KING: The order in council covers that; it is all set forth there.

Mr. CAHAN: No request and consent is contained in the order in council. All that is contained in the order in council is approval of the imperial parliament making a misstatement in a preamble to an imperial act.

Mr. MACKENZIE KING: The order in council is all there was.

Mr. CAHAN: If that is all there was it is clear that this order in council does not contain an express request and consent. The right hon. gentleman had many precedents available. Time and again this parliament, by joint resolution, has approved of addresses to his majesty requesting and consenting that certain legislation should be enacted applicable to this country. I remember that on two or three occasions—as the Minister of Justice must recall, although I have not the record before me—we passed joint resolutions containing requests and consents of that kind. For instance, I believe we did it in connection with parliament's request for extraterritorial jurisdiction.

Mr. MACKENZIE KING: Is my hon. friend arguing that we should have waited and called parliament?

Mr. CAHAN: I am not saying my right hon. friend should have waited for parliament, but he seems always to have in his mind that he should have followed the precedent set by Australia. I have information before me which would indicate Australia was so well advised of what was impending—I do not know whether they were better advised than my right hon. friend—that on December 4 a special summons was issued for a special session of parliament on December 10.

Mr. MACKENZIE KING: Does my hon. friend think we should have done that?

Mr. CAHAN: The right hon. gentleman says he was so taken up, he had so much to do, that he had not time to consider or to deal with the question.

Mr. MACKENZIE KING: No, he did not say anything of the kind at any time or in any place.

Mr. CAHAN: Well, that is pretty nearly what he said; I cannot bear in mind the absolute details of it. Here is a long statement in which the Prime Minister of Canada states that so far as Canada is concerned parliament has been called to meet on January 14, and that it could not be summoned in special session before definite action was taken by His Majesty which would require the consideration of parliament.

Mr. MACKENZIE KING: Quite true.

Mr. CAHAN: That is true, yes; but there are other considerations. The preamble to the Statute of Westminster is not a binding legal document; it is only a suggestion as to the constitutional procedure which should be adopted in ordinary times when there are no emergencies. But the right hon. gentleman declares there was an emergency. He knows what took place; I do not know. It was perfectly clear that section 4 of the Statute of Westminster did not necessarily refer to a statute such as the Abdication Act which alone was within the competency and jurisdiction of the imperial parliament. Why did he not make it clear that it was impossible to follow the constitutional procedure or convention, recited in the preamble of that statute and that he did not object to the Abdication Act as an emergency measure? Instead of that, as a precedent for all future time, we have an imperial parliament declaring that Canada did request and consent, whereas as a matter of fact one may look within the four corners of the order in council and fail to see any request or consent in accord with the precedents hitherto established in Canada. All we find is that the

governor in council met and approved of an act being submitted to the parliament of the United Kingdom reciting a preamble in which were stated certain alleged facts which were not quite in accordance with the true facts or in accordance with the constitutional practice which had hitherto prevailed in Canada.

I believe this bill is unnecessary; it is futile, and it can have no effect but to cover up a condition which hon. gentlemen opposite appear more or less anxious to conceal. At this date, if hon. members opposite had wished to have the position regularized, so far as it is possible to regularize it, it would have been quite sufficient to have introduced a joint resolution of the House of Commons and the Senate approving of the government acting in an emergency to the extent to which they did, so as to make it clear that its action by order in council formed no general precedent for the future enactment and application to Canada of imperial legislation.

Hon. ERNEST LAPOINTE (Minister of Justice): Mr. Speaker, I confess I have followed with some difficulty the observations of the hon. member for St. Lawrence-St. George (Mr. Cahan). Although he speaks always with a great display of learning, I am not at all sure—and I believe other hon. members must be in the same position—that at the conclusion of his observations the real position he is taking was quite clear.

First of all he contends that the act of the imperial parliament, His Majesty's Declaration of Abdication Act, was all that was necessary, but on the other hand he criticizes the government for having resorted to an order in council expressing to the imperial parliament the request and consent of Canada to the passage of the act, instead of having done so by way of parliamentary enactment. I suggest the two positions are contradictory, and at least one of them should be abandoned by the hon. member. When the Statute of Westminster was enacted fears were expressed in many quarters, both in Canada and outside of it, as to the dangers which might arise in times of crisis because of the lack of unity which would be the result of the enactment. Fortunately events which have taken place have shown those fears to be groundless. There has never been greater unity throughout the British commonwealth than was displayed in the month of December last. After the crisis had passed the London Times used this language:

The past few days have provided a searching test under which the free association of the
[Mr. Cahan.]

British commonwealth has demonstrated a fundamental unity exceeding anything which could have been guaranteed by the most rigid paper constitution.

My hon. friend has referred to the British North America Act, and I agree with him when he says that strictly speaking, from the legal point of view, at the moment the present king came to the throne he became our sovereign. I would invite the attention of the hon. member for Winnipeg North Centre (Mr. Woodsworth) to the fact that the British North America Act is still the constitution of Canada. Section 7 of the Statute of Westminster specially enacts that nothing in that act may have the effect of repealing or amending the British North America Act. By the wording of section 2 of the British North America Act the king of the United Kingdom is our sovereign. The section is as follows:

2. The provisions of this act referring to Her Majesty the Queen extend also to the heirs and successors of Her Majesty, kings and queens of the United Kingdom of Great Britain and Ireland.

The crown is interwoven through many of the sections, and so long as the British North America Act is not repealed—it was thought by Canada that it should not be repealed or even amended until there was some consent on the part of the various parties to the agreement of confederation—those sections of the act apply to us in the strictly legal viewpoint.

Mr. BENNETT: The implication is that they might be amended by another act of the imperial parliament, namely, the Statute of Westminster.

Mr. LAPOINTE (Quebec East): Yes, by implication, and to that extent it does apply to Canada.

Mr. BENNETT: Quite so.

Mr. LAPOINTE (Quebec East): I think the hon. member for Winnipeg North Centre was wrong when he said the other day that the Statute of Westminster does not mean anything. If there had been no Statute of Westminster he would not have been able to speak on the law of succession to the throne. That would have been none of the business of the Canadian parliament. My hon. friend would have been deprived of the opportunity of making the eloquent address he made the other day, as well as the one which I am sure he is going to make to-day.

Mr. WOODSWORTH: We can speak about it, but we cannot do anything else.

Mr. LAPOINTE: I would like to rate my hon. friend the privilege of my hon. friend differs from the hon. member for St. Lawrence-St. George. The hon. member is stuck in motion to the British North America Act. I consider that notwithstanding the enactment of the Statute of Westminster. Under the Statute of Westminster that concerns the members of the constitution of the preamble. It reads: "Whereas it is the wish of His Majesty King George the Fifth."

Mr. BENNETT: I would like to know the permission, may I say, that it is one of the existing conditions of the constitution. It is still stronger.

Mr. LAPOINTE: I would like to know the Statute of Westminster makes my argument. The imperial parliament appointed a committee of representatives to the United Kingdom of 1930 gave a committee of the United Kingdom should like to be of the conference on legislation, 61. These paragraphs in the conventions in they read:

56. The association with law history of the British Empire has been characterized in the domestic relations and in their power. It has permeated the practical problems of the Empire. It has impaired free development to catch the spirit of the times. Such constitutional arrangements are in practice whatever the theory be.

59. As, however, the members are united to the crown, it is clear that succession to the throne and titles are matters of the Empire.

60. We think that the convention would be given a similar convention similar to the years controlled powers of the parliament to legislate.

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the privilege to speak about it. My hon.
friend differs from the hon. member for St.
Lawrence-St. George; he runs too fast, while
the hon. member for St. Lawrence-St. George
is stuck in motionless immobility. He sticks
to the British North America Act, and he con-
siders that nothing has been changed by the
enactment of the Statute of Westminster.
Under the Statute of Westminster anything
that concerns the crown is the concern of all
the members of the commonwealth. That is
the constitutional convention embodied in the
preamble. It means something, notwithstanding
what the hon. member for St. Lawrence-
St. George has said.

Mr. BENNETT: With my hon. friend's
permission, may I direct his attention to the
fact that it only purports to be a statement
of existing constitutional practice, which makes
it still stronger.

Mr. LAPOINTE (Quebec East): That
makes my argument all the stronger. The
Statute of Westminster was enacted following
the imperial conference of 1926 which
appointed a committee of dominion repre-
sentatives to consider and study the legisla-
tion of the various dominions and of the
United Kingdom. The imperial conference
of 1930 gave effect to the proposals of the
committee of dominion representatives. I
should like to direct attention to the report
of the conference on the operation of dominion
legislation, 1929, paragraphs 56, 59, 60 and
61. These paragraphs deal with the effect of
conventions in British constitutional law, and
they read:

56. The association of constitutional conven-
tions with law has long been familiar in the
history of the British commonwealth; it has
been characteristic of political development both
in the domestic government of these communi-
ties and in their relations with each other; it
has permeated both executive and legislative
power. It has provided a means of harmonizing
relations where a purely legal solution of
practical problems was impossible, would have
impaired free development, or would have failed
to catch the spirit which gives life to institu-
tions. Such conventions take their place among
the constitutional principles and doctrines which
are in practice regarded as binding and sacred
whatever the powers of parliaments may in
theory be.

59. As, however, these freely associated mem-
bers are united by a common allegiance to the
crown, it is clear that the laws relating to the
succession to the throne and the royal style
and titles are matters of equal concern to all.

60. We think that appropriate recognition
would be given to this position by means of a
convention similar to that which has in recent
years controlled the theoretically unfettered
powers of the parliament of the United King-
dom to legislate upon these matters. Such a

constitutional convention would be in accord
with and would not derogate from and is not
intended in any way to derogate from the
principles stated by the imperial conference of
1926 as underlying the position and mutual
relations of the members of the British common-
wealth of nations. We therefore recommend
that this convention should be formally put
on record in the following terms:

Then follows the recommendation. Para-
graph 61 follows:

61. We recommend that the statement of
principles set out in the three preceding para-
graphs be placed on record in the proceedings
of the next imperial conference, and that the
constitutional convention itself in the form
which we have suggested should appear as a
formal recital or preamble in the proposed act
to be passed by the parliament of the United
Kingdom.

This constitutional convention which the
hon. member for St. Lawrence-St. George
brushes aside with much levity, has been con-
sidered to be binding upon all those who have
had anything to do with it since the Statute
of Westminster was enacted. My hon. friend
may say that the procedure adopted by this
government was childish, frivolous and ridi-
culous—I forgive him for those words; but
it was not considered so by the law officers of
the crown in Canada or by the law officers in
the United Kingdom who were jealous in at-
tempting to reconcile this constitutional con-
vention with the legality of the proposed
statute. It was not considered so by the law
officers in the governments of the other com-
monwealth nations. My hon. friend stands in
splendid isolation as far as this opinion is
concerned. I think we can rely upon the view
of the gentlemen to whom I have referred.

One part of the imperial statute gave effect
to the abdication of the then king and pro-
vided for the accession to the throne of the
lawful successor and heir to the succession, the
Duke of York, but there was also a provision
in the statute which was in effect an alteration
of the law of succession, as provided for in the
Act of Settlement.

Subsection 2 of section 1 of the act bars His
Majesty and his issue, if any, and descendants
of such issue, from any right of succession to
the throne, and provides that section 1 of the
Act of Settlement shall be construed accord-
ingly.

Mr. BENNETT: That is merely declara-
tory if the statute is complete in describing
the demise of the crown.

Mr. LAPOINTE (Quebec East): No.

Mr. BENNETT: It must be.

Mr. LAPOINTE (Quebec East): No, be-
cause I am afraid that under the Act of Settle-
ment, and it was so considered by the authori-

ties in Great Britain, if the former King Edward happened to contract a marriage and had children by that marriage, his children would have had a serious claim to the succession.

Mr. BENNETT: Not children born after the demise.

Mr. LAPOINTE (Quebec East): It is a debatable question, I agree, but my right hon. friend will agree that in a situation like the one that existed—

Mr. BENNETT: It is sound to make the declaration.

Mr. LAPOINTE (Quebec East): —precautions had to be taken. These were two different things. The recital in the preamble, upon which the hon. member for St. Lawrence-St. George bases his whole contention, mentions that it is according to the present practice under the new constitutional situation that any alteration in the law of succession should be assented to by the parliaments of the dominions. But the only alteration is the one I have just mentioned. I agree with my right hon. friend the leader of the opposition (Mr. Bennett) that the giving effect to the abdication and making the road free for the accession of the next in line, the Duke of York, did not constitute an alteration in the law of succession, not at all.

Mr. WOODSWORTH: Would the minister repeat that? I want to be sure about that.

Mr. LAPOINTE (Quebec East): I say that I agree with the leader of the opposition that giving effect to the abdication of his former majesty by the imperial parliament and clearing the road for the accession of the next in line, the Duke of York, under the statutes as they then existed did not constitute an alteration in the law of succession. What constitutes an alteration in the succession law is, in my opinion, the provision in subsection 2 of section 1 of this bill, which precludes the possible children of His former Majesty Edward VIII from having any claim to the throne of England. That was an alteration, and that was the only part of the law that comes under the recital in the preamble of the Statute of Westminster. We are acting within the four corners of that act by asking parliament to assent to this alteration in the succession act.

My hon. friend from St. Lawrence-St. George states that our assent to that part of the imperial act providing for giving effect to the abdication and the accession of King George VI should have been given by way of parliamentary legislation, not by order in

[Mr. E. Lapointe.]

council. The position in that respect has been very well explained both by the Prime Minister and by the leader of the opposition.

The third recital of the Statute of Westminster reads as follows:

And whereas it is in accord with the established constitutional position that no law hereafter made by the parliament of the United Kingdom shall extend to any of the said dominions as part of the law of that dominion otherwise than at the request and with the consent of that dominion:

This new convention in that recital was adopted for the purpose of reconciling the existence of the legal power in the parliament of the United Kingdom to legislate for the dominions, which legal power undoubtedly exists, with the now established constitutional position, namely, equality of status between the United Kingdom and the dominions. But there is a difference between the convention embodied in recital number three and the convention embodied in recital number two. There it was regarded as a practical consideration affecting the drafting and interpretation of statutes; it was thought desirable that the principle should be expressed in the enacting part of the act, and that gave birth to section 4. Section 4 of the Statute of Westminster reads:

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, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

Well, the difference of opinion between the hon. member for St. Lawrence-St. George, and myself, the Prime Minister and the leader of the opposition—and here I disagree with my hon. friend from Winnipeg North Centre—is that the term “dominion” as it is used in the second last line of section 4 of the Statute of Westminster clearly applies to the government, and not to the parliament of the dominion. There are many reasons for that. In other parts of the Westminster act, whenever it was the intention that the parliament of a dominion should act, it was so expressly declared. As was stated yesterday, in the section referring to the Commonwealth of Australia it is specifically provided that:

The request and consent referred to in section 4 shall mean the request and consent of the parliament and government of the commonwealth.

If section 4 meant the request and consent of the parliament of the dominion, why should the statute, three sections later, refer to the parliament, when it comes to the Common-

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opposition said yesterday with respect to this
matter is quite right. When the resolution
to concur in the Statute of Westminster was
discussed in the parliament of the common-
wealth, Mr. Latham, now Sir J. G. Latham—

Mr. BENNETT: The Chief Justice.

Mr. LAPOINTE (Quebec East): I had the
privilege of meeting him at the conference of
1926, and when this matter was under discus-
sion in the parliament of the commonwealth
he took the position that the word "dominion"
there meant the government. Here is what
Mr. Latham said:

What is meant by "that dominion"? Gener-
ally it means, in practice, the executive govern-
ment of the dominion. I propose to ask the
house to amend that provision by requiring that
the request and consent shall be made and
given by the parliament and by the government.
We are asked to do something very remarkable.

Further he says:

For the word "dominion" I am proposing to
insert the words "parliament and government."
The object of my amendment is that, instead
of the request being from a dominion, it should
be from the parliament and the government of
a dominion.

I consulted the reports of the debates in
the commonwealth and I saw that Mr.
Latham's amendment was not agreed to by
the then government—the Scullin govern-
ment—but they accepted another amendment
along the same lines, moved by Mr. Lyons;
and it is that amendment, then adopted by
the parliament of the commonwealth, that
has been inserted in the Westminster act, to
make a special provision and disposition as
far as the Commonwealth of Australia is
concerned. And later, when the Westminster
bill was before the British House of Commons,
Sir James Withers moved:

That section 4 be amended by inserting, after
the second word "that", in line 5, the words
"the parliament of". But upon Mr. J. H.
Thomas, Secretary for the Dominions, explain-
ing that the clause was drafted in its present
form at the request of the dominions themselves,
the amendment was negatived.

There is therefore no doubt that the inten-
tion was that it should be the government of
the dominion.

Mr. CAHAN: Will the hon. gentleman
allow me a question?

Mr. LAPOINTE (Quebec East): I have
only forty minutes. I did not interrupt my
hon. friend.

Mr. CAHAN: It was not in the clause as
submitted to the government.

Mr. LAPOINTE (Quebec East): If the
Speaker will allow me extra time I shall be
glad to answer the question.

Mr. CAHAN: The clauses dealing with
Australia and Australia's procedure were not
included with the clauses submitted to the
Dominion of Canada or the government of
Canada at the time. Only those clauses were
submitted to the Dominion of Canada which
referred to action by the Dominion of Canada,
and so, at the time that the clause with
reference to Canada was approved, there was
no way of comparing the two or noting the
difference.

Mr. LAPOINTE (Quebec East): Does not
my hon. friend think that as a member of the
government at the time, if he thought it
should be the parliament instead of the
government, he might have moved and tried
to get the change that Mr. Latham succeeded
in getting in Australia?

Mr. CAHAN: It was perfectly clear without
that.

Mr. LAPOINTE (Quebec East): That is
not the opinion of everyone else.

Mr. CAHAN: It was the opinion of the
conference that dealt with it.

Mr. POULIOT: Is St. Lawrence-St. George
dissatisfied with our king?

Mr. LAPOINTE (Quebec East): I agree
that the idea underlying the placing of the
section as it is with regard to Canada and
the other dominions, which did not ask for
a special exemption from this provision, was
to meet occasions such as the one that con-
fronted us in the month of December—
occasions of emergency when it was neces-
sary, in spite of what is being said to the
contrary, to act speedily. And the result
shows the marvellous elasticity of the British
constitution, which always meets emergencies
as they arise and deals with matters in such
a way that the common sense of statesmen
in a time of crisis prevails over the precision
of a distinguished lawyer. We were at a
time when the situation was a disturbing
factor in Canada as well as in Great Britain
and in every other nation of the common-
wealth, and I believe that even my hon.
friend will admit that a prompt decision then
was a service rendered to the nation. In-
deed, every British citizen, in Canada and
elsewhere, was hoping, and expressing the
hope in very clear language, that this crisis
would come to an end as speedily as possible.
Well, then, I repeat, the elasticity of the
British constitution worked, and it resulted

in a decision that satisfied everybody in Canada except those who cannot be satisfied with anything the government does. My hon. friend from Winnipeg North Centre, I am afraid, is among those. I must say that his famous telegram, of which he spoke the other day did not raise in Canada the disturbance which was expected. Everybody everywhere expressed the hope that we would deal with this matter immediately and without confusion.

If the constitutional convention, which is enacted in section 4, requiring the assent and request of the dominion, means anything—and it does mean something—it means that everything that is of concern to all the members of the commonwealth should be dealt with by all the members of the commonwealth. If we had to do anything it had to be done immediately or there would have been chaos in Canada. Even with what was done, I was constantly receiving telephone messages, even from distinguished judicial authorities, asking what should be done—whether they should hold court, whether there was still a king, and so on. My hon. friend laughs, but they were not all so sure of their ground as he is, and they were afraid of what might be the outcome of procrastination and further delay. The whole matter was settled by the government interpreting, correctly as I believe, the feelings of the population of Canada; and after all that is what is meant by the Westminster act in providing that the assent of the dominions shall be given. It means the assent of the people of a dominion, and the will of the people was clearly manifested. I claim that it was legal and more than legal; it was sensible. With all due respect to my hon. friend, I must say, when he uses the words "absurd," and "ridiculous," and "frivolous," that we would have done the absurd thing if we had done what he suggests.

My hon. friend ridiculed the argument that if a wrong has been done in any way parliament has the remedy in its hands. That is quite true. There is nothing extraordinary in that contention. Parliament has always the remedy in its hands, and parliament is satisfied with the way in which this matter has been settled. My hon. friend has tried to convince his leader and in my turn I hope to convince him; I hope he will see that we could not have acted otherwise in the circumstances.

The present bill, as I have said, is necessary because of the alteration in the law of succession, which is quite a different thing. Sub-section 2 of section 1, according to my view,

[Mr. E. Lapointe.]

changes the law of succession by depriving of the throne the possible children and heirs of Edward. In the event of marriage there is, as I said, no retroactivity needed, because there is no child, no marriage even, at the present time.

May I now just sum up my contention on these two points. Upon the abdication of Edward VIII it became necessary because of the attendant circumstances for the parliament of the United Kingdom to enact legislation for two main purposes: first, to make the abdication and the accession of George VI effective; second, to alter the law touching the succession to the throne. In so far as the contemplated legislation would relate to the abdication and succession it would extend at once to the dominion as part of the law of that dominion, and would consequently require the previous request and consent of the dominion to the enactment thereof, in accordance with section 4 of the Statute of Westminster. In so far as the legislation would operate to alter the law touching the succession to the throne, the assent of the dominion parliament is required in accordance with the constitutional convention set out in the second recital to the Statute of Westminster, but such assent could be given within any reasonable time thereafter, as it would not be a condition precedent to the enactment of the legislation but merely a convention limiting its operation in the dominion. With regard to the former the government took the action which was required under section 4, which admittedly does not require the assent of parliament. With regard to the latter the government now asks the assent of parliament to the alteration in the law touching the succession to the throne, so as to give effect to the convention. Inasmuch as such alteration can operate in the future only in the event of there being issue of the Duke of Windsor, it is not necessary that such assent should have any retroactive effect.

I desire, Mr. Speaker, to conclude these remarks by a word or two as to the importance of the throne in the British constitution. It is the bond. When His Majesty's Abdication Act was discussed in the British House of Commons a socialist member, Mr. Stephen, supporting an amendment to the effect that the throne should be done away with and we should have a republic, said—I have his words here—that it was a fallacy to claim that the dominions are bound to the empire by the British throne, that there was no bond between the various parts of the commonwealth embodied in the throne, but that

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r, to conclude these re- vo as to the importance British constitution. It is Majesty's Abdication the British House of member, Mr. Stephen, ment to the effect that done away with and we , said—I have his words llacy to claim that the to the empire by the there was no bond parts of the common- the throne, but that

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the only bond was economic necessity, and this would last even if a republic were instituted in the United Kingdom. I am pleased that when the vote was recorded in the British House of Commons the amendment was rejected by a vote of 403 to 5. Mr. Stephen certainly did not interpret correctly the feelings of the dominions. I have been a long time in public life in Canada: I have been in this parliament I am ashamed to say how many years, and I think I know pretty well the sentiments of Canadians as a whole. I have had relations with public men in the other dominions. I desire to say to-day that the British throne is the cement, the bond that unites all of us, and if it should disappear and be replaced by some other form, as suggested by this gentleman, I am afraid that the end of the British Empire would be in sight and that Canada would soon not be part of the British commonwealth of nations. That is the great and the consoling lesson which comes to us as an outcome of all these troubles, which caused concern to many people throughout the commonwealth and even throughout the world. But we are proud to say at the end that the action which has been taken, the sentiments which have been expressed, the feeling of all British citizens throughout the world, have been such that we have demonstrated not only to everyone in our own dominions but to all the world the granite strength of the British constitution enshrined as it is in the British throne.

Mr. J. S. WOODSWORTH (Winnipeg North Centre): This is obviously rather a field day for the constitutional lawyers. Neither by training nor by temperament am I fitted to enter upon the purely legal aspects of this case. But since the vast majority of the people of Canada are not constitutional lawyers perhaps I may be permitted to say a few words with regard to some other aspects of the matter.

I confess that as I have listened to the discussion so far I have not been very greatly enlightened, but indeed somewhat confused. We have had brought before us a great many legal and metaphysical subtleties. Whether the crown is unitary or divisible and multiple I do not quite know. I would say this, that as a Canadian I believe that Canada ought to be able to have something to say with regard to who is to rule over Canada. Whatever that may mean as to the throne being divisible or unitary, let the lawyers argue. Again I confess that even the genial Minister

of Justice (Mr. Lapointe) did not altogether clear up my difficulties with regard to the distinction between legal and constitutional. Possibly it is because the Prime Minister (Mr. Mackenzie King) has not had as long and formal training in law as have some of the others who have spoken, that I could not follow his argument, but I thought what he mixed the two on occasions, even when he was trying to make the distinction clear. Again that may be merely because I cannot clearly follow a strictly legal argument.

I feel the same way when we are told that the preamble to the Statute of Westminster does not constitute an operative part of the statute. As I said the other day, it seems to me that whatever may be true ordinarily, in this particular case at least the preamble occupies a very important place, since it lays down a constitutional convention. It would appear to me, with only a layman's outlook, that it ought to have a real place in the statute if we invoke the statute at all, concerning the desirability of which there seems to be some question.

Again, we heard the leader of the opposition (Mr. Bennett) talking about the demise of the crown. I think I had better read his statement. He said:

We call it in technical parlance his abdication, but we had no precedent for abdications and as to the implications of them, and the statute, in order that there might be no difficulty, in that section declared that there was a demise of the crown. The king was dead.

Mr. Lapointe (Quebec East): Hear, hear; that is right.

Mr. Bennett: The king was dead. And from that there followed—

Mr. LAPOINTE (Quebec East): My "hear, hear" applied to the part concerning the demise of the crown.

Mr. WOODSWORTH: The minister took that interpretation, did he?

Mr. LAPOINTE (Quebec East): It applied to the demise of the crown; that is what I meant.

Mr. WOODSWORTH: The right hon. leader of the opposition interpreted the phrase in the sense that the king was dead, and if a demise of the crown does not mean that I do not know just what it does mean. Well, really, speaking again as a layman, if the king is dead I do not quite see why we should worry so much about barring the king's issue. My hon. friend beside me suggests that he might have a posthumous child, but that does not alter my argument. In

this as in many other instances we are just tied up with mere legal subtleties, forgetting realities altogether.

In the same way the leader of the opposition says that this statute must be construed in a certain way but it is not altered. Well, if that is true and if that kind of interpretation is going to guide us, I am afraid that the ordinary people among us are not going to get a great deal of enlightenment. The Minister of Justice was perhaps rather hard on the hon. member for St. Lawrence-St. George (Mr. Cahan), when he said he was stuck in motionless immobility. I think that was his phrase. I did feel, however, that the hon. member for St. Lawrence-St. George had not advanced a great deal beyond colonial days, and was not giving anything like sufficient importance to the passing of the Statute of Westminster and the position which Canada has occupied ever since the war. I did agree very heartily with him, however, that statutory authority is necessary if orders in council are to have validity. Further it seemed to me that he was quite correct when he said that this bill and the discussions on it were very largely farcical. After listening to hon. members on both sides of the house who have spoken so far, I am inclined to believe that the statement I made on Friday last still stands.

In the first place let me say that there has been no opportunity for us to move that the correspondence should be brought down. The Prime Minister has not absolutely refused to do this, as my motion has not come before the house, but the right hon. gentleman intimated that he thought to do so would be very undesirable. I would point out that the Prime Minister has himself quoted certain documents and referred to others. According to the rules of the house I believe these should be laid upon the table. Let me say further that the bill which is before us, touching the succession to the throne, really cannot be discussed intelligently without the house being in possession of all the facts. I think that is clear. We are asked to pass an important piece of legislation supplementing, if you like, the legislation passed in Great Britain; validating, if that is the correct word to use, the order in council passed a few weeks ago; yet we do not have the facts of the case fully before us. Surely these facts cannot be said to be in any real sense confidential. It is true that they are of a somewhat intimate nature, and I have no desire whatever to create any further scandal than already has been created, but at the same

[Mr. Woodsworth.]

time this house is not able to say in advance whether the government was justified in the position it took.

It is all very well for the government to come now and tell us that from the information it had at its disposal it was quite justified. I do not think that is quite good enough. I do not think the Prime Minister himself is following the best traditions of this house when he asks us to take his own, unsupported word with regard to what has taken place. If the leader of the opposition was correct in the statement he made yesterday, undoubtedly in any case the proceedings of this house lack all reality. He said:

So far as the government of the day is concerned, it staked its life upon the action which it took, and under our system of constitutional government, with the administration commanding as it does a majority in the House of Commons, the question becomes nothing but a matter of recording the will of that majority upon the records of this house.

If the government is so sure of its majority; if parliament has fallen so low that the government can absolutely count upon the backing of every one of its members, I say it is not a very good outlook for democracy. The Minister of Justice has referred to the confusion that might have arisen if the cabinet had not taken action. That is nothing to the confusion that might arise if this house showed some independence and did not endorse what has been done by the government.

In spite of his large majority the Prime Minister seems very anxious to obtain any support he can get. Yesterday he very gladly accepted the backing offered by the leader of the opposition, though technically the position of the leader of the opposition differed very widely from the position the Prime Minister himself holds. The leader of the opposition said that the statute dealing with the succession had not been altered. I do not know whether the Minister of Justice agrees with that, but I know that a short time ago the Prime Minister did not agree. That is what he said in his statement to the public on December 10. First he quoted a clause from the Statute of Westminster:

—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.

After that quotation he said:

Questions arise as to the procedure required to carry out this provision of the Statute of Westminster, which were not contemplated when it was drawn and enacted—

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Then he makes this explicit statement:

The action involved in giving effect to His Majesty's instrument of abdication constitutes such an alteration.

I do not think the Minister of Justice admits that to-day, but that is what the Prime Minister said in his message to the public. I repeat his words:

The action involved in giving effect to His Majesty's instrument of abdication constitutes such an alteration.

To-day the Minister of Justice is trying to make us believe that all we in this parliament have to sanction is the question of the succession, as it may affect any possible children of the king. However, at the time he gave the public interview the Prime Minister was clearly of the impression that the very fact that one king took the place of another involved an alteration in the succession. Following that the Prime Minister said that it was necessary for parliament "to take appropriate action to give its assent to the alteration in the succession." Evidently he had in mind the alteration in the succession caused by the abdication and by the accession of King George VI.

I should like to learn the exact meaning of the word "request." In his statement to the public the Prime Minister said this:

The use of these words, "request and consent," does not of course refer to the initiation of any part of the proceedings other than the inclusion of Canada in the contemplated legislation. They embody the safeguarding words expressly provided in the Statute of Westminster.

That is rather curious. Let me read what appears in schedule two of the act of the parliament of the United Kingdom:

And whereas, following upon the communication to his dominions of His Majesty's said declaration and desire, the Dominion of Canada pursuant to the provisions of section four of the Statute of Westminster, 1931, has requested and consented to the enactment of this act, and the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa have assented thereto.

I should like to know why it is sufficient for the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa to consent, while it seems to be necessary for the Dominion of Canada to "request" as well as to "consent." I can scarcely believe that in a document of so great importance the words could be loosely used; they must have some real meaning. In view of the statement the Prime Minister made to the public a few weeks ago, and in view of his evident desire to escape any great responsibility in the circumstances, I should like

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to know what "request" really means. That particular word was not touched upon by the Minister of Justice.

I hold in my hand a document I received a few days ago, copies of which I believe were sent to the Prime Minister and the leader of the opposition. It comes from Doctor W. P. M. Kennedy and is an advance copy of an editorial headed "Canada and the Abdication Act," which is to appear in the University of Toronto Law Journal. On this technical point I venture to quote a footnote to one of the paragraphs:

It will be noticed that Canada alone invoked section 4 and apparently that Canada as distinct from South Africa and of course as distinct from Australia and New Zealand (to which the statute does not apply), "requested" the abdication act as well as assented to it.

In the text of the article Doctor Kennedy states:

It is, however, interesting to note that for Australia, if and when that statute operates for Australia, the statute contemplates, on special Australian request, that the "request and consent" necessary under section 4 will mean those "of the parliament and government of Australia." Does the absence of any similar rule for Canada in section 4 mean in proper circumstances, such as a change in the British North America Act, that "request and consent" may come through Canadian order in council?

I suggest that is a question which should be answered to-day. May I now return to the imperial enactment, and point out that in it there is no mention whatever of the Irish Free State. In the Statute of Westminster the word "dominions" is given this meaning:

1. In this act the expression "dominion" means any of the following dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

That is the meaning of it. And, if I may be permitted to read it again, the preamble of the Statute of Westminster states:

. . . 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.

So far as the Irish Free State is concerned we have had no such assent.

Mr. LAPOINTE (Quebec East): Oh, yes.

Mr. WOODSWORTH: Oh, no. The Irish Free State did not consent to the abdication act; it passed one of its own acts. That is different. The British act applies everywhere, and the Irish Free State is not exempt. Sec-

tion 4 is very specific, and in order that the situation may be clear in our minds I shall read it again:

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, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

The Irish Free State did not do so. Just what the situation is in Ireland with regard to the king, I do not know. It is a question I would leave to the constitutional lawyers.

Mr. LAPOINTE (Quebec East): The Irish Free State have a constitution of their own; the British North America Act does not apply to Ireland.

Mr. WOODSWORTH: I am not talking about their act but about an Imperial act. The minister must not try to sidetrack me in that way. Section 4 is very explicit, and I suggest that the meaning of the word "dominion" is no less clear.

I do not intend to go into the complicated question of all that took place, or the alternative the government may have had. I know there are difficulties, no matter which way one looks at the matter. I would point out, however, that for several months there has been an extended series of articles appearing in the United States press. Undoubtedly expressions of opinion from the United States had an immense effect upon Mr. Baldwin, because he stated that he had received a stream of letters from the United States and Canada. I should like to know from whom those Canadian letters came. They could not very well have come from private individuals, because such letters would not have had such great influence upon Mr. Baldwin. We do not yet know who wrote officially from this country. We do not know that; we have not been told. Yet apparently they had a great deal of influence upon Mr. Baldwin.

Further, in the United Kingdom a certain measure of censorship was imposed and United States journals were not allowed to circulate freely. Why? That question has never been satisfactorily answered. Since the affair has been over we have had a great variety of explanations circulated in the United Kingdom, but we in this country have no means of judging just how true some of those assertions may be. We would be able to judge a little more correctly if we had the papers before us. Certain articles have been given wide circulation in Canada. One paper, published in Ottawa, suggested the other day, I think rightly, that these are the things which tend

[Mr. Woodsworth.]

to undermine the monarchy. I would go further and say that they tend to undermine confidence in our democratic institutions.

Personally I have never been convinced that the affair of Mrs. Simpson was a sufficient motive for the action taken by Mr. Baldwin. I have never been able to convince myself of that. If my suspicion is correct, I cannot feel very happy that our Prime Minister (Mr. Mackenzie King) and our government should have fallen in line with the action taken by Mr. Baldwin and his government. So far we have had no possible way of knowing just where the truth lies.

Mr. BENNETT: Does the hon. gentleman suggest that the government of this country could prevent the king from resigning?

Mr. WOODSWORTH: No, but I do say that because of Mr. Baldwin's stand—apparently that stand was endorsed by the Prime Minister of this country—the king was put into a position where he was almost forced to go.

Some hon. MEMBERS: No.

Mr. WOODSWORTH: Again this is a matter upon which, without the documents being before us, we can have only the very vaguest of ideas.

Mr. BENNETT: We have his word for it.

Mr. WOODSWORTH: We have his word for it!

An hon. MEMBER: That should be enough.

Mr. WOODSWORTH: An hon. member suggests that that should be enough, but anyone who knows what goes on during a long series of negotiations realizes how much such statements may mean if they are taken without regard to the circumstances.

Mr. MACKENZIE KING: I thought I had made clear to my hon. friend and other hon. members that the first communication this government had from Mr. Baldwin on this matter was after the third interview Mr. Baldwin had had with His Majesty the King. The first interview was at Mr. Baldwin's instance; the next two interviews were held at the instance of His Majesty. It was only after the second of these later interviews that Mr. Baldwin communicated with me asking me my opinion, in order that he might be guided in his consideration of the matter with which he had to deal. Surely this will make clear how much there has been in the way of correspondence between the government of Canada and the government of Great Britain.

Mr. WOODSWORTH: I am not sure that they tend to undermine confidence in our democratic institutions earlier.

An hon. MEMBER: Yes.

Mr. WOODSWORTH: I am not sure that they tend to undermine confidence in our democratic institutions earlier. It has been said that the king should not tell his wife that he is going to resign. When we discuss all the relations between the king and the other members of the royal family, with who of them we have to deal, what part of the constitution it seems to me that we have undoubtedly not to have of the government we do?" We must have a fusion, but it would have been given to the government has an assent should not be given. I am afraid that such action would follow the same line as other matters, and that the king would be very largely understood a convention, but that the constitution would be to me that it would be the same line as some other nations with such star rights as the Minister of Justice in a humble private capacity up for the right that had the Prime Minister was taken, and I would have the Minister I am doing eloquently.

Mr. JEAN-LOUIS (Couata): Mr. hon. Prime Minister and the right hon. member (Mr. Bennett) taken in this train I met a man who told me how mar-

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Mr. WOODSWORTH: It is probably better then that we did not get into this game earlier.

An hon. MEMBER: Game?

Mr. WOODSWORTH: Yes; that is what I call it. It has been very decidedly a game and unless the papers are brought down we cannot tell how far we are involved. May I repeat, we have the right in this parliament, when discussing a matter of this kind, to have all the relevant facts before us. As I said the other day, I am not so much concerned with who occupies the throne as I am with what part Canada played in the abdication. It seems to me that the decision on what is undoubtedly a most important matter ought not to have been left entirely in the hands of the government. They say, "What could we do?" Well, they could have called parliament. That might have led to a little confusion, but in actual practice I do not think it would have been very great. They might have given a provisional assent. If parliament has any worth while part to play, any assent should have been provisional. That was not done.

I am afraid that if a government can take such action without protest, it will be able to follow the same procedure in connection with other matters. If I have a correct understanding of what was done, the statute itself was very largely set aside. As I say, I do not understand all the implications of the distinction between a statute and a constitutional convention, but if either a statute or a constitutional convention was set aside, it seems to me that it might be very easy for a government in the future to proceed along much the same lines in a great matter such as war or some other national emergency. I regret that with such stalwart defenders of parliamentary rights as the Prime Minister and the Minister of Justice in the house, it should devolve upon a humble private member to attempt to stand up for the rights of parliament. I feel sure that had the leader of the opposition been Prime Minister and taken the action which was taken, and which he says he himself would have taken, the Prime Minister and the Minister of Justice would be doing what I am doing to-day, only more forcibly and eloquently.

Mr. JEAN-FRANÇOIS POULIOT (Témiscouata): Mr. Speaker, I commend the right hon. Prime Minister (Mr. Mackenzie King) and the right hon. leader of the opposition (Mr. Bennett) for the stand which they have taken in this matter. The other day on the train I met a United States citizen who told me how marvellous he thought the British

countries were when a king could go and another one come in and the wheels of government continue to turn smoothly. He told me that he thought that was something which could not be done in many countries of the world.

The hon. member for Winnipeg North Centre (Mr. Woodsworth) has said that he does not understand the distinction between constitutional and legal matters. The best explanation of that lack of understanding is that there is no distinction. Probably he never heard about constitutional law. We have to adopt legislation which has been passed at Westminster ratifying the abdication of the former king. I agree with those who say that that abdication had no legal effect until the king had sanctioned the bill which was passed by parliament. The Prime Minister has pointed out that the king had a perfect right to abdicate. That abdication was made valid by his sanction of the bill, his last act as King of the United Kingdom.

I do not intend to speak at any great length on this matter, but I should like, sir, to direct your attention to one point. Every member of this house has taken an oath of allegiance to the new king. As I understand it, this matter could have been discussed before, but the fact is that we are now confronted with a fait accompli. King George VI is our king, and no one can change that. Even though the Statute of Westminster did not exist, there would still be the same king. We have taken an oath of allegiance to him; therefore why say any more about it? The hon. member for Winnipeg North Centre has said that all hon. members and all the people throughout the country are not constitutional lawyers. I admit that, but we are all British subjects, and we must act accordingly and pass this bill as soon as possible without talking any more about it.

Mr. SPEAKER: Is the house ready for the question?

Mr. BENNETT: Mr. Speaker, I would not have had anything to say on this, but in view of what has been said this afternoon I think I should make a few observations. It is now almost six o'clock.

At six o'clock the house took recess.

After Recess

The house resumed at eight o'clock.

Right Hon. R. B. BENNETT (Leader of the Opposition): But for the observations that were made during the progress of the

debate this afternoon I should not have intervened at this time, but I think it well that certain matters, the accuracy of which can be determined, should be disposed of by reference to the record, and that there should be no misapprehension of the conditions under which the action taken by the government was taken—not because I am in any sense endeavouring to support the government, for it is quite capable of doing that itself, but because this is a matter which concerns not governments but parliament and the people of this country. From that angle I speak, not as the leader of a party nor yet in defence of the action taken by the government, but rather as a citizen of this country who is interested in seeing that there should not be placed upon the record statements which are wholly inaccurate with respect to what occurred prior to the action that was taken. For it would be indeed a strange anomaly if we in this parliament should, even by our silence, suggest censure of those who are members of another parliament; and I think we would resent their being critical of our actions when they had not before them the facts upon which we had proceeded. The suggestion that the Prime Minister of Great Britain acted in any other than a becoming manner is one which, I think, should not be heard in this parliament. I may be wrong in that view, but that is my present conviction with respect to the matter.

That there is room for acute differences of opinion with respect to some phases of this matter is, of course, beyond question. The learned argument to which we listened this afternoon with so much interest, presented by the distinguished constitutionalist who represents St. Lawrence-St. George (Mr. Cahan), and the view in the opposite sense expressed by the Minister of Justice (Mr. Lapointe) indicate how differences of opinion may arise with respect to matters of this kind. But, after all, there are certain fundamental matters which, I think, we must consider.

First, it was a condition and not a theory that confronted us when this situation arose; and it is of no use to assume that the British people—and when I use that term I include Canadians as well—are concerned about theories when the application of common sense to conditions will bring about a solution that is at once in the interests of the country and in harmony with a reasonable interpretation of the statutes under which we operate.

In the first place, without any action at all on our part, our present king became our sovereign. The constitution of this country is

[Mr. Bennett.]

partly written and partly unwritten. It is written in so far as the British North America Act is concerned, but one of the sections of that act provides that certain rights, privileges and prerogatives which appertain and belong to sovereignty may be exercised and do belong as of right to the representative of His Majesty in this country. About that I shall say something further in a moment. Our written constitution provides that the crown, in which is vested the executive power of the country, shall as of right devolve upon the successors of Her late Majesty, Queen Victoria. When she departed this life her son ruled in her stead and was king of Canada because of the provisions of the British North America Act, and when his son succeeded to the throne there was no necessity of legislation being enacted; for by virtue of his birth, he being the eldest surviving son of the deceased sovereign, he became King Emperor of the British Empire. Likewise, when the late King George V of happy memory departed this life, his son, the Prince of Wales, succeeded to the throne; and by his accession, there being no time when the throne is vacant, he became King Emperor of the British Empire. Therefore, so far as we were concerned, no action on our part was required and none was taken except the proclamation to indicate to all the people of our country that a change had come about in the sovereignty. So far as we were concerned, I submit, the former King Edward VIII succeeded to the throne by due process of law under the provisions of the Act of Settlement of 1700 and the provisions of our written constitution, namely, the British North America Act. That was the position at that moment. When he indicated that he desired to abdicate, I think there can be no question as to the soundness of the observations made by the Prime Minister (Mr. Mackenzie King) that it was his right to abdicate if he saw fit to lay down the burden. But the mere act of signing the abdication did not in itself complete his abdication. I think that is all it is necessary to say on that point, for it will be recalled that when he did transmit to parliament, through his prime minister, the instrument of abdication, the last paragraph of it read:

I am most anxious that there should be no delay of any kind in giving effect to the instrument which I have executed and that all necessary steps should be taken immediately to secure that my lawful successor, my brother, His Royal Highness the Duke of York, should ascend the throne.

I submit that that single paragraph is a complete epitome of the whole situation,

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partly unwritten. It is British North America one of the sections of certain rights, privileges and appertain and belong exercised and do belong representative of His Majesty. About that I shall in a moment. Our writ- des that the crown, in executive power of the right devolve upon the Majesty, Queen Vic- parted this life her son d was king of Canada isions of the British , and when his son throne there was no being enacted; for by e being the eldest sur- ceased sovereign, he be- of the British Empire. ate King George V of ed this life, his son, the ded to the throne; and being no time when the ecame King Emperor of Therefore, so far as we tion on our part was re- taken except the pro- to all the people of our had come about in the as we were concerned, I King Edward VIII suc- by due process of law of the Act of Settlement sions of our written con- British North America position at that moment. hat he desired to abdi- an be no question as to observations made by (Mr. Mackenzie King) to abdicate if he saw fit den. But the mere act ion did not in itself com- I think that is all it is that point, for it will be e did transmit to par- prime minister, the in- m, the last paragraph of

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namely, an instrument of abdication executed by the sovereign, which is the resignation of an office, if we were to use the terminology that would apply in the case of a private individual relinquishing an office. Under the provisions of our law, for instance, with respect to the resignation of members, with respect to resignations from governments, the acceptance of them is what constitutes the completion of the transaction. So with respect to the instrument of abdication which was executed by the sovereign; it did not become effective until such time, as indicated in the last paragraph of his letter to parliament, as such further steps were taken as might be necessary to make the abdication effective.

In the Act of Settlement there are no provisions with respect to abdications. Without going into the matter in detail, may I say that what happened in 1688 has been variously estimated—and I use the word “variously” deliberately—by historians in accordance with their general attitude of mind as they approached the question. Was there an abdication or did the conduct constitute an abdication? These were questions which at that time were much canvassed and discussed. Sufficient for our purpose it is to say that there was an abdication in law; that is, the throne became vacant by reason of the action taken by the then holder of the crown. That constituted an abdication; and in 1688-89 legislation was passed with respect to the devolution of the crown and as to the successor of James II. There being, therefore, no law applicable to the subject it became necessary that action should be taken by parliament to accept this instrument of abdication as a final and irrevocable relinquishment of the king-empership by the then holder thereof. The act of parliament was not necessary for the purpose of providing for the devolution of the crown in the event of there being a vacancy. It was only necessary, if at all, as the minister pointed out this afternoon, for another purpose entirely. The result was that parliament, urged to prompt action on December 10, took the action with which we are now all familiar and which I shall not take the time to refer to again. The statute has been read and re-read. But in my judgment the essential thing to remember is that the statute, by what we sometimes refer to as a legal fiction, provided for the abdication of the sovereign, namely, by a declaration that that instrument of abdication constituted a vacancy of the throne and amounted to the demise of the sovereign. It so declares in terms. In other words, as I said yesterday, the king was dead.

Mr. MACKENZIE KING: May I interrupt?

Mr. BENNETT: Yes.

Mr. MACKENZIE KING: Can there be such a thing as a vacancy of the throne, and is it true that the king dies? Is not the maxim “the king never dies,” and is it not the fact that the throne remains, the crown remains? There may be a demise of the crown but the crown remains. It is merely transferred.

Mr. BENNETT: The right hon. gentleman perhaps was not in his seat at the moment when I spoke about that before. The theory of our law is, “The king is dead; long live the king.” That is the expression.

Mr. MACKENZIE KING: That is what we say when the royal person holding the position of king dies and another royal person succeeds to the throne. But is the theory not that the king never dies?

Mr. BENNETT: No. The king himself of course dies but the kingship continues. That is the real distinction. The hon. member for Winnipeg North Centre (Mr. Woodsworth) was fearful that I should indulge in hair-splitting arguments and I am endeavouring to free what I have to say from any suggestion of that sort. I desire to make it clear that parliament, dealing for the second time with the question of the abdication of a ruling sovereign, had to devise ways and means of dealing with it. They could not and did not say: We accept the abdication, but they said: The action taken, followed by our acceptance of it in the manner we have provided, namely, by declaring that this constitutes a demise of the crown, enables the incidents that follow the death of a sovereign immediately to ensue. And the very moment that the reigning sovereign affixed his signature, gave his approval, to that statute, he as king was dead. He still survived, and may long live, I hope, as an individual, but as king he was dead. He had ceased to occupy the office. There had been a demise of the crown.

The demise of the crown brought about an immediate result. That is what I take it the right hon. Prime Minister means. The immediate result was that the person entitled by law under the Act of Settlement to do so at once succeeded to the crown. The old practice was—it has a very interesting history, but I shall not burden the house with history—that a few members, as many members as possible of the old sovereign’s privy council, together with as many gentlemen of quality

as could be assembled, met together, and at once, in order that no one else might take such action, made a declaration that so and so "is our lawful sovereign lord and king and is of right entitled to the throne and crown." That declaration was made, it will be recalled, some few hours—or I think a Sunday intervened, to be exact—after this statute had become law. Now the operation of law had nothing to do with the act of the parties. By the operation of law our present sovereign became our king under the Act of Settlement. There was no change in the succession there was merely an acceptance of it. What is more, the statute itself so declares. The important thing to keep in mind is that parliament's action was limited to declaring that in consequence of the instrument which had been executed by the then king and which after much opposition on the part of the government and the people was accepted, because the king would not withdraw it—he maintained that he could not; it was irrevocable; he would not change his mind—the king was dead. The individual still lives. And on the death of that king his successor was, as pointed out by the former king in his letter to the parliament of Great Britain, his brother the Duke of York. The former king's own language being very clear on that point, although it is not binding at all, indicates that he had a clear appreciation of what the situation was. He said that all necessary steps should be taken immediately "to secure that my lawful successor, my brother the Duke of York, should ascend the throne."

Mr. MACKENZIE KING: I do not like to interrupt my right hon. friend, but I cannot see where he finds ground for his statement that parliament declared that the king was dead. Parliament may have declared a demise of the crown, but a demise of the crown is not the same thing as a decease of the sovereign.

Mr. BENNETT: Exactly the same. It may not serve any useful purpose to discuss these matters technically, as was said this afternoon; my effort is to avoid that, but the language of the statute is this:

Immediately upon the royal assent being signified to this act the instrument of abdication executed by His present Majesty on the tenth day of December, 1936, set out in the schedule to this act, shall have effect, and thereupon His Majesty shall cease to be king and there shall be a demise of the crown, and accordingly the member of the royal family then next in succession to the throne shall succeed thereto and to all the rights, privileges and dignities thereunto belonging.

[Mr. Bennett.]

There cannot be anything clearer than that as indicating that as far as the king himself was concerned he was dead. The moment that document which he executed was accepted by parliament, he was dead in his kingship, in the same way as on the resignation of a prime minister he ceases to be prime minister the moment his resignation is accepted. He is still the individual, but the office he held has passed to another. So the king no longer was king. His office had passed from him because parliament had accepted his renunciation of the throne, which technically we call the acceptance of his abdication. I think there is no difficulty with respect to that. But the discussion indicates what chances there are for different views with respect to matters of this kind.

The only question then that remains for consideration is the simple single one as to what action should be taken by the Dominion of Canada in order to meet the situation. I humbly submit that there was no change in the succession. I shall not argue that, because the Minister of Justice holds the other view. But certainly the Act of Settlement has not been modified or changed. Inasmuch as it would be impossible either that one who had ceased legally to occupy the throne, and who might thereafter have issue, should sit on the throne himself, or that his issue should, the action that was taken by the parliament at Westminster was action which we lawyers sometimes speak of as being taken "out of abundant precaution," as the minister said this afternoon. I shall not use the Latin phrase which is used to express it. But what happened was that parliament, for the reasons which I pointed out yesterday and shall not repeat, took steps to make it abundantly clear that the implication of law should also be fortified and strengthened by a definite and deliberate statement in a statute of the realm. That is the position.

Now why was it necessary as far as we were concerned to take any action?

Mr. MACKENZIE KING: If I may be permitted to interrupt again—I hope my right hon. friend will not feel that I am interrupting to embarrass him in any way—

Mr. BENNETT: Not a bit.

Mr. MACKENZIE KING: —but simply to bring out the truth of the matter, which he as well as all of us are interested in bringing out. Does my right hon. friend disagree with

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the Prime Minister of England, who said in the House of Commons at Westminster:

It is necessary to have an act of parliament because the succession to the throne is governed by the Act of Settlement, which makes no provision for an abdication or for a succession consequent upon an abdication. It is also necessary expressly to amend that act by eliminating His Majesty, and his issue and descendants from the succession.

Mr. BENNETT: I have already dealt with the first question, Mr. Speaker, and answered it twice. So far as the second question is concerned, I merely say that if the logic of the statute is to be accepted, namely that there was a demise of the crown, it follows that, the sovereign being unmarried, he had lost his right and that any issue he might have had also lost their right. But out of a desire to render it clear beyond peradventure, so that there should be no doubt in the future and that no pretender could set up a claim, parliament enacted the statute which it did. For had parliament been dealing with the matter in the sense in which it has been suggested it should, it would have amended the Act of Settlement. It did not amend the Act of Settlement; it makes it perfectly clear that the Act of Settlement is not amended. On the contrary you are merely to place a construction upon that act providing for a demise of the crown where previously no such provision existed. That is the language of the statute itself.

However, Mr. Speaker, the important matter which we have to consider is what action the Dominion of Canada should have taken at that moment. I said the other day, and I repeat, that I entirely approve the action taken by the government and that I would have taken the same action had I been in the position of the Prime Minister. I would not have taken it in the same way. I thought it undesirable to go further into that matter the other day, and but for this debate I would not have discussed the matter at all. I would not have taken the action in the manner in which it was taken by the government. I think on investigation and inquiry it will be found that it was not necessary to take the action by order in council. I do not think order in council was the appropriate method by which it should have been done. I shall not do more than say that, because I realize that there is much force in what was said by the hon. member for Winnipeg North Centre, that under different circumstances it would have provoked acrimonious discussion and very great opposition had a government of which I was head taken a step such as that.

I only say that on investigation I think, sir, it will be found that the method employed is open to grave censure. I shall leave the matter at that, because I do not intend to traverse a field that can have no fruitful result; for by the method employed the necessary action was taken. That is all that need be said.

Mr. MACKENZIE KING: Would my right hon. friend mind telling the house what method he would have adopted?

Mr. BENNETT: He has not the slightest intention of doing so. He is going a very long way now in supporting the view which he thinks was necessary in the interests of the country as well as the unity of the empire, in supporting the action taken by the government in bringing about the result it did, but the methods employed were, I believe, not methods that were sound, constitutionally or otherwise. I do not think there is any answer to certain statements which were made this afternoon by the hon. member for St. Lawrence-St. George as to the methods employed, but that need not be discussed at the moment. It is sufficient for my purpose to say that the action taken by the government made it abundantly clear that the government desired to associate itself with the British government, and requested that the government at Westminster should indeed speak for us as well as for themselves as far as the operation of the statute was concerned; and they did so.

Of course, sir, differences of time made many difficulties. The position of the government was extremely difficult. The bill was introduced on the afternoon of December 10, and of course in this country it was not the same hour as it was at Westminster. But the action taken by the government brought about the appropriate result. That is the important thing to remember, and I agree with what has been said here so frequently during the course of the debate, that not only was the welfare of the Canadian people to be considered, but we had to bear in mind our own position with respect to the future if we did not take that action. Here we would be in the position so appropriately pointed out this afternoon by the Minister of Justice. Here we would be with a king, under the British North America Act, he being king of this country as much as he was king of any part of his realm, he being a successor to Queen Victoria within the terms of that statute. That is clear. If we had called parliament it is perfectly apparent that by so doing we would have placed ourselves in

an anomalous position, and I think one might say that a somewhat harsher word would better describe our position.

I happened to be far removed from this section of the country at that particular time, and it is not unfair to say that many people in the world were waiting to see civil disturbances within the British Empire. It is not unfair to say that there were many who believed that this organization of which we speak as the British commonwealth of nations could not survive the strain. It was, therefore, of the utmost importance—and I associate myself with what was said by the Prime Minister in that regard—that there should be no apparent weakening of this great institution which we have built up through the ages; that its power to function should be apparent to all the world, and that it should function without question by the voice of a united people speaking for every part of the great self-governing dominions.

Reference has been made to conditions in Ireland, but it will be found on investigation that the ultimate action taken by the parliament of the Irish Free State was not at variance with the general principle that has been asserted in this house. Therefore I think it is quite appropriate that we should enact this legislation in view of the fact that we desire also to remove any possible doubt that may exist, if there is any—and in my judgment there would be very little—as to the condition that might arise in the event of His late Majesty marrying and having issue. Inasmuch as that contingency is one which always must be contemplated, the action taken out of abundant precaution will make it quite clear that in no part of the king's dominions, whether it be in that part of it over which the parliament of Great Britain has complete jurisdiction or those parts over which that parliament has divested itself of jurisdiction, can there be any possibility of an assertion on the part either of the late king or of his descendants of a claim to the throne of his fathers.

I think that is about all that can be usefully said in that regard. But there was one observation made by the hon. member for Winnipeg North Centre that, I believe, should not go unchallenged. It had to do with the action which was taken by the Canadian government, and to which I referred a few moments ago. As I have said, I have no intention of defending the action taken by the government. That is not my duty; hon. gentlemen opposite are quite well able to do it themselves. But in his speech in the

[Mr. Bennett.]

British House of Commons Mr. Baldwin did not use the language which my hon. friend attributed to him. These were his words:

There were two things that disquieted me at that moment. There was coming to my office a vast volume of correspondence, mainly at that time from British subjects and American citizens of British origin in the United States of America, from some of the dominions, and from this country, all expressing perturbation and uneasiness at what was then appearing in the American press.

That is a vastly different matter from assuming that Mr. Baldwin said he was receiving a great deal of correspondence from the Dominion of Canada. What he said was that he was receiving a large volume of correspondence from British subjects and American citizens of British origin in the United States, and from some of the dominions. He did not say it was Canada, and I think it is appropriate to point that out, for the inference, if any, to be drawn from my distinguished friend's observations would be that there might be some people who were acting in an official capacity—and he used the word "official"—or quasi official, who were sending letters with respect to this matter to the Prime Minister of England. He made such reference in his speech and I am quoting his words.

There is just one other point made by the hon. member which I think should be cleared up and which is as to whether appropriate action was taken to give His late Majesty the most ample opportunity to consider what course he would pursue. All that one need do is to look at the letter he sent to parliament, the first sentence of which reads in this way:

After long and anxious consideration I have determined to renounce the throne to which I succeeded on the death of my father, and I am now communicating this my final and irrevocable decision. Realizing as I do the gravity of this step, I can only hope that I shall have the understanding of my people in the decision I have taken and the reasons which have led me to take it.

Had it ended there, the answer to the hon. member would be almost complete. But it did not end there, for when that letter was received, instead of at once acting upon it or going to parliament and making it clear that this was an irrevocable decision, the government passed a minute which they then asked the Prime Minister to communicate to His Majesty. They passed a very careful minute in order that there might be no misunderstanding with respect to the matter. That minute impressed upon

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the then sovereign the desirability of considering his position, in order that there might be no question as to his having the fullest possible opportunity of considering what action should be taken. His answer is a matter of record. He said perfectly clearly that he regretted he could not change his mind. The letter that Mr. Baldwin sent to His late Majesty was in these words:

Mr. Baldwin, with his humble duty to the king.

This morning Mr. Baldwin reported to the cabinet his interview with Your Majesty yesterday, and informed his colleagues that Your Majesty then communicated to him informally your firm and definite intention to renounce the throne.

The cabinet received this statement of Your Majesty's intention with profound regret, and wished Mr. Baldwin to convey to Your Majesty immediately the unanimous feeling of Your Majesty's servants.

Ministers are reluctant to believe that Your Majesty's resolve is irrevocable, and still venture to hope that before Your Majesty pronounces any formal decision Your Majesty may be pleased to reconsider an intention which must so deeply distress and so vitally affect all Your Majesty's subjects.

Mr. Baldwin is at once communicating with the dominion Prime Ministers for the purpose of letting them know that Your Majesty has now made to him the informal intimation of Your Majesty's intention.

Then Mr. Baldwin stated that the following reply had been received from His Majesty the night before:

The king has received the Prime Minister's letter of the 9th December, 1936, informing him of the views of the cabinet.

His Majesty has given the matter his further consideration, but regrets that he is unable to alter his decision.

There the matter ends, and I think it cannot possibly be suggested that the government here or the government in Great Britain did in any sense endeavour either to expedite or to hurry forward the answer His Majesty would give as to the course of action he should pursue, but left to his sole and unfettered discretion the determination of the issue he had himself raised.

For, as the Prime Minister pointed out, although Mr. Baldwin was very careful to indicate that he had intended to ask for audience with the king, before he had done so on either of the two occasions when he saw him after the matter was first broached the king had anticipated his action by asking Mr. Baldwin to come to see him.

I mention these points because I am sure the hon. member would not desire that there should be left by innuendo or veiled suggestion in the minds of the Canadian people the thought that either in Great Britain or

in this dominion there were any who were endeavouring to expedite the action of His late Majesty the king in departing from the throne of his fathers. I think that is abundantly clear from the extracts I have read. In view of the differences of opinion that have been apparent among lawyers and others, I believe we can proceed to enact this legislation out of abundant precaution—to use the language of the books—in order that there may be no question as to indicating what our course should be, and so that there may be a direct statement upon the statute books of this country.

The action taken by the parliament at Westminster in pursuance of the action which was taken by the government here was such as was calculated to be in the interest not only of the Canadian people as a whole and individually, but of the world at large, particularly all those parts of it comprised within the area which we call the British Empire. For the world itself, as well as the empire, was concerned in the preservation of peace and the maintenance of law and order over that great area of the world's surface.

One other word might be added, and it is this: Not only was such action desirable and necessary in the interests of the people of the British Empire and of the world at large, but it was necessary that it should be taken without delay. For, if the foremost dominion were to delay, then the effect that many expected to follow would indeed have followed. I believe there is no doubt with respect to that. I can only commend the government for taking the action it did take, regretting only that it was taken in the manner in which it was. That, however, is another matter altogether, and need not enter into this discussion. The sure and certain result of delayed action would have been inimical to the peace, happiness and prosperity of the Canadian people; of that I think there is no doubt, even as in other parts of the king's dominions those responsible for the administration felt that similar results would follow if assent were not given to the legislation that was enacted.

I have spoken at greater length than I had intended, because certain questions which were asked had the effect of diverting my attention from the bare statement of facts I had intended to make. I desire to repeat, however, that in a great crisis, by prompt action we have avoided uncertainty and disquietude. We have given to the world, including the British dominions and Great Britain, an example of the operation of a constitution partly rigid and written, and partly the development of constitutional

practice through all the years. It is well also to remember that the preamble, which after all is not part of the enacting clauses of the bill but can be turned to for certain purposes only, was worded deliberately in a certain way because it was desired in the preamble to make known that the constitutional practice discussed in the old chamber at the time of the death of the late Queen Victoria and later, which involved the great self-governing dominions, was such that they could not have a voice in the succession at the moment because that was fixed by the rigid word of the written constitution and by the Act of Settlement. But in those incidents which arose out of the operation of the constitution it was intended that their voice should be heard; that they should be consulted, and that parliament itself should deal with such changes as might be made, always on the assumption that the action taken in all cases would be the same. It could not be otherwise, notwithstanding what has been said with respect to the Irish Free State, that matter having been settled in substantially the same way but by a different method.

It would be indeed an anomaly if we were in one breath to contend that we were part of the British Empire, and then, in the next, to say that we could take ourselves out of the empire. We are part of it regardless of any action we may take. We are part of it by reason of the British North America Act, the accepted method of amending which is safeguarded under the Statute of Westminster. Those provisions were inserted in the Statute of Westminster because of the action taken by the then premiers of Ontario and Quebec, who were fearful that certain changes might be made because of the operation of the act in its broad and general terms. A meeting was held here in Ottawa, the results of which will be found in the archives of the Department of External Affairs, initialled by the representatives of every province of confederation. Those results are responsible for the provisions with respect to the constitution which are contained in the Statute of Westminster.

Mr. Speaker, I apologize for trespassing so long upon the time of the house in connection with this matter. I had already expressed my views about it, but I felt that some reply should be made to the hon. member for Winnipeg North Centre before the bill was given its second reading. He misunderstood my suggestion with respect to the majority of the right hon. gentleman. What I said, and what I repeat, applies to every govern-

[Mr. Bennett.]

ment where you have representative institutions. The government of the day is formed and operates on the assumption that it has at all times a majority of the members of the House of Commons supporting it. It is on that assumption that the executive from time to time arrive at decisions, having a clear understanding that they have behind them the support of the majority of the House of Commons. That is responsible government. That is the result of representative institutions.

Just as Disraeli, without parliamentary authority, provided for the purchase of the Suez canal shares and subsequently had his action confirmed by parliament and the money provided—he had been able to secure a loan for the purpose before parliamentary action was taken—so now we are about to confirm by statutory legislation certain necessary action that was taken. If the government had not behind it the support of the majority of its members it would never have passed the order in council in question, but with sure and certain knowledge that under our representative institutions it could at all times command that support, because that is the basis upon which our institutions operate, the government took the action it did. We are here, without a dissenting voice, I hope, to give that action the approval which its importance demands and which I feel sure will remove any doubt which may arise in the mind of anyone as to the necessity for its being enacted.

Mr. R. E. FINN (Halifax): Mr. Speaker, I desire to take up only a moment or two of the time of the house. When I was a member of the government of Nova Scotia under the late revered Hon. George H. Murray, the former King Edward VIII visited that province and was entertained at Halifax by the government. Afterwards in 1916 I had the honour of attending a banquet in the city of London tendered to him and presided over by the present hon. member for Argenteuil (Sir George Perley), who was then overseas minister. On his right sat the then Prince of Wales and on his left the present king, the former Duke of York.

I think that under all the circumstances we should be reserved in any statements that we make. If congratulations are in order, I should like to congratulate the right hon. leader of the opposition (Mr. Bennett) upon concurring with the government in the action taken. This action was taken so that the solidification and unification of the British Empire would not be imperilled. It has been

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without parliamentary action for the purchase of the land subsequently had his bill passed by parliament and the money was available to secure a loan. The result of parliamentary action is that we are about to confirm a certain necessary action. The government had not the majority of its members who have ever passed the bill. The question, but with surety that under our representation it could at all times be done, because that is the way in which institutions operate, the action it did. We are giving voice, I hope, to the approval which its implementation which I feel sure will be given which may arise in the future and the necessity for its

(Halifax): Mr. Speaker, I was at a moment or two of the celebration. When I was a member of the Nova Scotia under the leadership of George H. Murray, Edward VIII visited that province and remained at Halifax by the way. Afterwards in 1916 I had the pleasure of giving a banquet in the city of Halifax in his honor and he presided over it. I was then a member for Argenteuil who was then overseas and he was then the Prince of Wales and the present king, the

under all the circumstances in any statements that are made in any resolutions are in order, and I would ratulate the right hon. member (Mr. Bennett) upon his government in the action which was taken so that the independence of the British Empire is imperilled. It has been

stated that there was a difference in time between here and London, and the fact is that the government of Canada had perhaps only a half hour or an hour in which to act. They acted wisely and they acted well when they passed the order in council. The Statute of Westminster provides that the request and consent of the commonwealth of nations must be obtained when action of this kind is taken by the government of the United Kingdom of Great Britain and Ireland.

This afternoon the hon. member for St. Lawrence-St. George (Mr. Cahan) referred to the preamble of the Statute of Westminster, but in doing that he did what many lawyers sometimes do in court. Sometimes a lawyer will read a certain portion of a judgment and leave out sentences which do not bear out the view which he is trying to impress upon the court. I propose to read that part of the preamble which the hon. member did not read. The preamble reads:

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—

The balance of the preamble not read by the hon. member continues:

—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.

There was no alteration whatever in the law touching the succession because that is settled by the British North America Act which has not been amended and which cannot be amended. Section 7 of the Statute of Westminster reads:

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.

The British North America Act, which is our constitution provides under section 2:

The provisions of this act referring to Her Majesty the Queen extend also to the heirs and successors of Her Majesty, kings and queens of the United Kingdom of Great Britain and Ireland.

Then we come to section 4 of the Statute of Westminster, and what does it provide? It provides:

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, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

And it became necessary, in what was perhaps the greatest crisis in the history of the British Empire, for the government of Canada by order in council to request and consent to the enactment of the legislation that was passed by the parliament at Westminster and assented to by His former Majesty King Edward VIII, enabling the Duke of York to become our present King, George VI.

I am not going to deal for one moment with what happened in the British House of Commons or with the events or motives of the Baldwin government that led up to the final result. All I have to say in that regard is, as hon. gentlemen on all sides of this house know, that the British House of Commons voted almost unanimously, irrespective of party, Liberal and Conservative, representatives of labour and other members of different views, for the enactment of that legislation which made George VI our present king. Only five members of the British House of Commons voted against it.

I should also like to say, Mr. Speaker, that it was not only right but a gracious act on the part of the right hon. leader of the opposition to take the position that he did in concurring in the action which the government took at that time, in order to help save what is the finest entity in the world to-day, the British Empire, which stands out as a bulwark against all sorts of destructive doctrines and misunderstandings throughout the world to-day.

I was surprised at the remarks of the hon. member for St. Lawrence-St. George this afternoon. He comes from my own province of Nova Scotia, from my own city of Halifax, and when he spoke of that great country to the south of us I was reminded of that day not very long ago in the history of this young Canada of ours when the present president of the United States visited this country and delivered an eloquent and human address in both languages in the historic city of Quebec. I had the honour and pleasure of hearing him. I saw him step forward on the arm of his son and wave his hand to us as to a friendly neighbour. I wonder what he will think when he reads the words of the hon. member for St. Lawrence-St. George with reference to that country, which is truly a friendly neighbour of ours, and particularly so under its present president who in recent months received an almost unanimous verdict from the people of his country. My hon. friend's remarks may leave on the minds of some unthinking people in this country—and by unthinking I mean simply those who perhaps, through lack of educational opportunities or lack of time, have not developed themselves sufficiently to dif-

ferentiate—a viewpoint that is not real, that is not manly, that is certainly not utopian, a viewpoint such as will never bring nations together as Canada and the United States have been brought together, separated as they are only by an imaginary boundary line.

It is my earnest hope and desire that the Prime Minister of this country (Mr. Mackenzie King) will supplement his highly successful efforts of last year by a further trade treaty with the United States, opening to us a wider and a larger market in that great country of 125,000,000 people, and at the same time develop a greater market for our products within the British Empire.

My right hon. friend the leader of the opposition has just recently returned from a tour of the empire, around the world by the empire trade route. He has had opportunities such as few in this house have had of visiting different parts of the world. Excluding England and parts of Europe I may say that I have had the opportunity of visiting two of the far countries visited by my right hon. friend, South Africa and Australia, and I say that the contribution of the right hon. gentleman to-day and yesterday in this house and on this issue—and he has a mind not only brilliant but active, one such as I would be proud to have—has brought about in this house a unanimity on the succession bill that will tell the world where the British Empire stands to-day.

We do not forget His former Majesty King Edward VIII, or his twenty-five years as Prince of Wales, when he visited and did much to build up and make great many parts of the empire, nor do we forget how well he carried out his duties as king until finally he relinquished his task. Let it not be forgotten that in the end it was of his own volition that he made the choice he did; it was not left for parliament to decide, nor was it left to any other part of the empire. It was left to the king's own heart and to his own secret thoughts to decide. And, finally, under his own hand and signature there came that document by which he, the king, abdicated his throne:

I, Edward VIII of Great Britain, Ireland and the British Dominions beyond the seas, King and Emperor of India, do hereby declare my irrevocable determination to renounce the throne for myself and for my descendants and my desire that effect should be given to this instrument of abdication immediately.

In token whereof I have hereunto set my hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

(Signed) Edward R.I.

[Mr. Finn.]

And who are the witnesses? His three brothers: the present king, the Duke of Gloucester and the Duke of Kent. I ask, Mr. Speaker, what course was open to the parliament of Great Britain and to the British commonwealth of nations but to accept that word as honestly expressing His former Majesty's irrevocable decision to abdicate? And when the legislation became law with his royal assent he passed from the scene of kingship to the dukedom of Windsor. I say, sir, that no one with a heart could fail to be touched when His former Majesty left Belvedere, when he said good-bye to his gracious mother, the former queen, to his brothers, one his successor George VI. He then got into his car and drove away to the quay and boarded the "Fury." As he looked up at the heavens and beheld the stars there scintillating, what were his thoughts as he left the shores of his native land? Let us not forget sympathy, kindness, good will, appreciation. I say, congratulations to the Prime Minister and the government, congratulations to the leader of the opposition and his followers and to every hon. gentleman who leads a party in this house and who to-night will support the bill that has been brought down by the Prime Minister to carry on that great process of unification which will declare to the world that we are a unit, that we mean to stand as a unit, and that what we stand for is liberty, justice and life under the highest and noblest form of democracy.

Motion agreed to, bill read the second time, considered in committee, reported, read the third time and passed.

SUPPLY

The house in committee of supply, Mr. Sanderson in the chair.

DEPARTMENT OF PENSIONS AND NATIONAL HEALTH

European war pensions, naval, militia, and air forces after the war, \$41,500,000.

Mr. BENNETT: Perhaps the minister would make a statement.

Hon. C. G. POWER (Minister of Pensions and National Health): As the committee knows, this is the most important item in the estimates of the Department of Pensions. It covers the payment of pensions to those who were injured during the great war. Pensions are paid to disabled ex-members of the Canadian expeditionary force and their dependants numbering—and I am quoting the figures somewhat inaccurately—something like 253,000 people. Pensions are payable also to members of the active militia who since

August 4, and to the military service reinstatement mutated their pensioners with disability. supplementary citizens, the resident in certain additional conditions French and New Zealand the New Zealand are entitled whilst residing ances or pensionment, which from the sis for burial gring no me funeral exper members of been injured

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