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**DOCUMENT 3**

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**Preliminary brief on the Constitution presented by the Québec government at the Federal-Provincial Conference held in Ottawa from January 10 to 12, 1950 (as reproduced in the proceedings of the Conference).**

PROVINCE OF QUEBEC

*Preliminary Memorandum by the Government of the Province of Quebec re the  
Canadian Intergovernmental Conference Which Opened in Ottawa  
on January 10, 1950*

The matters submitted for the consideration of the delegates at this very important Conference include numerous problems which require very careful study.

The Province of Quebec is deeply convinced that we should have an essentially Canadian Constitution, made in Canada, by Canadians, for the Canadian people.

Our Province considers that the Canadian Constitution should be completely freed from all remaining traces of colonialism, both in the field of international relations and in the domain of Canadian intergovernmental relations.

In our opinion, the only appropriate and just system of government is one recognizing to the Provincial State and to the Federal State, each in its own respective sphere, all the powers which are indispensable for the carrying on of a responsible and democratic government, and this, both from the legislative and administrative standpoint, and also from the financial or fiscal point of view.

We feel certain that the complete acknowledgment of the bi-racial character of our country and of the essential rights of each one of the parties constituting the Canadian Federation, constitute the indispensable basis of real Canadian unity.

We are deeply convinced that constitutional stability and the clear and precise delimitation of provincial and federal rights are absolutely necessary to ensure genuine progress and well understood national unity in Canada.

*FEDERAL AND PROVINCIAL GOVERNMENTS*

99

In order to avoid the uncertainties and the hazards involved by legislation, which is at all times subject to amendments, we believe that the Canadian Constitution should be embodied in a treaty or convention.

Furthermore, logically and in all fairness, the Canadian Constitution should be drawn up in the two official languages: the English language and the French language.

We sincerely believe that these fundamental principles should guide us in our work.

We reaffirm our sincere desire to co-operate, in a friendly spirit, in preparing and drawing up an essentially Canadian Constitution, respectful of the rights of all parties concerned.

At this stage of the Conference we think that we should limit ourselves to general considerations. In the light of the discussion and of the exchanges of views which will take place between us, it will be advisable to determine, more precisely and in fuller detail, the most just and appropriate methods of achieving the fundamental aims outlined above.

*I—Powers of the Federal Authorities*

These powers relate to matters concerning:

- The Governor General;
- The Executive Council;
- The prerogatives, immunities, indemnities of the Senators and the deliberations of the Senate;
- The prerogatives, immunities, indemnities of the members of the House of Commons, and the deliberations of the said House;
- The appointment of the Speakers of the Senate and of the House of Commons;
- International relations;
- International trade;
- Taxation and borrowing powers, in federal matters, clearly defined and adapted to the federative system;
- The postal service;
- The federal civil service;
- Currency and coinage;
- Incorporation of banks and the issue of paper money;
- Navigation and public harbours;
- Patents of invention;
- Lands reserved for the Indians;
- Bankruptcy, without encroaching upon the sphere of the Civil Code of the Province of Quebec;
- Canadian Citizenship;
- Naturalization;
- The Criminal law and the procedure in criminal matters except the constitution of Courts of criminal jurisdiction;
- The Exchequer Court;
- The Admiralty Court.

*II—Powers of the Provincial Authorities*

These powers relate to matters concerning:

- The Lieutenant Governor;
- The Provincial Executive Council;
- The Legislature;
- Education;
- Property rights and civil law;
- Taxation and borrowing powers in provincial matters, clearly defined;
- The provincial civil service;

73321—74

**CONSTITUTIONAL CONFERENCE**

Provincial natural resources: mines, forests, water powers, etc;  
Insurance;  
The administration of justice, civil and criminal;  
Hospitals;  
Trades and professions;  
Marriage;  
Agriculture;  
Colonization;  
Fisheries;  
Municipal and school institutions;

The organization and maintenance of Courts of civil and criminal jurisdiction in each Province and also procedure in civil matters and the appointment of judges of these Courts.

We are of the opinion that matters of civil law, of municipal law and of school law should be adjudicated upon, in the last resort, by a Court of Appeal set up by each Province, the Judges of which should be appointed by each Province.

**III—Special Observations**

Since, in our opinion, it is advisable to proclaim the sovereignty, in their respective spheres, of the Federal Parliament and of the Provincial Legislatures, we believe that the powers of disallowance and of "reserve" referred to in the present Constitution, should be abolished.

The immediate repeal of the recent amendments to the Canadian Constitution, namely the British North America Act (No. 2) 1949, is, in our view, appropriate and desirable.

It is our considered opinion that in constitutional matters and in those relating to Canadian intergovernmental relations, the Supreme Court of Canada should meet all the conditions required of a third arbitrator.

It is our deep conviction that the bi-racial character of our country, particularly the rights of the French speaking minority in Canada, should be fully and effectively recognized.

M. L. DUPLESSIS.

*Prime Minister and Attorney General  
of the Province of Quebec.*