

Proposed Bill Of Rights Said Of Unsound Concept

MONTREAL (CP)—Prime Minister Diefenbaker's proposed bill of rights does not put the liberties of Canadians on a secure foundation, an authority on constitutional law said Monday.

"Only a constitutional amendment, similar to the United States bill of rights, can guarantee these liberties," said Professor Frank R. Scott of McGill University's faculty of law.

In an address to the Canadian Club, he said the proposed bill cannot bind future Parliaments because of the notion of parliamentary sovereignty.

"The instruction to the judges to interpret all future laws in favor of these freedoms would have to give way before any later law that in fact clearly took away the freedoms."

FOLLOW U.S. LEAD

So long as jurisdiction over human rights is divided between the federal and provincial governments, Professor Scott said, the only sure way of guaranteeing fundamental freedoms to everyone equally is to amend the constitution itself, as the Americans did with their bill of rights.

Such an amendment would convert the natural law concepts of freedom into fundamental constitutional law which the courts would thereafter apply.

"Short of an amendment, all we can have are separate bills of rights for Parliament and the provincial legislatures," he said.

"Mr. Diefenbaker's bill, being in the form of a federal statute, and applying to matters within federal jurisdiction only, has the advantage of not requiring provincial consent. On the other hand its effects are necessarily limited."

MERELY INSTRUCTIONS

He described the bill, insofar as it commands anything, as "merely an instruction to judges; it tells them to interpret all federal laws in a certain liberal way."

"A heavy new responsibility is thus placed upon the courts."

The constitutional law expert said that, apart from the bill, a great constitutional change will come some time for Canada.

"We like to think that our nationhood is complete, but from the point of view of constitutional law it is not so."

"We are still in a partly colonial relationship to Britain, for we still have to return to the British source of our constitution for its major amendments."

NATIONALIZE CONSTITUTION

Canada's constitution eventually must be "nationalized." This country must get rid of "the anomaly called the British North

and replace it with the Constitution of Canada.

"A new attempt will have to be made to complete Canada's sovereignty, however much politicians may shiver at the thought of calling another federal-provincial constitutional conference."

American Pacing Classic with Shadow Wave, defeating Belle Acton 1:38 3-5, and other great pacers - setting up a new world's pacing record for three-year-olds of 1:56 3-5.

BAD WEATHER

Bad weather has hampered the racing all over the Maritimes but a good card was run off at Sackville Downs Saturday night, with island horses winning six of the eight firsts, and Island drivers taking seven of the eight firsts, also other placings.

Here is a brief summary: Races 1 and 4 - Jollity Leigh (C. Constable) 1-2, Tribune (Clark Smith) 4-1, Eddie Hoosier (Cyril Smith) 2-3, Haley's Alpha (E. Haley) 3-5, four other starters, times 2:15 4-5 and 2:15 3-5; winning owners: Mapco Stables, Summerside, and Stanley Mayhew, Kinkora, P. E. I.

Races 2 and 6 - Peter Federal (D. Constable) 1-1, Just Verdict (Clark Smith) 3-2, Jolly Castle (E. Haley) 2-5, Jean Clegg (J. MacGregor) 4-3, three other starters, times 2:15 1-5 and 2:15 1-5; Peter Federal owned by Mapco Stables, Summerside.

Races 3 and 7 - Waychamp (D. Ratchford) 1-2, Laurel Henley (Cyril Smith) 5-1, Miss Wilma Dale (J. MacGregor) 2-4, three other starters, times 2:14 4-5

and 2:14 1-5; winning owners: Donald Ratchford, Newport, and Donald Grace, Antigonish, N. S.

Race 5 - Colonel Hansford (Clark Smith) 1, Ginger Will (Cyril Smith) 2, Royal Budlong (Balloch) 3, five other starters, time 2:22 2-5; winner owned by Cyril Smith, Hunter River, P.E.I.

Race 8 - Feather Duster (Clark Smith) 1, Mount Carroll (Burbine) 2, Joppa Maid (E. Shaw) 3, five other starters, time 2:21 3-5; winner owned by Stanley Mayhew, Kinkora, P. E. I.

Jollity Leigh and Peter Federal combined to pay a Daily Double of \$89.00.

At Saint John Raceway Saturday afternoon, the following were

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