

Faculty of Law,
3644 Peel Street,
Montreal, Quebec.

February 16, 1965.

Mr. A. E. Blakeney,
The Legislative Assembly,
Province of Saskatchewan,
Regina, Sask.

Dear Al,

I have your letter asking about the Fulton-Favreau Formula. In my opinion it is no better than the original Fulton Formula, and everything that your Government said at that time is valid today. Doubtless you have the document that Bob Walker issued at the end of the Fulton meetings.

The only changes of importance are that the present Section 91-1 is to be repealed and replaced by Section 6 of the new formula. This reduces the authority of the Parliament of Canada to amend the Federal Constitution, and thus is not so generous to Ottawa as the previous formula was. Moreover Section 6 contains a number of particular subtractions from the Federal amending power which are expressed in very indefinite language and would give rise to great uncertainty if any specific changes were proposed.

The only change in the part dealing with delegation occurs in 94 A (2) (b). This complicated section appears to mean that delegation from only one province to Ottawa is conceivable. It still remains true that only a limited number of provincial powers can be delegated, whereas there is no federal power whatever that may not be decentralised. With powerful provinces ganging up against Ottawa, and a weak government there, we have no guarantee that the country might not be steadily reduced to a series of independent states rather like Central America. The ultimate fate of such a country is readily understood.

Mr. A. E. Blakeney,

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It is encouraging to see how you are maintaining your fight in Saskatchewan. These dark days will pass, I am sure. I trust Woodrow Lloyd is recovering; please give him my regards.

Yours sincerely,

F. R. Scott.

FRS:no