

*Newfoundland*

sister dominion what they should or should not do, or what they could or could not do in dealing with this subject. I pointed out that the relationship still is directly between Newfoundland and the government of the United Kingdom.

Today, however, we are dealing with the draft of a bill which is to be submitted for consideration to the parliament of the United Kingdom. Therefore the terms of that bill, the way in which it is drafted and the extent to which it conforms to our constitution are matters with which every hon. member of this house must be concerned in reaching a decision as to how he will vote on the resolution now before us.

As was appropriately said by the Prime Minister (Mr. St. Laurent) following the introduction of this resolution, there is a background of common history which brings the people of Newfoundland and Canada extremely close together, not only in geographical association but in ties of blood and the intimate contacts which were the result of many joint efforts during the war. The Prime Minister said that amongst our common traditions was an abhorrence of arbitrary action. I feel that this is something we should bear in mind. It is essential that in bringing about the fulfilment of the great vision of union we should do all in our power to prevent anything from happening which will fan the flame of discontent, either in Newfoundland or in Canada. That such discontent does exist, we all know. It is extremely important, therefore, that we examine carefully the constitutional aspects of the resolution now before us.

We start with the proposition that this house has clearly indicated its desire that Newfoundland become a part of Canada. There has been full evidence of the warm sentiments of those who sit in this house, as representatives of the people of Canada, toward the people of Newfoundland, whom they are anxious to welcome as their blood brothers and sisters in this great venture of confederation. At a time, however, when democracy and all the processes of democracy are being tested as never before, it is essential that we observe strictly the principles of democracy, and that in our desire to achieve the result we have in view, we do not disregard the constitutional background of this whole federal structure. In bringing about the fulfilment of this desirable result, we should not establish any principle which might weaken the constitutional structure upon which the strength of this nation must depend in the years ahead. We should not tamper lightly with our constitution, simply on the ground that the results are much worth while.

Particularly is this so in the light of the fact that our basic constitution, the British North America Act, does provide a means by which Newfoundland can be brought into the confederation without any variation from the original terms which were settled in 1867. When I addressed this house on February 7 last, I used these words—and I quote from *Hansard* of that day, page 294:

It must, however, be remembered that in the house we are called upon only to deal with the steps which Canada will take to bring about confederation. Except for any action by the Canadian government which has not been disclosed and is, therefore, not known to the members of the house, the procedure so far as Newfoundland is concerned is one which affects the people of Newfoundland in their direct relationship with the government of the United Kingdom. We may well regret that appropriate steps were not taken to assure that there would be no cause for any widespread feeling of bitterness or dissatisfaction, but it is not for us to tell the people of our sister dominion what course they should follow in their own dealings or in their dealings with the government of the United Kingdom.

At the time I made that statement and indicated our support of the principles we were then considering, we did not have before us the terms of the resolution which we are now discussing.

This country became a single nation by agreement of those provinces and colonies which have since entered the Dominion of Canada. They joined to settle the terms and they decided on a procedure by which the various provinces should come into confederation. As has already been indicated by the Prime Minister, the provision was perfectly clear; it is found in section 146 of the British North America Act, under the heading "Admission of other colonies". I think it might be well to read the part of that provision which refers to the procedure:

It shall be lawful for the Queen, by and with the advice of Her Majesty's most honourable privy council, on addresses from the houses of parliament of Canada and from the houses of the respective legislatures of the colonies, or provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those colonies or provinces or any of them into the union,—

There is a further part of the section which I need not read to illustrate the point I wish to make.

If a fully constituted legislative body had been in existence in Newfoundland, nothing more would have been required at this time than the addresses from the parliament of Canada and the legislature of Newfoundland. Upon the presentation of that joint address, no act of the parliament of the United Kingdom would have been required, because the terms of union would have become effective under the procedure simply on the advice of the privy council.