Once S. 146 has been amended in this way, the procedure becomes simple — the terms of union would be annexed to addresses from the Parliament of Canada and the Commission of Government of Newfoundland and then these addresses and terms could be approved by Order-in-Council in London, thereby acquiring the force of law.

7. The Act to amend S. 146 would, according to constitutional custom, have to be requested by Canada. The preamble to the Act would recite the referendum vote, the need to adapt S. 146 to the unprecedented constitutional position of Newfoundland, and Canada's request.

8. If the Canadian Government will agree to this scheme, the next suggestion of the Commonwealth Relations Office (although it is not essential to the operation of the scheme) is that Canada should enable the United Kingdom Government to obtain the enactment of this amendment in the autumn of 1948, thereby leaving only the substantive matters (the terms of union) to be disposed of in the spring of 1949. As the Parliament of Canada is not expected to be in session again until 1949, the only way S. 146 can be amended in 1948 is for the request by Canada to be expressed by the Canadian Government instead of by the Canadian Parliament. This method is legally available although it has not been used for an amendment to the B.N.A. Act since 1875. The Commonwealth Relations Office points out that the proposed amendment to S. 146 would be purely of an enabling nature and would not prejudice in the slightest the power of the Parliament of Canada later to approve or disapprove the terms of union.

9. If the Canadian Government likes the plan to amend and use S. 146, but declines to ask for the amendment without the approval of the Canadian Parliament, the Commonwealth Relations Office would still strongly prefer the S. 146 procedure to any procedure requiring the Parliament of the United Kingdom to legislate the union into existence.

10. Reverting now to the discussions between Newfoundland and Canada dealt with in paragraph 3 of this telegram, the Commonwealth Relations Office thinks that they should be bilateral and not tripartite. In the opinion of the Commonwealth Relations Office the United Kingdom Government is not concerned with the detailed terms of what may be called for convenience the "Instrument of Union" — whether that Instrument is to be annexed to an Order-in-Council under S. 146 or to a United Kingdom Statute. The United Kingdom Government would however, need to take the following very limited part in the discussions:

(a) The United Kingdom would necessarily be concerned with some of the financial clauses, e.g., those relating to the public debt;

(b) If it should be decided to have a United Kingdom Statute to approve the Instrument of Union, it would be desirable that United Kingdom Parliamentary counsel should co-operate in the drafting in order to ensure that the draft document complies with United Kingdom Parliamentary practice. Parliamentary counsel would have no interest in the substance of the proposed legislation.

11. Whether the Instrument of Union is to be annexed to a United Kingdom Statute or to an Order-in-Council under S. 146, the Commonwealth Relations Office hopes that it will not be any more detailed and elaborate than is absolutely