

Newfoundland

come into effect until some time afterwards, because it was pointed out that there were constitutional reasons why that should not be done, and that, no matter how desirable action of that kind might be, it would be most unwise to create, for the future, a precedent which was established upon a violation of the constitution.

It will be recalled by every member of the house that it was the right hon. member for Glengarry (Mr. Mackenzie King) who, exercising his very proper prerogative as leader of the opposition, pointed out what he regarded as constitutional defects in these extremely important measures which every Canadian knew were to the advantage of Canadians at that time in so far as the purpose was concerned.

Mr. Howe: He did not bring them down.

Mr. Rowe: You were not even here then.

Mr. Howe: I was not around.

Mr. Rowe: That is why you do not understand it.

Mr. Drew: It can always be read in *Hansard*. Those bills dealt with matters of great human concern. No one can plead today, any more than he could plead then, that there were not urgent reasons why this parliament should deal with those matters if it lay within its power to do so. It will be recalled that at that time the argument was put forth that it could be done under the broad reference of peace, order and good government, having relation also to certain undertakings which had been given in the international sphere. During the course of the debate which has taken place about the entry of Newfoundland into confederation with Canada, we have heard that the thing which must be considered here is whether or not this parliament has that measure of supremacy which makes it possible for it to deal with the things which could be done by the representatives of Canada. The argument is not new. In fact it was put forward in support of the measures to which I have referred, and which undoubtedly were measures that were being sought by the people of Canada at that time.

When it is suggested that an unusual practice is indicated when the proposal is made that the provinces should be consulted about amendment of the British North America Act, which unquestionably affects their interests as well as the interests of Newfoundland, may I remind hon. members that in the very discussions to which I have referred the need for consulting the provinces was mentioned, and was emphasized in most vigorous arguments. Perhaps it would be appropriate that I quote certain words spoken

by the then leader of the opposition, who is now the right hon. member for Glengarry, because they indicate recognition of this very principle. Granted the subject matter was different, granted that some of the constitutional questions hinged on different points, yet it must be remembered that a proposal had been made that the dominion government deal with the matter by virtue of its overriding powers under the constitution. The argument had been made that this was something which it was essential for the government to deal with, but the proposals were opposed, and this was one of the statements made in the debate. I read, from page 750 of *Hansard* of February 12, 1935, the words of the right hon. member for Glengarry. They are as follows:

We have all seen, understanding the jurisdiction to be as we all along have believed it to be, that, if a national scheme of unemployment insurance was to be drawn up, it could be done only in one of two ways. One way was by agreement with the provinces whereby they would act within their jurisdiction and the government of Canada would contribute grants in aid, as has been done in the case of old age pensions; the other way was by amending the British North America Act in a manner that would enable this federal parliament alone to deal with the question. We always said that a conference with the provinces, if properly carried on, would enable us to reach agreement on an amendment of the British North America Act, but five years have been lost in the holding of any conference of the kind. I say here that we will yet discover that such a conference must take place.

May I remind the members that I am quoting from the words of the right hon. member for Glengarry.

I say here that we will yet discover that such a conference must take place; we will yet discover, before any legislation of this character comes within the jurisdiction of the federal government, that it will have to be by the path of some conference between the dominion and the provinces, and through agreement reached as a result thereof.

Mr. Martin: Was that the unemployment insurance debate?

Mr. Drew: On February 12, 1935.

Mr. Martin: The unemployment insurance measure?

Mr. Drew: I have given the page reference, page 750 of *Hansard* of that date. As the members will recall, the provinces were subsequently consulted, and as a result of that consultation, agreement and understanding, the amendment to the British North America Act, providing that the dominion parliament could deal with unemployment insurance, was duly advanced in the ordinary way. Surely no one will question the fact that the subject matter of the discussion on that occasion was a matter of vital concern to Canada, and to the people of Canada.