

Newfoundland

United Kingdom and not on the advice of ministers responsible to the elected representatives of the Canadian people.

It must not be forgotten that the British North America Act was passed in 1867, almost eighty-two years ago, and that conditions in this country, its people, its parliament and its government are not the same today as they were then. I was surprised at the attitude expressed this afternoon by the hon. member for Charlevoix-Saguenay. Most of us from my province derive perhaps some sentimental satisfaction from the developments that have taken place and that have brought about the situation whereby the prerogative of His Majesty is now exercised on the advice of ministers responsible to his Canadian subjects, but the hon. member for Charlevoix-Saguenay seems to be one of those who have lagged behind, and he is not willing to keep pace with the developments that time has brought about.

The situation is that a statute will have to be passed by the parliament of the United Kingdom before these terms of union become effective. If that statute is passed it will have the same effect as had the statute of the parliament of the United Kingdom which confirmed the agreement made, in a manner not strictly in accord with the British North America Act, for the return to the province of Saskatchewan, to the province of Alberta and to the province of Manitoba of their natural resources. The procedure being followed here is the procedure that was followed there.

It was found that the British North America Act did not provide the proper machinery for the return of those resources to the western provinces. In order to get them back to the western provinces, as my hon. friend's constituents wanted, and as the rest of the people of Canada felt was fair, an agreement was made that they would be returned. It was provided that that agreement would not come into operation until it was ratified by the parliament of Canada, by the legislature of the province, as far as that province was concerned, and then confirmed by an act of the parliament of the United Kingdom. That was necessary because it was a procedure not strictly in accord with the terms of the British North America Act.

This is the same thing. This procedure is not strictly in accord with the terms of the British North America Act. It is to do something which the British North America Act contemplated, but it is being done under conditions which have changed over the eighty-two years. The requirements of the British North America Act, in so far as they can be complied with, are being complied with, but in order to give it the effect of law—no one can dispute that something is being

added—there must be a confirming statute of the parliament of the United Kingdom, the same parliament that originally passed the British North America Act.

Mr. Nicholson: I am sure the Prime Minister is making a sound legal argument, but I should like to draw the attention of the committee again to the fact that this is a very controversial question in Newfoundland. As I mentioned last night, I spent a week there in December. I have been in a great many countries throughout my short lifetime and that was the first time I have ever been in an embarrassing position as a Canadian. I was embarrassed on a great many occasions.

I want to make it clear that the people I met, who were so bitter about the question, were not necessarily opposed to becoming part of Canada, but they felt that an injustice was being done. They felt that it would have been better in the long run to have taken the additional step of granting responsible government to Newfoundland and then having the elected representatives of the people carry out the terms of the British North America Act and negotiate with the elected representatives of the Canadian people.

I have here a copy of the *St. John's Daily News* which contains reference to a letter to the *London Times* by Sir Alan Herbert, who is sponsoring the Newfoundland bill in the British house. Sir Herbert says in his letter:

Canada may think it wise and proper to take in a new province of which at least half of the population is bitterly opposed to the arrangement. That is her affair. But the United Kingdom's good faith and honour are ours. Further if the Statute of Westminster means anything we have absolutely no right to dispose of this dominion's independence, population and possessions by a British act of parliament as our government proposed to do. Our only right and duty is to say, here is your liberty again. Do what you will with it. Many people seem to think this affair is settled. I hope they will think again. I have the Newfoundland (Liberation) bill ready and shall introduce it as soon as I have power. I hope some lover of liberty and right dealing who is successful in the private members' ballot will take it over.

Then the *St. John's Daily News* of January 13 contains a summary of the bill and the report goes on to say:

Sir Alan said he isn't opposed to confederation of Newfoundland with Canada but he supports the convention of the Newfoundland responsible government league that the island's government should be restored by the United Kingdom and allowed to conduct its own negotiations with Canada. He said if responsible government were restored there could be a Newfoundland general election in May when the candidates favouring self-government and confederation could face each other. If the confederation party was elected the terms recently signed with Canada by certain "unelected Newfoundlanders" would be a useful basis for discussion. "Confederation (if there is all that hurry) could still be accomplished before the snows fell again." If the self-government party was elected then "Newfound-