

Newfoundland

that constitution, I know, and exultantly feel, both that I am free, and that I am not free dangerously to myself or to others.

Great progress has been made since confederation, as was pictured by the Minister of Defence (Mr. Claxton), but those advances were made during a period when the constitution was upheld at all costs by all parties in this country. Having the experience of power gained during the days of war when without restraint parliament allowed the federal authority, the provinces raising no objection, to infringe upon the rights of the provinces, this government is following the precedent on amendment to the constitution in 1946 and is adding precedent to precedent. Unless a stop is put to this course, it will become the unwritten law of this country that our constitution may be amended without consultation with the provinces. There is the danger.

Junius dealt with that when great debates on liberty and freedom were taking place. He dealt with many of the problems that we are faced with in connection with our constitution. He warned of the danger of bad precedents being permitted to find a place in the statute books because the danger was that if once permitted they would continue in the future. He said:

One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, today is doctrine.

What Junius said in those great Letters of his comes back with renewed force. Almost three years ago this parliament, over the stand taken by this opposition, permitted an amendment by voting for an address which provided for an amendment to our constitution that altered one of the main bases upon which confederation was built. We moved an amendment in these words:

That the motion be amended by deleting the words: "A humble address be presented to His Majesty the King in the following words:" and substituting therefor:

And whereas it is desirable that the government should consult with the several provinces in respect of the said matter;

Now therefore be it resolved that the government be required to consult at once the several provinces and upon satisfactory conclusion of such consultations be authorized to present an humble address to His Majesty in the following terms.

That was our amendment in 1946. My hon. friends opposite say that we have changed our viewpoint. That viewpoint we have not changed. Our stand in 1946 is our stand today. Everywhere in this land, in every province in this country, people will be able to realize and build upon this fact: So long as we are in this House of Commons, rights under the constitution will not be kicked about by a government, however convenient it may be to that government to do so.

[Mr. Diefenbaker.]

Mr. Knowles: Before the hon. member sits down, would he permit me to ask a question? The hon. member has referred to the stand his party took in 1946. Will he tell the house where his party stood in 1943? If he won't, I will; they voted the other way in 1943.

Mr. Jean-François Pouliot (Témiscouata): Mr. Speaker, I am open-minded about this question of Newfoundland, but I was surprised at some of the arguments used by the leader of the opposition (Mr. Drew). He referred to Newfoundland as being a dominion, but he knows that the British government appointed the Amulree commission whose recommendations were approved, first by the Newfoundland government and afterward by the British government who put them into force. One of the recommendations of that commission was that the legislative and executive authority be vested in the governor, who was to be advised by a commission of six members appointed by the British government. One of those commissioners, Mr. Walsh I believe, was here. Newfoundland is no longer a dominion, as the leader of the opposition knows very well.

We have had some fine dissertations about the fathers of confederation. They were great men, they were statesmen, but they are all dead. I am more interested in the living than in the dead, although I have great respect for the dead. As I say, I was openminded about Newfoundland until a few days ago when I saw a dispatch in the press. I do not think too much publicity could be given to this. It appeared in a French paper as a Reuters dispatch from London dated February 9, and I translate from the French as follows:

Viscount Jowitt, Lord Chancellor of Great Britain, stated that the decision of Canada to incorporate Newfoundland was far from being stingy.

That is my English, of course. It may not be Oxford English, but I am doing my best.

It is certain that union for a great many years to come will be a heavy burden upon the Canadian people, he stated in answer to the Tory Lord Semphill. He said that that was one reason why several people from Newfoundland were under the impression that they were being sold to Canada by the British government.

Lord Jowitt was kind enough to inform Canada of the burden that would have to be carried on our shoulders. If the leader of the British government in the House of Lords, the Lord Chancellor, says that this deal will be a heavy burden for Canada, then I may not be for it. I will leave aside all hair-splitting about section 146 of the British North America Act and section 6 of the Statute of Westminster. I have already said and written that the Statute of Westminster is just bunk and changes nothing in the British North America Act. Who ever heard