

*Newfoundland*

Minister set forth what the government's intentions were in this regard. He said that a body was to be set up for this purpose:

To consider and discuss amongst themselves, as elected representatives of the Newfoundland people, the changes that have taken place in the financial and economic situation of the island since 1934, and bearing in mind the extent to which the high revenues of recent years have been due to wartime conditions, to examine the position of the country and to make recommendations to His Majesty's government as to possible forms of future government to be put before the people at a national referendum.

That was the authority for the enactment by the commission of government in Newfoundland of what we would call an order in council, which provided for the election of 45 members to constitute a convention to investigate the situation in Newfoundland and report on what form of government Newfoundland wanted. The convention went far beyond that, and after two popular votes and a majority had said that they wanted to become united with Canada, the convention, instead of reporting to Great Britain, which would then have found a proper way to carry out the intent within the terms of the statute which happens to be our British North America Act, sent delegates to Canada to enter into negotiations. For the moment I am not going to discuss the negotiations; I am not going to discuss what Newfoundland did, and I am not going to discuss the power or the authority of the Newfoundlanders to do what they did; but the result is that a situation has been created, with the co-operation and collaboration of the Canadian government, which makes it impossible to bring Newfoundland into confederation without an amendment to the British North America Act.

At six o'clock the house took recess.

**AFTER RECESS**

The house resumed at eight o'clock.

**Mr. Hackett:** Mr. Speaker, I trust I am not unduly optimistic if I express the hope that even the Minister of Justice (Mr. Garson) will now assent to the fact that we are dealing with a request for an amendment to the constitution. Apparently everybody believes that we are dealing with an amendment to the constitution, except the Minister of Justice and his disciple, the minister of external affairs. I hope that after mature consideration they will be able to rally to the point of view of the British government.

There is another aspect to the question. Hon. gentlemen opposite have dealt in light terms with what they have called matters of form and technicalities. I think I mentioned before adjournment that the convention in Newfoundland had very limited powers of

inquiry. Their sole duty was to inquire and report; they had no power to negotiate. Then, it may be said, that does not concern this house. But unfortunately it does concern this house because—if they had no power to negotiate and were not a legislature—the government of Great Britain had not the power under the statute to issue the necessary order in council to bring Newfoundland into confederation. If one wished to be facetious one could say that the habit of writing orders in council in this zone has become so deeply inculcated in the manners of the Canadian government that the possibility of any restriction upon that practice is difficult for hon. gentlemen to conceive.

However, it was found in Great Britain that under the statute the British government could not write an order in council admitting Newfoundland into the dominion because the statute does not give them that power. Hence the statute must be amended and the amendment of that statute, it being the British North America Act and our constitution, does affect us.

I say to hon. gentlemen opposite that the great majority of those who come from my province have preached, and I think many of them have believed, that there was something in the nature of an agreement at the time of confederation. They believed that they had entered into some kind of compact, some kind of understanding which gave them something more abiding, which conferred greater surety than does the volatile wish of a body which is under a party lash.

What are those hon. gentlemen going to say when they go back to their constituents?—because this matter will be taken into the constituencies. What are they going to say when they are asked if confederation was a compact, if it has any abiding significance? Are they going to say that they cast in their lot with those who held that Great Britain must amend the Canadian constitution at the mere request of a party vote in the two legislative halls of this parliament?

What are they going to answer when their electors say to them: Is it true, Mr. Member, that you stood in your place and were counted as being in favour of the proposition that the constitution can be amended merely because the parliament of Great Britain has been asked by the narrowest parliamentary majority to amend that constitution? What are they going to say when their constituents remind them that possibly at some time in the not altogether remote future the government which now holds office may pass from the scene and be replaced by another—I do not know by whom. I do know however that my party is full of understanding, and it appreciates the origin and genesis of our