

Newfoundland

and their representatives expressed themselves in favour of or against union between Newfoundland and Canada. The government commission, however, never admitting defeat, arranged for a second referendum which gave a slight edge to those favouring confederation after the struggle I have already summarized. The governor then appointed a delegation to negotiate union with Canada. This delegation had no legal status to enter into such an agreement; such a step was autocratic and totalitarian.

May I remind the house that in a letter dated October 29, 1947, the then prime minister expressed himself as follows:

If the people of Newfoundland stated clearly, in a manner excluding the possibility of any doubt, their desire that Newfoundland become a province of Canada, on the basis of the proposed arrangements, the Canadian government, subject to the approval of parliament, would be prepared, insofar as it was concerned, to take whatever constitutional steps were required to achieve this union at the earliest possible moment.

The reply given by the national convention, by a vote of 29 to 16, on January 27, 1948, was a plain answer, more so surely than the slight majority afforded by the second referendum. Moreover, no doubts could remain after the first referendum, which favoured responsible government and excluded entry into confederation. Yet we have a very slight majority, secured by means which brought condemnation by Bishop J. M. O'Neill, dispelling any doubt in the mind of the government.

The conclusion to be drawn therefrom can be found in a letter published by Bishop J. M. O'Neill:

(Text):

It became obvious to many Newfoundlanders that the government of Canada, in collusion with the government of the United Kingdom, had long ago determined to annex Newfoundland regardless of the outcome of the referendum.

(Translation):

Mr. Speaker, we cannot be a party to a contract that violates an explicit agreement, concluded between Great Britain and Newfoundland, to re-establish responsible government. In doing so we would be party to an injustice, to an unlawful act.

(Text):

The Deputy Chairman: Shall the preamble carry?

Preamble agreed to.

The Deputy Chairman: We shall now deal with the terms of union.

Section agreed to.

Section 2 agreed to.

On section 3—*Application of the British North America Acts.*

Mr. Nicholson: Mr. Chairman, I was not satisfied with the Prime Minister's explana-

[Mr. Raymond (Beauharnois-Laprairie).]

tion regarding the application of the British North America Act. While strictly speaking this is a problem for the British government, I suggest the Prime Minister should give some indication as to how that government is going to overcome the British North America Act which, as I said last night, states very definitely in section 146—

It shall be lawful for the queen, by and with the advice of Her Majesty's most honourable privy council, on addresses from the houses of the parliament of Canada, and from the houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island—

and so on. Would the Prime Minister indicate what is going to be done to make it legal for this union to take place, in view of the terms of the British North America Act?

Mr. St. Laurent: Mr. Chairman, I do not know that I can add to what I have said. We have acted here in full conformity with what was prescribed by the terms of the British North America Act with respect to the Canadian situation. The responsible authorities for the government of Newfoundland are, and have been since 1933, the government of the United Kingdom and the commission of government.

The hon. member wants to know how they are going to act to overcome that. They are going to act in accord with the expressed wishes of the majority of people of Newfoundland who, in referendum, stated they wished to have union with Canada and did not wish to have restored now their responsible government. How will that become effective? It will become effective by virtue of a confirmatory statute of the parliament of the United Kingdom, which is the parliament that passed the British North America Act and which, according to the terms of the agreement, is called upon to give legal effect to the terms of the agreement before they become effective.

The hon. gentleman asks why the other procedure was not resorted to. The other procedure was not resorted to, first, because it could not be resorted to without restoring responsible government, and the majority of the people had said that they did not want that done; and, secondly, because of the constitutional developments which have taken place since confederation and which are reflected in the terms of the Statute of Westminster. No longer does His Majesty exercise the royal prerogative in respect of Canadian affairs on the advice of his most honourable privy council in London; he exercises that prerogative in respect of Canadian affairs on the advice of his Canadian ministers. It would have been a retrograde step to ask that that prerogative be exercised for this purpose by His Majesty on the advice of ministers responsible to the electors of the