

*Newfoundland*

where Sir John A. Macdonald, then attorney general, had this to say:

... if we wish to form—using the expression which was sneered at the other evening—a great nationality, commanding the respect of the world, able to hold our own against all opponents, and to defend those institutions we prize: if we wish to have one system of government, and to establish a commercial union, with unrestricted free trade, between people of the five provinces, belonging as they do, to the same nation, obeying the same Sovereign, owning the same allegiance, and being, for the most part, of the same blood and lineage: if we wish to be able to afford to each other the means of mutual defence and support against aggression and attack—this can only be obtained by a union of some kind between the scattered and weak boundaries composing the British North American provinces.

Then he went on to describe the main provisions, terms and intent of that union, and he said this:

Ever since the union was formed—

He was referring to the union in the United States.

—the difficulty of what is called "state rights" has existed, and this had much to do in bringing on the present unhappy war in the United States.

They commenced, in fact, at the wrong end. They declared by their constitution that each state was a sovereignty in itself, and that all the powers incident to a sovereignty belonged to each state, except those powers which, by the constitution, were conferred upon the general government and congress. Here we have adopted a different system. We have strengthened the general government. We have given the general legislature all the great subjects of legislation. We have conferred on them, not only specifically and in detail, all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and local legislatures, shall be conferred upon the general government and the legislature. We have thus avoided that great source of weakness which has been the cause of the disruption of the United States. We have avoided all conflict of jurisdiction and authority, and if this constitution is carried out, as it will be in full detail in the imperial act to be passed if the colonies adopt the scheme, we will have in fact, as I said before, all the advantages of a legislative union under one administration, with, at the same time, the guarantees for local institutions and for local laws, which are insisted upon by so many in the provinces now...

And then finally at page 40:

But any honourable member on examining the lists of different subjects which are to be assigned to the general and local legislatures respectively, will see that all the great questions which affect the general interests of the confederacy as a whole, are confided to the federal parliament, while the local interests and local laws of each section are preserved intact, and entrusted to the care of the local bodies.

I submit that there is the best and most authoritative contemporary view of what the constitution of Canada was intended to mean; and that is a view which I submit should appeal to, and must be maintained by, all who want to observe the constitution.

The leader of the opposition (Mr. Drew) has said that under our constitution Canada

[Mr. Claxton.]

has grown strong, and that the constitution must be maintained. I agree that under the constitution Canada has grown strong, and that the constitution must be upheld. That is our view; we have no other view. But I would like him to say exactly how Canada has grown strong under the constitution so far as the accession of the provinces is concerned, the matter with which we are dealing today. I would like him to say this: Did Canada grow strong when Manitoba was joined into confederation in 1870? Yes. And were the provinces consulted? No; they were not consulted.

I would ask him whether Canada grew strong and was strengthened when British Columbia joined confederation by order in council in 1871—and there are hon. members in the house from every part of Canada, not only from British Columbia, who know how British Columbia has grown from a colony of less than 15,000 white people. Were the provinces consulted at that time? No; they were not consulted. And I can remember, too, how Prince Edward Island entered confederation in 1873, that island province which has since been one of the greatest jewels in the crown of confederation. And the premier of that province, the province in which, through the Charlottetown conference of 1864, confederation was started, is in this House of Commons today, listening to this historic debate. I ask again: Were the provinces consulted over the entry of Prince Edward Island? Again the answer is no.

Then I ask: Did Canada become strong when the great western provinces of Alberta and Saskatchewan were formed in 1905? It was done by act of the imperial parliament, and by the provisions of the British North America Act, just as was the inclusion of Manitoba. It was done by a provision amending the British North America Act, in exactly the same way that is being followed on this occasion.

Were the provinces consulted? The answer is again no. The only five precedents we have are in accord with procedure we are following today. This is no thin edge that is going to break the Canadian constitution. This is extending the hand of friendship and of good neighbourliness to our sister island to the east. This is bringing about the objective which all of us have had in our hearts and in our minds for so long. This is not a work of destruction; this is not a challenge to the Canadian constitution. This is an exercise of the rights of this parliament, within its constitutional rights.

If this parliament, having the opportunity to extend to Newfoundland reasonable and fair terms of union, said, "No, we will not do it; we must refer the matter to the provinces",