

Newfoundland

eight, ninth and tenth commandments: thou shalt not steal; thou shalt not bear false witness; thou shalt not covet. That is what the government is doing with regard to patents and trade-marks under the law as it is. The lawyers know something about that.

I do not wish to criticize the high court judges. Far from it. I can tell hon. members, however, that we have no real law reform in this country. For many years past I have been trying to get some. It is a forgotten subject here. We should have a committee to go over these legal bills and see that we get some reform. With the complexity of the law, with the maelstrom of red tape and the cobwebs in it, I can tell hon. members that it is a relic of other days. In England, as a result of the summary offenders act, half the prisons have been closed. How? The people are given time to pay. Yet we have no law reform in Canada of the criminal law which we are to pass on to Newfoundland according to this bill. In Toronto we built the Toronto jail, the jail farm on Yonge street for men and the jail farm for women three miles from there at Concord. The government here, through one of the departments, have taken those two new jail farms. I do not know why that was done. I can tell hon. members that 400 people have been crowded into the Toronto jail. It was built after 1867 for use only for remands, and is fit for no more than 200 persons. We have been trying to get something done, and we did get something done by establishing these two jail farms. If that is the kind of law reform that is to be passed on to Newfoundland, it is another matter. Having explained these matters, and pointed out the urgent need for law reform in this country, I suggest that we should have a legal committee to go over every one of these laws every year in order to see that we get some real law reform.

Mr. MacInnis: Mr. Speaker, I want to say a few words along the same lines as those spoken by the hon. member for Lake Centre (Mr. Diefenbaker), although I am not taking the same position. Indeed, I am taking the opposite one. I am speaking not in criticism of what he said but because two members from this group spoke along the same lines in the debate yesterday.

Mr. Diefenbaker: I merely asked questions.

Mr. MacInnis: Yes, I quite understand. It seems to me that we are going a little bit too far when we say that the fathers of confederation could lay down the procedure by which the dominion of Newfoundland, some eighty years later, could come into confederation. It is true that a procedure was laid down in the British North America Act, but when that

procedure was laid down it could not be foreseen that the dominion of Newfoundland would not have a responsible government in 1949 when its entry into confederation was being considered. That is one of the points I wish to make. There is so much unanimity in this house on the desirability of Newfoundland joining with Canada that I think it would be a mistake to indulge in criticism that can lead nowhere; because, in my opinion, there is nothing this parliament can or could do in the matters complained of. I am not attempting to defend the government in what it has done. It does not need my defence, because it has plenty of supporters on its own side quite able to defend its actions. I do not believe it was up to this government to suggest to the government of the United Kingdom that it should restore responsible government to Newfoundland to enable it to negotiate with the government of Canada. I am not well versed in how these things are done, but I do not believe that it would be proper for the Dominion of Canada to make proposals of that kind to the United Kingdom government. There were two referendum votes taken on this question by the people of Newfoundland. According to the system of voting followed, both votes were opposed to the reconstitution of responsible government. The first vote was on three questions: the commission form of government, responsible government and confederation. Responsible government received the largest vote. But it was stipulated that it would require to have an over-all majority. The first vote then stood at 85,000 to 69,000 against responsible government. In the next vote the situation was somewhat similar. Confederation carried by quite a reasonable majority. If an hon. member came to this house with as clear a majority as confederation received I believe he would think that he was quite justified in speaking for the electors of his constituency. There is only one logical conclusion to the criticism of how the negotiations were carried out, and I do not think any hon. member would want to accept that conclusion because, in the first place, it would delay confederation and in my opinion the results would be the same as they are now. That conclusion is to have another referendum taken by the people of Newfoundland with the exact terms of confederation before them. They should be asked whether they want confederation or not. That is the logical conclusion to the criticism made by the hon. member for Lake Centre and the two hon. members from my own party. I do not think anyone would suggest that seriously as a solution, if a solution is required, or if we want to insist that a greater

[Mr. Church.]