

*Newfoundland*

truly said that at the moment Newfoundland has not a legislature; it has a government. The legislature was set aside with the consent of Newfoundland, and a commission of government set up in 1934. Incidentally, may I add that the Statute of Westminster had then been in effect for several years, and up to that time the legislature of Newfoundland had the opportunity to say whether or not it wished to come within the provisions of that statute. The powers of the legislature, however, were placed in the hands of the parliament of Great Britain. It is for Great Britain now, as trustee of that legislature, dominion, colony, or whatever you want to call it, to decide whether or not it is in the interests of Newfoundland. I say that, so far as we in Canada are concerned, whether or not we agree with the method that was adopted in Newfoundland to bring about the agreement, our duty is to see that, in supporting the address, we are doing what is in the best interests of Canada. Because I believe that is so, I think we should proceed with the voting of the address.

In 1934, as I have already said, the status of Newfoundland was changed at the request of Newfoundland herself, but was there ever more democratic procedure than that which was followed in relation to the entry of Newfoundland into confederation? As there was no legislature, it is quite conceivable that the parliament of Great Britain, of its own volition, might have exercised all the powers conferred on the legislature, but it did not do so. The commission exercised the powers of government in Newfoundland on behalf of the United Kingdom, and called together a convention representative of many interests in the island. The convention decided there would be a plebiscite, and a plebiscite was held. Responsible government was defeated on the first vote, and on the second vote the majority of the people, whether or not the majority was small or large, voted for confederation with Canada. Consequently the parliament of Great Britain is reinforced by the voice of the people of Newfoundland expressed in a plebiscite.

There is one other point I should like to mention. I did not intend to talk about this subject this afternoon, and I am surprised that it came up. The leader of the opposition should have introduced his amendment at an earlier stage, if it was a proper thing to do. He would have saved the time spent in discussing this matter last week. The leader of the opposition has seen fit, however, to introduce another reference to the British North America Act. He now contends that Canada cannot enter into an agreement of this kind, and by the same token I imagine of almost

[Mr. Coldwell.]

any other kind, without the consent of the provinces. I do not know whether the leader of the opposition means the consent of all the provinces, or the consent of the majority of the provinces, or whether he means that, if one or two provinces oppose any such agreement, it cannot become effective. He did not say. If there were disagreement among the provinces in regard to a matter of this sort, where would it then rest? I do not profess to be a constitutional lawyer. All I profess is to be able to understand the English language, and to be able to interpret what the English language means from the point of view of an ordinary individual who speaks and reads it.

Section 91 of the British North America Act, I think, makes it very clear. It is headed "Powers of Parliament", and I take it that this House of Commons together with the other place constitutes the parliament of Canada. It reads:

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this act) the exclusive legislative authority of the parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated . . .

Then follows that list, and at the end of the list these words:

And the matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this act assigned exclusively to the legislatures of the provinces.

Then we get the matters assigned exclusively to the provinces; and among those matters I cannot find that they have any part in considering and approving an agreement of the description now before us. Consequently I say this is an extraordinary constitutional view the leader of the opposition (Mr. Drew) has introduced this afternoon, and so foreign to what I understood he believed before he came to this house. As the leader of the opposition was reported in the *Globe and Mail* of September 8, 1937, I find he said this:

We have strayed a long way from the path laid down by the fathers of confederation. The strong central government which the provinces sought to create is hamstrung by petty politics.

All the constitutional difficulties which now prevent the adoption of effective and urgently necessary social legislation can be overcome without waiting for amendments to the British North America Act if there is any sincere attempt at co-operation.

I am going to quote the whole thing:

The provinces created the dominion. The dominion did not create the provinces. If we are to