

*Newfoundland*

find in municipal law a wording such as the Minister of Justice (Mr. Garson) has used: "Notwithstanding anything to the contrary", or something like that.

The British North America Act is set forth in clear and understandable language. True, after listening to this debate I can understand that there is room for different interpretations. Nevertheless, the act is very well defined. Unless there were some element of doubt on the part of the administration, those words would not have been used in this address. It is because the administration knows the constitution must be amended, and is not prepared to take any chances, that the following all-embracing term is used:

—hereby confirmed and shall have the force of law notwithstanding anything in the British North America Acts, 1867 to 1946.

Now, I was rather surprised at the advice offered by my hon. friend the member for Grey-Bruce (Mr. Harris). Yesterday he suggested that this address to His Majesty appeared on the order paper the day before we voted on third reading of the bill. Of course it was on the order paper, but it was not brought before the house for discussion. I would suggest to the hon. gentleman that no one would rise in the house at that time to debate something which was not properly before the house. No one had an opportunity of even considering it, because the third reading of the bill was called. My hon. leader, however, alluded to the possibility of something not yet disclosed in his address on the presentation of the bill.

Let me deal particularly with the amendment for a moment. As I understand, Mr. Speaker, there is no one within this party who questions the right of this parliament to make the terms of union with the colony of Newfoundland. We have already given evidence of our approval by our agreement on the bill as it was considered clause by clause. While certain parts of the bill were drawn to the attention of the administration as matters that might be considered for amendment, no effort was made to amend those clauses. We accepted them as the basis of union. In that sense, we have said, this parliament could act.

I think the hon. Minister of National Defence (Mr. Claxton) was wrong in seeking to read into the amendment something which was not there. By our approval of the bill we have said to this parliament, in effect,

that it is possessed of the necessary authority to make any deal which is in the national interests of this country. No one has questioned that. What we do say is that, when one comes to read the address to be presented to His Majesty the King, one finds a reference which requires an amendment to the British North America Act. Upon that, we say, the provinces should be consulted. After the conclusion of these consultations, the address would then be forwarded and dealt with accordingly. The reference the amendment seeks relates to the constitutional aspect only, not to the terms of union with Newfoundland.

I can quite understand that, if you were to refer the terms of union to the provinces, it might be a long time before you would be able to obtain approval. I believe the sentiment in Canada is overwhelmingly in favour of admitting Newfoundland into confederation. Having regard to that fact, I believe a reference to the provinces at the present time, since the provincial legislatures are in session or will be in session shortly, would receive prompt attention. Owing to the sentiment in favour of union, I feel satisfied that prompt approval would be received. Then the British North America Act could be amended and Newfoundland could be admitted into confederation.

As has been said already, we have a constitution. Either it means something or it means nothing. A great principle is indeed here involved. The position is just the same as that in which a set of rules is laid down for a hockey match or for a lacrosse match. If you disregard the rules, then you are bound to have a more or less chaotic condition, or a complete disregard for all rules. I like to look beyond the present stage. I do not think it requires any reference by the Minister of National Defence (Mr. Claxton) to the great men who negotiated the deal. I think we all have an appreciation of each other. I do not think it requires any reference to what happened in Newfoundland. That was their responsibility and their business, not ours. The question about which we are vitally concerned is this. Have we the right to amend the British North America Act by a simple majority vote of this house, without a reference to the parties to the original agreement who indeed created confederation in the first place and played their part in the building of the Dominion of Canada?

(Translation):

**Mr. Frederic Dorion (Charlevoix-Saguenay):** Mr. Speaker, I listened with rapt attention, just now, to the speech of the hon. member for Gaspé (Mr. Langlois).

Of course, I could not attempt to go over all the points he covered as I should like to