

Newfoundland

Mr. Smith (Calgary West): He said: If we meet with the provinces, what majority or what number shall we require? May I agree with him most heartily. At the moment we do not know. I agree with him in drawing a distinction between the federation in the United States and ours, that there the residuary powers were left with the state while here they were left with the dominion government.

The minister quoted a Mr. McEvoy, K.C., who apparently has some clients. In that he may be different from the Minister of National Defence, who I am sure has not any. Still that was the position. What Mr. McEvoy said is quite true. That is not news to the various laymen in this body. That is the distinction in our constitution. But when the minister for Rosetown-Biggarr quotes sections 91 and 92—

An hon. Member: Member.

Mr. Smith (Calgary West): Did I make a mistake? I called him minister but I assure you that is not wishful thinking with me. When the hon. member for Rosetown-Biggarr took that position I agreed that he read those sections correctly, but that has no more to do with the problem we are dealing with now than the fact that you have a bit of gum on the heel of your left shoe, as far as I can see at the present time.

We come to this position. If you can by this short-cut method introduce a province into Canada, it is logical and true that by the same method you can throw a province out of confederation. Let the Minister of Justice (Mr. Garson) answer that one if he can.

Mr. Garson: If I never have to answer anything harder than that I shall have an easy time.

Mr. Smith (Calgary West): The minister has been very fortunate. He has been brought up politically with a spoon in his mouth and has never had anything to answer. However, I think that will give him a little trouble.

Mr. Sinnott: The Tories will help him.

Mr. Smith (Calgary West): This interrupter has moved over half a dozen seats. Last year, I remember, when the press took a Gallup poll, if I can call it that, of who would be the new leader of the party, there was one vote in the hon. member's favour, and it was his vote. Perhaps he should move down to the front seat.

Mr. Sinnott: I had one more vote than the hon. member.

Mr. Smith (Calgary West): I am bound to agree with the hon. member in that because [Mr. Claxton.]

I do not think I would get any votes on that side. But he did get one so we will just leave it at that.

The point I am trying to make is this: Today we are not dealing so much with the expedition of the entry of Newfoundland into confederation as we are with the greater and broader proposition whether our constitution is not the thing within which we live, whether our constitution is not the thing that protects minorities at all times. If that can be changed by a vote of this house, to quote the words of the hon. member for Rosetown-Biggarr, "Then indeed have we chaos".

Hon. Stuart S. Garson (Minister of Justice): Mr. Speaker, at least I have an excuse for rising to my feet in the fact that an hon. member has requested or challenged me to do so. I refer to the hon. member for Calgary West (Mr. Smith), who has just taken his seat.

We have had a great deal of excellent oratory during this debate. This amendment is certainly not something which could be anticipated by any prudent lawyer. I enter this debate with considerable diffidence because I took no part in the negotiations and had no contact with the legal problems in that way, but I must confess that when I heard the arguments put forward this afternoon by the leader of the opposition (Mr. Drew) and then got the text of the amendment to the resolution which he moved I was amazed on two grounds.

First, I was amazed that such a thesis should ever be put forward in this chamber. Then I must confess in all honesty that I was amazed at the excellence and the ingenuity of the arguments that were put forward in support of the amendment. Perhaps I should not have been amazed because on a great number of occasions I have heard my hon. friend use one peg after another as something upon which to hang the hat of centralization. I have always found him exceedingly ingenious in supporting the positions he has taken. I do not suppose there is a man in the Dominion of Canada who is better at making the best of a bad case than the leader of the opposition. I suppose it is quite appropriate that he should be the leader of the Conservative party because he will no doubt get lots of practice.

We have heard a great deal of rhetoric upon this subject, excellent in its way but exceedingly irrelevant. Of all the speeches in support of the amendment, in spite of his facetiousness, I think the one made by the hon. gentleman who has just taken his seat was much the best. At least he got down to the real nub of the matter, which was more than was accomplished by the rhetoric uttered by