

*Newfoundland*

have strong government, capable of meeting suddenly changing conditions, the provinces must take the first step.

That is, to meet the changing conditions.

They united to form the Dominion of Canada.

And I want to draw particular attention to this:

It was their intention that there should be one strong government capable of dealing promptly with all problems of a national character.

I ask you, Mr. Speaker: is not the matter now before us a problem national in character?

It was their own wish that the provincial governments should deal with problems of a purely local nature.

Is this problem before us today of a purely local nature? I think not.

Now we have reached a position as a result of endless constitutional appeals to the privy council, where no one really knows where the ultimate authority does rest in many fields of legislation.

Then these words:

We must decide whether we are one nation or nine—whether we are Canadians or not. The constitutional revolution in Alberta is only an advanced form of the disease of exaggerated provincial independence which has been spreading throughout Canada for years.

Well, if ever I heard in this house a suggestion which seemed to me to be in line with exaggerated claims of independence, provincial independence or provincial rights, it is the claim just made by the leader of the opposition. This is a matter which must be decided by this house; and I am positive that the people of Newfoundland, even those who disagree with the manner in which this agreement was placed before this parliament, will agree that in discussing and dealing with that agreement last week this house followed all the democratic and constitutional procedures, and that today we are doing precisely the same thing in discussing the resolution now before us.

I wanted to say that, because we have an extraordinary proposal in the amendment now before us, for which I can see no sanction in the constitution of our own country.

Surely the matter now before us, the entry into confederation of Newfoundland, brings into bold relief the necessity for the provinces and the dominion coming together as men of good will, regardless of party feeling or party affiliation, to see how we can modernize our constitution and bring it more into relation with the times in which we live. We have a constitution that was written by the fathers of confederation in 1867 and which from time to time has been interpreted by the privy council. That interpretation by the privy council usually has been to detract from the powers of this parliament and place

more power in the hands of the provinces. In Professor A. R. M. Lower's "Colony to Nation", I read a very interesting account of why that came about, which I think perhaps is worth mentioning. Lord Watson began the kind of judgment which reduced the central power; and Lord Watson was a law student in the office of a gentleman named Judah P. Benjamin. This Judah P. Benjamin was a secretary of the confederate states, fighting for states' rights and to undermine union in the United States. He fled the country and went to England, where he established a law practice which soon became very large. He taught the constitutional views he held, which were those of the confederate states rather than of the fathers of confederation.

Again, speaking entirely from memory, I would mention some of Lord Elgin's letters. The one to which I am going to refer I read several years ago—I was going to say many years ago—and I have not read it very recently, but I think it is recorded in "The Makers of Canada." If you will read that letter you will find that Lord Elgin said he was very glad indeed the fathers of confederation did not follow the American system of federation, because that system placed all the residuary powers in the hands of the local and sovereign states. Our constitution did the reverse, and he thought we had a better constitution than that which had been written in the United States. That was Lord Elgin's considered opinion.

But surely the day has come when, instead of having this sort of constitutional discussion in this house and apparently not knowing where we stand in relation to some of these important matters, we should settle some of these constitutional differences by men and women of good will representing all the legislatures and the parliament of Canada agreeing, even before going into such a conference, that the minority and cultural rights that were written into our constitution will be preserved in any constitution we adopt. Apart from that, I think we should consider ways and means of bringing our constitution up to date.

In passing, may I say that throughout the country today there is a great deal of criticism of the constitution as it affects these two houses of parliament. The finger of scorn is pointed at the other place because, for thirteen years at least, no appointments have been made to that house to represent the sixty per cent of the voting population of this country who are represented on this side of the house. This brings the other place into disrepute. As my hon. friends know, we have always urged the abolition of the Senate. Perhaps I should qualify that by