

the said Agreement shall be taken to mean, so far as Newfoundland is concerned, the Government of Newfoundland and the Agreement shall then be construed accordingly”.

The wording of this note did not cover the position which would arise in the event of Newfoundland entering into the Canadian confederation, but in that event the present function of the United Kingdom government in relation to Newfoundland under the terms of the Agreement would devolve upon the Government of Canada.

From that I read that upon confederation the contracting parties to that base agreement will be the governments of the United States and the Dominion of Canada. In other words Newfoundland is out of the picture. Entering confederation you give up all claim to the bases. Remember they are only leased grants for 99 years, and while some of us may not be here, some of our offspring may be, and these lease agreements, whereby part of Newfoundland was given away by Great Britain for a few destroyers, upon confederation we pass over the whole leased territory, the lease goes over and the agreement is between the USA and Canada. That looks very much to me like the alienation of the public domain of this little country of ours.

I asked that question because I see the seriousness of it. I see Canada taking over these bases and being a party to the agreement with the United States, and under the defence pact which Canada today has with the United States it is simple for Canada to man these bases, put her own men in here for a while, a skeleton crew if you like, and deprive 3,500 Newfoundlanders of jobs which they are now working at, and for which I understand they are getting very good pay.

**Mr. Chairman** I don't know whether I am as clear on that as you are, that the Government of Newfoundland shall be taken to mean the Government of Canada in the event of our going into confederation; by virtue of the fact that under section 92, sub-clause 13, of the BNA Act, the civil rights of the province will fall upon the province, so whether they mean the provincial government, in the event of entering confederation, or the federal government of Canada, does not appear to me to be quite clear. But if they

mean the federal government of Canada I would be interested in knowing how they arrived at that conclusion.

**Mr. Hollett** In my opinion it would be highly unconstitutional, but we have been the subject of so much unconstitutionality (if that is the word, sir) since 1933, that I never expect to see constitutionalism applied here again. I will read that again: “But in that event the present function of the United Kingdom government...” What is their function now? They are party to the agreement with the United States of America, “But in that event the present function of the United Kingdom government in relation to Newfoundland under the terms of the Agreement would devolve upon the Government of Canada.” That's plain enough. I want you gentlemen to think that over.

**Mr. Chairman** “Upon the Government of Canada.” As a matter of interest, Mr. Hollett, I would like to know the manner in which that conclusion has been arrived at. It would be very interesting.

**Mr. Hollett** Yes, I think it is about time our people did know and ask about it.

**Mr. Higgins** It is a very serious position if that is so.

**Mr. Chairman** All I can say is that I don't know how you get around it in the event of our becoming a province, because civilian property rights within the province of course come within the domain of the provincial government. How then can the Canadian government, as such, abrogate to itself the rights which are reserved to provincial governments under section 92? I am not trying to obstruct you, but it is a very far-reaching conclusion, and I would like to know how it is reached.

**Mr. Butt** I just want to suggest to you that it may be a question of defence, you know, which is purely federal government.

**Mr. Chairman** That's true.

**Mr. Hollett** I put it to you that this is not a question of defence. I am talking about the base agreement. It is a question of Newfoundland territory.

**Mr. Chairman** The point is this... that while the reversion under the lease would ordinarily come to the province under section 92, we would understand that defence, being a matter concerning the bases and the Government of Canada, would naturally come within the purview of section 91,