

Newfoundland

ever said. As a matter of fact, it is not a bad idea.

So we come down to this very simple proposition: What does this mean? Expediency, convenience, shortcuts—use any other words you will. It does seem to me that it is just that. Although this is the first speech I have made since the session was called—and perhaps these will be my last words in it—let me ask this: Am I right in saying—and I am sure I am—that it is an amendment to the Canadian constitution?

Mr. Garson: No.

Mr. Smith (Calgary West): Who said no?

Mr. Garson: The Minister of Justice.

Mr. Smith (Calgary West): Oh, the Minister of Justice said it? I am so happy to have heard him say that. But apparently he has not read the resolution—because it is called that in the resolution. It states—

The agreement containing terms of union between Canada and Newfoundland set out in the schedule to this act is hereby confirmed and shall have the force—

What?

—of law, notwithstanding anything in the British North America Acts, 1867 to 1946.

And if that is not enough for him—for this rookie in our big league—let him listen to this:

This act may be cited as the British North America Act, 1949—

How in the world could there be a British North America Act, 1949, unless it amended what we have had before?

Then, let us refer to the hon. member for Rosetown-Biggart, who said he was not a lawyer—and I am getting fed up with a lot of these fellows, who know nothing about the law, saying that they are not lawyers—and who read—

Mr. Gillis: You are not giving us a bad exhibition, right now.

Mr. Smith (Calgary West): You know, Mr. Speaker, it is very difficult when remarks like that are made by a close personal friend. You see, the point is this: he knows less than his leader; therefore he is a more difficult man to convince.

Section 2 says this:

This act may be cited as the British North America Act, 1949, and the British North America Acts, 1867 to 1946, and this act may be cited together as the British North America Acts, 1867 to 1949.

Now I will give a worse exhibition for the benefit of my good friend the hon. member for Cape Breton South—north, east or west, and never the twain shall meet; but you know whom I am talking about—an act to be passed in respect to another act which was not an

amendment to the latter except where it was annulled altogether. And so I come back to this—and it is something all hon. members must consider. I opened my remarks by saying how much I agreed with the Prime Minister's radio speech—that we did need to review our constitution. I agree with that heartily. But I disagree—I heartily and thoroughly disagree—that this House of Commons by a majority vote may vary that constitution.

That is exactly what we are doing here. The Minister of National Defence (Mr. Claxton) quoted certain people; and he is anxious to get up again, but I see he is leaving that to the Minister of National Health and Welfare (Mr. Martin). He pointed out, in certain quotations, that the provinces were definitely concerned with the amendments at that time. And so I turn again to the right hon.—no, not the right hon.—the hon. member for Rosetown-Biggart, who said he never knew of any reason why these short-cuts should not be adopted.

I do not care whether you use the word pact, compact, treaty or statute. One thing I will say to him is that it is an agreement, and he has never known an agreement to be varied except with the consent of the parties who signed it. That is the position I take, and the position upon which we stand.

We are told—and they will tell the people of Canada—that we have delayed getting Newfoundland into confederation—the wish, the dream if you like, of the fathers of confederation. We are told that the 31st day of March is the limit—the something or other day—when this must be done.

Now, this is an agreement between the Dominion of Canada and certain representatives from Newfoundland who signed. There is no reason in the world—and this is the very antithesis of what the hon. member for Rosetown-Biggart said—why the signatories to the agreement cannot postpone that D-day, or whatever day you wish to call it. So all this nonsense about hurrying and so on as of March 31 falls exactly where it belongs. It is based on the effort of this government to do in an illegal way what they could do legally if they chose to take a little time and give it a little more consideration.

This point has been raised by the Minister of National Defence particularly. He said most eloquently what has been said by thousands of people before he had chewed his third to the last lead pencil while he was listening to my leader. He has one right there now. He had better try the other side because the teeth on this side are beginning to get worn out.

Mr. Claxton: I have to chew on something.