

*Newfoundland*

time of the union, and the average amount of indebtedness per head of the population of Canada, Nova Scotia, and New Brunswick.

Therefore the different provinces agreed that Newfoundland would be permitted to join confederation, and the interested provinces were ready to admit Newfoundland.

Paragraph 72 on page 147 of the resolutions states:

The proceedings of the conference shall be authenticated by the signatures of the delegates, and submitted by each delegation to its own government, and the chairman is authorized to submit a copy to the governor general for transmission to the secretary of state for the colonies.

They were not satisfied just to approve the resolutions to admit Newfoundland into confederation at that time. They said that the resolutions so adopted by these four provinces at that time should be authenticated by their own governments and should be signed by the officers authorized to do so. These resolutions were submitted to London and were approved by the British government. In section 10 of the London resolutions you will find the following:

The colony of Newfoundland when admitted into the confederation shall be entitled to a representation in the legislative council of four members.

That was approved by the London conference and the London resolutions were adopted on December 4, 1866. Later on, these resolutions were included in paragraph 146 of the British North America Act, which said that when Newfoundland decided to join confederation it could do so by the procedure provided in section 146. It is true that this section cannot be applied exactly today because Newfoundland has no legislature at the present time. That is a question of procedure and not a question of right. I submit that when the three provinces interested at that time—because at that time Quebec and Ontario formed only one province known as the union of upper and lower Canada—agreed to form the confederation, they decided by the different articles of the resolutions which they sanctioned that Newfoundland could be added to confederation on equitable terms. The provinces were consulted and gave their consent in advance not only to the consultation as provided by the amendment of the leader of the opposition but to the fact that they would admit Newfoundland into confederation at any time. What we are discussing is only the terms and conditions provided for in the admission. As the resolution sets out, that admission must be on equitable terms to be decided on between Newfoundland and the different provinces of the country now known as the Dominion of Canada. When we say that we are amending the constitution, that we are changing the law which governs our country, we are saying something which is not true, because the provinces interested

at that time in forming confederation were consulted and gave their consent to admitting Newfoundland at any time. What we are doing is not asking to amend the constitution. In my humble opinion, what we are doing is not really amending the constitution; it is just a change in the procedure determined by section 146 of the British North America Act. We are not being asked to change the British North America Act; we are just giving our assent to a decision which was arrived at in 1864 and confirmed in 1866.

**Mr. Hackett:** Why does the British government require an amendment to the British North America Act?

**Mr. Marier:** They do not require an amendment to the constitution. What they ask is that this procedure be followed by the present government. It is not an amendment to the constitution; it is a matter of procedure under section 146.

**Mr. Hackett:** Why not follow the procedure?

**Mr. Marier:** There are no houses of parliament in Newfoundland at the present time. This is a matter of procedure.

**Mr. Angus MacInnis (Vancouver East):** Mr. Speaker, there have been some good speeches during this debate and I regret that there have been some that have not been so good. My purpose in rising to speak at this time is not to try to convince anyone as to how they should vote on the motion and the amendments before us; it is simply to make my own position clear as to why I cannot vote for the amendment moved by the leader of the opposition (Mr. Drew) and why I feel I must vote for the motion.

It is not contended by the supporters of the amendment that the terms of union are not satisfactory. I think the hon. member for Kamloops (Mr. Fulton) made that quite clear. It seems to me that the whole question is one of the procedure to be followed in seeking the amendment that will bring Newfoundland into confederation. I believe that the resolution moved yesterday by the Prime Minister (Mr. St. Laurent) follows the procedure which has been followed in the various amendments that have been made to the British North America Act at least since I have been here.

Since I have been a member I can remember three measures that came before this house that required amendments to the British North America Act. First there was the amendment in 1940 to allow the dominion government to enact an unemployment insurance act, and then there were amendments in 1943 and 1946. In 1940, because the provisions of the Unemployment Insurance Act would concern the provinces, the provinces were consulted; but in 1943 and 1946 the