

Newfoundland

member should be able to present his views without interruption. I want to appeal to hon. members themselves to support the Speaker, the Deputy Speaker and myself in trying to carry out the rules.

Mr. Hackett: For the last four years, Mr. Speaker, it has been my privilege to be the sole representative of my party elected from the province of Quebec.

Mr. Cruickshank: You will have that honour for a long time.

Mr. Hackett: However, the gods, with that bounty for which they are noted, brought me from Nicolet-Yamaska a little brother the other day, and ere long I hope he will join us on this side of the house and take his part in these debates.

I shall discuss briefly the question that is before us, or rather the questions that are raised by the government's resolution. Those questions appear to be twofold. I think everyone here desires the inclusion of Newfoundland in the Canadian confederation; I have not heard any opposition on that point. There is another point, however, which is under debate, and it is set out in the resolution in these terms:

And whereas Canada has requested and consented to the enactment of an act of the parliament of the United Kingdom to confirm and give effect to the said agreement and the Senate and House of Commons of Canada in parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a bill to be laid before the parliament of the United Kingdom for that purpose . . .

That is the substance of the resolution. An amendment has been offered. I have not the difficulty in interpreting or understanding the clear language of the amendment that has troubled some hon. gentlemen opposite. That amendment suggests that before this resolution is passed the provinces should be consulted. I ask you, Mr. Speaker, what the resolution means, because we have varying interpretations from the government. The Minister of Justice (Mr. Garson), supported by the Secretary of State for External Affairs (Mr. Pearson), contends that the resolution does not anticipate an amendment to the constitution. Well, if it does not a great many people, including the government of Great Britain, are labouring under a very serious misapprehension. I do not believe the hon. gentleman who preceded me, the Secretary of State for External Affairs, will dispute the fact that the constitution was amended in 1946 by a statute of the United Kingdom, which statute was enacted upon the prayer of this chamber and the other place. Is there any doubt that the constitution of Canada was amended in 1946 when the basis of repre-

[The Acting Speaker.]

sentation in this house was changed? We find in that imperial statute these words:

This act may be cited as the British North America Act, 1946, and the British North America Acts, 1867 to 1943, and this act may be cited together as the British North America Acts, 1867 to 1946.

I turn to the resolution, and I find that not only does it say it is an amendment to the British North America Act, but I find it is couched in identical terms. Listen to them:

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.

The hon. Minister of Justice (Mr. Garson) was asked if this resolution anticipated an amendment to the British North America Act. He answered quite candidly that it did not. You will find that question was put to him by the hon. member for Calgary West (Mr. Smith). It is recorded at page 521 of *Hansard*:

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.

Then, we turn to page 525 and find that when the Minister of Justice (Mr. Garson) addressed the house he said this:

But, sir, in no substantial or honest sense whatever can it be said that this is an amendment of the Canadian constitution.

There is the statement of the highest governmental authority that this is not an amendment to the constitution. I am well aware of the fact that the House of Commons is not the place in which a constitutional argument can be made with great benefit; yet I do feel this matter is of such importance it is well to have it cleared up once and for all. I submit that this is an amendment to the constitution and I submit, furthermore, that there can be no doubt about it because the act says so.

Let us go a little further. We find that article 146 of the British North America Act provides—what? It provides for the entry into confederation of two classes of territory, provinces which are self-governing, and secondly, unorganized territory within the dominion. What else do we find? We find a provision for the entry of each category in the following terms:

It shall be lawful for the Queen, by and with the advice of Her Majesty's most honourable privy council, on addresses from the houses of parliament of Canada, and from the houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those colonies or provinces, or any of them, into the union—

When the province of British Columbia joined the union, what happened? This