

Newfoundland

laid down in the constitution. There is no address, therefore the constitution must be amended.

It is true that the Minister of Justice (Mr. Garson) brushes this question aside as being a matter of little importance. He says it is only a procedural difficulty with which we are dealing. It is only a procedural weakness which is being removed. The Prime Minister referred to it as a matter of convenience. Call it what you will, Mr. Speaker, it is still an alteration of the constitution to ratify the doing in one way of something which the constitution calls for doing in another way.

What is the true position of that with which we are dealing? It is an amendment to the constitution. All these remarks which have been brought forth in such number about the lack of necessity for consulting the provinces with respect to the admission of Newfoundland into confederation become quite irrelevant. The amendment does not suggest that. When the suggestion is made in our amendment for consultation with the provinces at this stage, it is not suggested they be consulted on the merits of the question of admitting Newfoundland, but that they be consulted on the question of amending the constitution. This amendment to the constitution is made necessary by the fact, perhaps an unfortunate fact but a fact for which we are not responsible, that the procedure called for by the constitution cannot be complied with.

The Secretary of State for External Affairs (Mr. Pearson) made some remarks on this point this afternoon. It was obvious he had missed the point at issue. He took the position that, in the speech which was made by the leader of the opposition as well as the speech made by the member for Lake Centre (Mr. Diefenbaker), the government was being criticized for not following the procedure of section 146. Of course, that is not the fact. The government is being criticized because it departed from the provisions contained in the constitution without consulting the provinces. The constitution is not only the constitution of this federal parliament; it is the constitution of the provinces and of the provincial legislatures.

It all comes down to a question which has been aired in this house before, and that is whether the constitution, which is the constitution of the provinces as well as of the dominion, can be amended in particulars and in a manner which is of interest to the provinces without the provinces being consulted. Referring this afternoon to this question of consultation with the provinces, the Secretary of State for External Affairs brushed it aside. He said—I think I am quoting him correctly—that it was absolutely unnecessary to consult the provinces. Bearing in mind the fact that

what we are consulting the provinces about is an amendment to the constitution, not the merits or otherwise of the admission of Newfoundland, it must be said that the Secretary of State for External Affairs did not reflect the opinion of the great men of his party in the past. It is frequently true, of course, that recent converts are carried away by their zeal, and it may be that the hon. Secretary of State for External Affairs (Mr. Pearson) was so enthused by his recent conversion that he spoke without due reflection.

Certainly, it becomes obvious he has not studied the position taken in the past by the great leaders of his party. I should like to direct his attention to the remarks of Sir Wilfrid Laurier when dealing with this question of consultation with the provinces in the session of 1906-07. The question before the house at that time was a change in the representation in the House of Commons for the maritime provinces. Sir Wilfrid Laurier emphasized the extreme seriousness of any proposal to amend the constitution. After saying that the deviation from the principle laid down in the confederation act which was sought in the resolution then before the house was only a very slight one, he enunciated the following principle, and I am quoting from his remarks as found at page 2195 of *Hansard*, 1906-07:

But, though the deviation from the principle is limited, yet it involves an amendment to the constitution, and an amendment to the constitution is always a serious matter and one which should not lightly be entered upon.

So that to say that union with Newfoundland is desirable and, therefore, we should not pay any attention to the procedural difficulties or let the constitution stand in the way, is a position which we cannot accept. It is a position diametrically opposed to the position taken by past leaders of the party now in charge of the government.

This afternoon we have heard references to the very broad subject of discussion with the provinces, not concerning the merits of the change the government is seeking to make, but discussion with the provinces on the very question whether or not the constitution could be amended so as to take a procedural short-cut. Sir Wilfrid Laurier had some remarks about that on the same occasion. I should like to direct the attention of the Secretary of State for External Affairs to the further remarks which Sir Wilfrid made on that subject. At page 2199 of *Hansard*, 1906-7, he said:

Confederation is a compact, made originally by four provinces, but adhered to by all the nine provinces who have entered it, and I submit to the judgment of this house and to the best consideration of its members that this compact should not be lightly altered.