

October 30, 1946

Mr. Chairman Before proceeding to the orders of the day, I should like to clarify a situation to which I referred yesterday afternoon in dealing with the motion before the Chair relative to the sending of a delegation to Ottawa and the amendment proposed by Mr. Penney. I said I would put the motion and then put the amendment — what I meant was this; that when the debate on the motion has terminated and when all the members who wish to speak have spoken thereto, I shall

then read the question and then announce that to that question an amendment has been proposed and seconded so that you gentlemen may then understand that you will have the right to speak to the amendment as a new question. You quite understand? Then when the debate on both is over, I shall, of course, pursuant to the ordinary practice, put the amendment first, and from that the consideration of the motion will follow in due course.

Motion to send a Delegation to Canada¹

Mr. Cashin Before the debate is proceed with, I would like to take up a matter of procedure.

Mr. Chairman Certainly.

Mr. Cashin If I understand your ruling correctly, this Convention has power to send a delegation, and that ruling was confirmed by Mr. Wheare. I am not competent to contest your ruling, there are others more capable of doing that, yet I would like to draw your attention to an extract from His Excellency the Governor's address² given before the Convention, and I quote:

These forty-six Newfoundlanders gather together to consider, and here in the interest of accuracy quote from the official terms of reference "to consider and discuss amongst themselves as elected representatives of the Newfoundland people, the changes that have taken place in the financial and economic situation of the Island since 1934, and bearing in mind the extent to which the high revenue of recent years have been due to wartime conditions, to examine the position of the country, and to make recommendations to His Majesty's Government as to possible forms of future Government to be put before the people at a national referendum. Though these terms of reference do not permit of a roving commission, they do provide ample scope for the members of the Convention to ventilate their views on the possible forms of future Government.

He says the terms of reference do not permit of a roving commission. I do not know whether we consider a delegation to Ottawa or anywhere else as a roving commission; I would like a ruling on that....

Mr. Chairman I do not think, Major Cashin, that His Excellency had in mind when he used that expression, the competency or otherwise of the Convention in sending a delegation to Ottawa; nor do I consider that the expression which you have quoted is germane to the ruling which I gave yesterday.

Mr. Cashin The point I am making, His Excellency says, "the terms of reference do not permit a roving commission."

Mr. Chairman You want an interpretation of "roving commission"?

Mr. Cashin Yes.

Mr. Chairman I do not think you want to construe that expression too literally. It means what it says. I would say what His Excellency perhaps had in mind was that we were confined within certain definite limits by virtue of the terms of reference. We have to regard those terms of reference in ascertaining what our powers are.... I confirm my ruling of yesterday, that I think it is perfectly competent for this Convention, if it so desires, to send a delegation to Ottawa, if the Canadian government is prepared to receive such a delegation, to ascertain the terms and the basis of which the Canadian government would be prepared to consider federal union with Canada; in the same way, it is perfectly competent for this Convention to ascertain any other fact. It really amounts to the eliciting of information, and one of the primary duties as well as the patent authority and right of this Convention is to elicit information on basic facts. Is that clear, Major Cashin?

Mr. Cashin Quite clear, but I have not gotten the definition of a "roving commission" yet. As

¹See pp. 93, 104.

²See p. 3.