

In reading that question it came to my mind that if the delegates of Newfoundland thought it advisable to ask it, it was surely because they were far from being convinced that the matter had been finally settled by the report of the privy council; otherwise I cannot imagine that they would have asked such a question.

I was also very much surprised to read in the proposed arrangements submitted to the government of Newfoundland by the Prime Minister the following paragraph, page 5 of the pamphlet, section 2:

The province of Newfoundland will include the territory of Labrador defined by the award of the judicial committee of the privy council in 1927 as Newfoundland territory.

And one may further notice that such statement comes right at the beginning of the proposed arrangements, as if it was one of the most important questions to be decided. We can surely infer, from the special care and the particular consideration given to that matter relating to the boundary between the province of Quebec and Newfoundland, that it has never been settled before, and that the interested parties are willing to take advantage of the entry into confederation of Newfoundland to settle the matter finally. But my contention is that the Canadian government has not the right, has not the legal power, to dispose of a territory belonging to the province of Quebec; and I will go as far as to say that even if there was an agreement between Newfoundland and Canada to that effect, it would be ultra vires of the powers of the government, and the problem itself would not be solved.

Since the Canadian government rely upon what they call the award of the judicial committee of the privy council for the purpose of admitting the rights of Newfoundland over the Labrador territory, I will endeavour, Mr. Speaker, to explain and to prove that nothing whatsoever has been finally decided by this report and that the province of Quebec still has jurisdiction over that territory.

To enable us to understand as clearly as possible this important problem, we must go back as far as 1763 and see what were the different measures which were passed by the imperial government as well as by the Canadian government in relation to that matter.

Everyone knows that in 1763, by the treaty of Paris, the French government ceded to His Majesty the King of England all the territories on the North American continent. In the same year a commission was issued under the great seal of His Majesty, by which

Captain Graves was appointed as "Governor and commissioner in chief of the island of Newfoundland and all the coasts of Labrador from Hudson strait to river St. John". This gave jurisdiction to the governor of Newfoundland over Labrador coast itself, and also over a part of the coast in the gulf of St. Lawrence as far as Anticosti island.

In October of the same year, 1763, the British government decided to form four separate governments in North America—Quebec, East Florida, West Florida and Granada.

The government of Quebec had jurisdiction over the territory adjoining the St. Lawrence river starting from river St. John. But in 1774, by the Quebec Act, it was enacted that all the territories on the mainland would form part of the government of Quebec. Therefore, in virtue of that act, the governor of Newfoundland lost his jurisdiction over all the territories included in the Labrador peninsula.

Later on, in 1809, the Newfoundland Act was passed by the British government, and then all the territories that were given to the government of Newfoundland in 1763 were restored to the same government.

Finally, in 1825, by an act called "The British North America Act of 1825", it was decided that the part of the coast of the gulf of St. Lawrence from river St. John to Anse Sablon in Belle-Isle strait would form part of the province of Quebec.

One may observe that in each of these acts we find no mention of the inland territories; they all deal with the coast itself.

We now come to 1871, when the British North America Act of 1871 was passed by the British government. We find it in chapter 28, 34 Victoria, and it is entitled, "An act respecting the establishment of provinces in the Dominion of Canada". Section 3 of that act enacts:

The parliament of Canada may from time to time, with the consent of the legislature of any province of the said dominion, increase, diminish, or otherwise alter the limits of such province, upon such terms and conditions as may be agreed to by the said legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby.

I should like here to draw the attention of the government to the principle clearly established by that statute, to the effect that the parliament of Canada cannot do anything regarding the boundaries of a province without first obtaining the consent of the province concerned. The government of today should