

*Newfoundland*

those distinguished lawyers, graduates of Toronto and Dalhousie, that a section such as this was very carefully considered. We were told that it would be embarrassing to them in the administration of criminal justice to jump right away from a common law system to the code; that they were not going to take the trouble of learning our code and our procedure until they were sure that they were going to have to apply it; and that it would take them some little time after they became sure that the union was going to be realized to put themselves in a position properly to administer the provisions of the Criminal Code of Canada.

**Mr. Hackett:** Will the Prime Minister say to what extent the judgments of the Supreme Court of Canada and of the privy council, in so far as they bear upon the relationship between the provinces and the dominion, would find application to the new relationship about to be established between Newfoundland and the dominion?

**Mr. St. Laurent:** The only answer I can make is that it was assumed by delegates on both sides that the Canadian constitution as it applies in fact to the other Canadian provinces would apply to Newfoundland after the union.

**Mr. Hackett:** Is there any enactment to that effect? Is there anything that would warrant that statement?—and I hope the Prime Minister will not think I am unduly inquisitive.

**Mr. St. Laurent:** It was felt that section 3 would have that effect. And then, as the Statute of Westminster is not one of the British North America Acts, and the decisions which may be given with respect to the Statute of Westminster do not affect the British North America Acts, and vice versa, it was felt there should be a special declaration as to the manner in which the Statute of Westminster would apply to Newfoundland. That was provided in section 48. From and after the date of union it will apply to the province of Newfoundland as it applies to the other provinces of Canada.

It was felt that having section 3, which refers to the British North America Acts, that included not only British North America Acts but those acts as the courts have construed them to be; and that section 48, adding to it the Statute of Westminster, would give the new province exactly the same status as the other Canadian provinces.

**Mr. Jaenicke:** Will the Prime Minister tell us whether Newfoundland has a divorce law?

**Mr. St. Laurent:** Newfoundland has no divorce law; and we were informed that there were, I believe, three persons who claimed

[Mr. St. Laurent.]

to be divorced because they had gone to other jurisdictions and there obtained decrees. But there seemed to be some doubt as to whether those divorces were divorces which should be recognized. And of course that would depend upon whether there had been really a change of domicile before the divorce decrees were granted.

**Mr. Pearkes:** Will there be any change in the laws in force on those portions of the ocean between Canada and Newfoundland? In other words, will there be any extension of the extraterritorial waters, now that Newfoundland will become part of Canada—because I believe it is customary that when a portion of the ocean is nearly surrounded by a country, that water is declared a territorial water.

**Mr. St. Laurent:** We intend to contend, and hope to be able to get acquiescence in the contention that the waters west of Newfoundland constituting the gulf of St. Lawrence shall become an inland sea. We hope that, with Newfoundland as a part of Canadian territory, the gulf of St. Lawrence west of Newfoundland will all become territorial waters of Canada, whereas before there would be only the usual off-shore portion that would thus become part of the territorial waters. Of course that is a matter which is not governed by statutes; it is governed by the comity of nations. It is our intention to assert that position and it is our hope that it will be recognized as a valid contention.

Section agreed to.

On section 19—*Supply*.

**Mr. Cruickshank:** I am sorry to say I was not here at the time representation in parliament was being discussed, but I believe I am in order in discussing that matter on this subject of supply—because it provides the money.

**Mr. Knowles:** Move an amendment.

**Mr. Cruickshank:** I wish I could. Do I understand seriously that 320,000 people are to have seven members representing them in the House of Commons, while they are to have six appointed—and parliamentary language does not permit me to say where. In British Columbia we have one city, the city of Vancouver, with 350,000 people—

**An hon. Member:** Order.

**Mr. Cruickshank:** "Order"—my foot. I do not think they are serious about this bill. Are there to be seven members elected by the people of Newfoundland, and six appointed to the other place—and by I don't know whom? It does not make sense, and I object seriously to it.