

take note that in virtue of that statute there are provincial governments and that in many matters these provincial governments must have their say before the parliament of Canada takes any decision.

In virtue of that same principle, the statement I read a few minutes ago, made by the Prime Minister in connection with the proposed arrangements concerning the territory of Labrador, should not have been made without the consent of the province of Quebec. Furthermore, the same principle is in accordance with the British North America Act of 1867, section 92, paragraph 5.

Not only do we find the enactment I have just mentioned in the British North America Act of 1871, but we see that in 1898 this principle, regarding the consent of the province concerned in all matters pertaining to the alteration of its boundaries, was applied when an act respecting the northwestern, northern, and northeastern boundaries of the province of Quebec was passed by chapter 3 of 61 Victoria, statutes of Canada.

A similar act was passed by the Quebec legislature in the same year 1898, and therefore, in accordance with the principle enacted in the British North America Act of 1871, the Canadian government, with the consent of the Quebec legislature, decided that the boundaries of the province of Quebec should be extended to James bay, and then to the east Main river and further to the Hamilton river, as far as Hamilton inlet, on the Atlantic coast. By this statute, the northern boundaries of the province of Quebec were limited to the Hamilton river, which, as everyone is aware, is within the territory known as Labrador.

In the year 1912, by chapter 45 of 2 George V, the parliament of Canada decided to extend once more the territory of the province of Quebec together with the territories of Manitoba and Ontario. By section 2 of chapter 45 it was enacted that the new boundaries of the province of Quebec would include what was called at the time Ungava territory; and it was clearly established that the new boundaries would include the territory north of Hamilton river, that is to say all the Labrador territory.

As we have just seen, the two Canadian statutes giving expressly to the province of Quebec the territory claimed by Newfoundland were passed in 1898 and 1912, that is to say, at a time when the imperial government had the right to disallow any act passed by the Canadian government. Therefore, these two statutes, having never been disallowed, must have their full force and value. It has been contended that they were *ultra vires*,

[Mr. Dorion.]

but if such had been the case, why is it that the government of Newfoundland did not ask the British government to disallow them? We must therefore conclude that they were tacitly confirmed by the British government and tacitly accepted by the Newfoundland government. That is the reason why I said at the outset that the territory known as Labrador peninsula belongs to the province of Quebec.

In 1920, after discussions had been started between the government of Newfoundland and the government of the province of Quebec regarding the issue by the government of Newfoundland of a licence for cutting timber in the neighbourhood of Hamilton river, the Canadian government decided to refer to the privy council the question of the boundaries between Quebec and Newfoundland.

A first memorandum of agreement between Canada and Newfoundland was signed on November 11, 1920, but it was later amended and replaced by a new agreement dated November 20, 1922. We must notice here that by this agreement the two political parties which existed at the time—the Conservative and Liberal parties—did not hesitate to violate, one after the other, the principle enacted in the British North America Act of 1871. Everyone is aware that in 1920 we had a Conservative government here in Ottawa, and that in 1922 we had a Liberal government. In fact on behalf of the Canadian government the first agreement was signed in 1920 by Mr. Charles J. Doherty, and the second one in 1922, on behalf of the same government, was signed by Sir Lomer Gouin.

It is worth reading the main part of that agreement, which is as follows:

In the matter of the boundary between the dominion of Canada and the colony of Newfoundland in the Labrador peninsula:

The government of the dominion of Canada and the government of the colony of Newfoundland having mutually agreed to submit for reference by His Majesty to the judicial committee of His Majesty's Privy Council, for their decision, the following question, viz.:

"What is the location and definition of the boundary as between Canada and Newfoundland in the Labrador peninsula under the statutes, orders in council and proclamations?"

And it is signed by the Attorney General of Canada and the Attorney General of Newfoundland.

However, we must take note that the real dispute was not between the Canadian government and the Newfoundland government, but between the latter and the government of the province of Quebec. How is it that the province of Quebec was not a party to the reference made to the privy council? We see that the proceedings for the Canadian gov-