

Newfoundland

said agreement and the Senate and House of Commons of Canada in parliament assembled, have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a bill to be laid before the parliament of the United Kingdom for that purpose;

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

1. The agreement containing terms of the union between Canada and Newfoundland set out in the schedule to this act is hereby confirmed and shall have the force of law notwithstanding anything in the British North America Acts, 1867 to 1946.

2. This act may be cited as the British North America Act, 1949, and the British North America Acts, 1867 to 1946, and this act may be cited together as the British North America Acts, 1867 to 1949.

*Schedule**(Full text of terms of union)*

He said: Mr. Speaker, it is indeed a great honour to have the privilege of presenting to this house the House of Commons' part of a joint address to be presented to His Majesty to confirm the terms of union of Newfoundland with Canada. This is the final act in the proceedings required to be adopted by this house to bring about the union of those two countries. I am sure—and the applause which greeted me when I rose to present this resolution is confirmation of it—that all members of this house, and the people of Canada and of Newfoundland as well, appreciate the historic significance of this final act which we are now about to accomplish.

The terms of the resolution which you, sir, have read indicate that, agreement having been entered into, ratification by the parliament of Canada and the government of Newfoundland shall come into effect only if His Majesty gives royal assent to a bill of the parliament of the United Kingdom confirming it before March 31, 1949. I have already indicated to the house, and I shall summarize them briefly, the reasons for resorting to this form of procedure.

It is well known in this house and by the public that there were provisions in the British North America Act of 1867 looking to the union of Newfoundland with Canada and setting out the procedure which could conveniently have been followed at that time, and in fact for many years afterwards, to bring about that union—a procedure similar to that followed to bring about the entry into confederation of Prince Edward Island and British Columbia. This indication in the terms of the British North America Act was proof that those who had participated in the conferences which preceded it felt that the ultimate destiny of the people of Newfoundland was to come together with the people of the new dominion for which the British North America Act was to be the constitution.

[Mr. St. Laurent.]

When in 1946 and 1947 the proceedings were instituted which are now having their culmination at this time, the conditions were no longer such that the exact procedure provided for in the British North America Act could be followed. It would have required addresses from the houses of the Canadian parliament, addresses from the houses of the legislature of Newfoundland, and a proclamation by His Majesty on the advice of the United Kingdom privy council. There are two reasons why, after the lapse of eighty years, that procedure is no longer applicable.

First of all, the constitution of Newfoundland had been suspended in 1933, and there were no houses of the legislature of that colony. Second, on account of the developments which had been reflected in the terms of the Statute of Westminster, His Majesty no longer exercised the prerogative in respect to Canada on the advice of the United Kingdom privy council; he exercised it on the advice of his Canadian ministers.

The terms of section 146 of the British North America Act being no longer applicable, another procedure had to be resorted to. The precedent which had been set when the parliament of Canada decided to hand over the natural resources to the provinces of Alberta and Saskatchewan seemed to be convenient, and was selected as the one to follow in this instance. This procedure requires action by the parliament at Westminster, and that action I think is appropriate, not merely because it conforms with the precedent of 1930, but also because I believe it is the proper way to dispose of matters of common concern to Canada, Newfoundland and the United Kingdom.

Since 1933, when the parliament of the United Kingdom adopted the Newfoundland act of that year, the government of the United Kingdom has been responsible for the administration of and legislation concerning Newfoundland. While under the Statute of Westminster this parliament has equal rights with the parliament of the United Kingdom to enact legislation having extraterritorial effect, it would not have been proper for this parliament, by legislation of its own, to attempt to bring within its jurisdiction territory now under the legislative jurisdiction of the parliament of the United Kingdom.

There is a second reason why procedure not expressly provided for in the British North America Act was resorted to. If that procedure had been followed there might have been some question as to its legal effect. I am sure that the last thing anyone in Canada or Newfoundland would desire would be any possible doubt as to the legal effect of the terms of union as agreed to and confirmed.