

servicing and removing shipwrecked property, exercise jurisdiction over these institutions.

Provisions of this kind are contained in Part XI of the Canada Shipping Act, being chapter S-9 of the Revised Statutes of Canada, 1970. The relevant provisions of this part are very similar to, and, in some cases, exactly the same as, the provisions of chapters 21 and 23 of the Revised Statutes of Nova Scotia, 1864, which I mentioned, and from which I believe I read some words.

Section 589 of the Canada Shipping Act, interestingly enough, provides that in all proceedings in any court Sable Island shall be held to be within the County of Halifax which, of course, is part of Nova Scotia, and uses almost exactly the same wording as is used in section 5 of chapter 23 of the Revised Statutes of Nova Scotia, 1864.

It is to be noted also that for the purposes of federal elections, Sable Island has for many years, by regulations made under the Federal Elections Act, been treated as being part of the electoral district of Halifax County.

Honourable senators, I have not by any means referred to all documents and authorities relevant to this matter. There are many more which are relevant and helpful, both to the argument I am making or to understanding more clearly the problem, but both you and I would be wearied indeed if I tried to deal with all of them.

I respectfully submit, however, that I have mentioned enough of them to show three things. The first is that Nova Scotia has a soundly-based claim to Sable Island. The second is that the British Crown, more than a century before Confederation, had commanded that a legislature be created to make laws which the Governor and Council did, in fact, do—they made laws applicable not only to land but to offshore matters far beyond the limits of the territorial sea. The third is that not only are the relevant historical facts related to Nova Scotia very different from those related to British Columbia, but, in the very words of the Supreme Court, the British Crown did confer “upon the Governor or the Legislature of the colony rights to which the British Crown was entitled under international law.”

Honourable senators, I must express my sympathy to you for having listened to this dissertation for so long and also my gratitude to you for having done so. You have been very patient, and while I do not suppose I have changed any minds from views previously held, I hope at least I have been able to place before you some of the considerations which I think are of extreme importance to my province in this respect, and to convince you of one thing at least, and that is that the decision of the Supreme Court of Canada in the *British Columbia Reference* case does not bind or decide the case with regard to Nova Scotia and Newfoundland. That case remains open for argument as well as for negotiation.

On motion of Senator Frith, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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