

Supreme Court Act

Speaker. I support this legislation because it costs too much to send appeals to the privy council, it is too slow, and our jurists are the equal of any in the world.

Mr. G. F. Higgins (St. John's East): Mr. Speaker, I propose to speak in favour of the amendment moved by the leader of the opposition (Mr. Drew). I should like to advise hon. members that I do not intend to reiterate all of the arguments used by hon. members who spoke in favour of it, but I entirely agree with anything they have said. It is my intention to ask you, sir, to direct your attention to one point only, namely, that in this bill should be written a clause whereby the former decisions of the privy council would be followed.

I may say, Mr. Speaker, that of all the decisions of the privy council in the past eighty-two years, the most important one, so far as we of the province of Newfoundland are concerned, is that one which is popularly known to us at least as the Labrador boundary decision. I do not want to be thought entirely provincial in speaking this evening, but this matter is of such importance to us that I cannot help referring to it particularly. I may add that the decision of the privy council of March 1927, or a reference to it, was incorporated in the terms of union between what is now the province of Newfoundland and the Dominion of Canada.

Paragraph 2 of the terms of union states:

The province of Newfoundland shall comprise the same territory as at the date of union, that is to say, the island of Newfoundland and the islands adjacent thereto, the coast of Labrador as delimited in the report delivered by the judicial committee of His Majesty's privy council on the first day of March, 1927, and approved by His Majesty in his privy council on the twenty-second day of March, 1927, and the islands adjacent to the said coast of Labrador.

That particular provision was inserted in the terms of union for one specific purpose, namely, to allay the fears of the people of my province—and I am sure hon. members of the province of Quebec will excuse me when I say this—of the aspirations of the province of Quebec toward our territory of Labrador. When speaking a few days ago I said that so far as we of Newfoundland are concerned this decision is of paramount importance. A great body of iron has been discovered in Labrador, and the great body of ore which has been discovered in Quebec is, practically speaking, a continuation of the same body. Our ore body lies immediately adjacent to what is presumed to be the line of demarcation between the province of Quebec and our territory of Labrador. As hon. members

know, the paragraph in the terms of union which I read says:

The coast of Labrador as delimited in the report delivered by the judicial committee of His Majesty's privy council.

But the joker in that particular wording is this: It has been delimited but it has never been specifically marked out. I understand that that demarcation is taking place at the present time, but it is not final as yet, and no final decision as to the boundary is in existence at the present time. You can understand how that might bring about a reconsideration of the decision in this matter.

I am informed that some time in 1947 a survey was made by the Quebec authorities from which a supposedly official map was drawn. I saw that map myself and it takes in approximately 100 miles of our territory in Labrador containing a valuable part of the iron ore concession. I remarked the other evening that the premier of Quebec stated last year that he intends to reopen the decision of the privy council in this particular matter. If that is done, then greater importance must be given to the statement by the Chief Justice of Canada as quoted by the hon. member for Vancouver-Quadra (Mr. Green) and by the hon. member for Kamloops (Mr. Fulton). I assume that the chief justice was correctly reported because no objection has been raised in the intervening time. If what he says is true then Newfoundland may be in for a little trouble. I am sure you will bear with me when I repeat what the chief justice is reported to have said. He is reported to have said: Why should we in Canada accept something that has been said four thousand miles away? Then the chief justice went on to say that the Supreme Court of Canada is the final court of the land and hence is not bound by judgments of the privy council.

If that opinion is the correct one then it may well be that we in Newfoundland who have surrendered our sovereignty by joining this great dominion may now be placed in the position where we will lose a valuable part of our territory to another province. Is it fair that at this early stage of our becoming one of you we should be in fear of such a thing happening? Let me assure hon. members from Quebec that I have nothing but the kindest feelings for them and for all the people of Quebec, but this matter is much too serious as far as Newfoundland is concerned not to be referred to in the way I have.

I should like to quote from *Hansard* and from the resolution passed by the Canadian Bar Association. I do not need to read all that resolution because I think hon. members are quite familiar with it, but I should like

[Mr. McIvor.]