

Certified to be a true copy of a minute of the committee privy council approved by His Excellency the Governor General on 10th December, 1936.

The committee of the privy council have had before them a report dated 10th December, 1936, from the Right Honourable the Prime Minister and Secretary of State for External Affairs submitted, with the concurrence of the Minister of Justice, as follows:

1. That His Majesty the king through His Majesty's representative in Canada has, this tenth day of December, 1936, informed His Majesty's government in Canada that he has this day duly executed an instrument of abdication, a copy of which is hereunto annexed;

2. That His Majesty's government in the United Kingdom have communicated their intention to introduce immediately legislation in the parliament at Westminster in order to give effect to His Majesty's instrument of abdication and to provide for the succession to the throne, the said legislation to be based upon a draft bill, a copy of which is hereunto annexed;

3. That the Statute of Westminster, 1931, provides in the second recital of the preamble as follows:

And whereas, it is meet and proper to set out by way of preamble to this act, that, inasmuch as the crown is the symbol of the free association of the members of the British commonwealth of nations, and as they are united by a common allegiance to the crown, it would be in accord with the established constitutional position of all the members of the commonwealth in relation to one another that any alteration in the law touching the succession to the throne or the royal style and titles shall hereafter require the assent as well of the parliaments of all the dominions as of the parliament of the United Kingdom,

and in the fourth section as follows:

(4) No act of parliament of the United Kingdom passed after the commencement of this act shall extend or be deemed to extend to a dominion as part of the law of that dominion unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof.

4. That in order to ensure that the requirements of the fourth section of the statute are satisfied, it is necessary to provide for the request and consent of Canada to the enactment of the proposed legislation; and, in order to insure compliance with the constitutional convention expressed in the second recital to the preamble hereinbefore set forth, it is necessary to make provision for securing the assent of the parliament of Canada thereto;

5. That, by proclamation dated the thirtieth day of November, 1936, the parliament of Canada has been summoned to meet on the 14th day of January, 1937;

6. That it is impossible so to expedite the assembling of the parliament of Canada as to enable appropriate parliamentary action to be taken prior to or contemporaneously with the enactment of the proposed legislation by the parliament at Westminster.

The committee, therefore, on the recommendation of the Right Honourable the Prime Minister and Secretary of State for External Affairs, with the concurrence of the Minister of Justice, advise—

(a) That the enactment of legislation by the parliament of Westminster, following upon the voluntary abdication of His Majesty the king, providing for the validation thereof, the consequential demise of the crown, the succession of the heir presumptive and revision of the laws relating to the succession to the throne, and declaring that Canada has requested and consented to such enactment, be hereby approved;

(b) That the proposed legislation, in so far as it extends to Canada, shall conform as nearly as may be to the annexed draft bill;

(c) That the legislation, enacted as aforesaid, shall be submitted to the parliament of Canada, immediately after the opening of the next session, so as to enable the parliament of Canada to take appropriate action pursuant to the provisions of the statute of Westminster;

(d) That His Majesty's government in the United Kingdom shall be informed accordingly.

All of which is respectfully submitted for Your Excellency's approval.

E. J. Lemaire,
Clerk of the Privy Council.

There is attached to the order in council copy of the instrument of abdication and a copy of a bill to give effect to His Majesty's instrument of abdication and for purposes connected therewith, which was entitled, an act to be cited as His Majesty's Declaration of Abdication Act, 1936.

As I have said, that order in council was passed on the morning of December 10, and immediately communicated by cable to His Majesty's government in Great Britain. The cable was received before the bill to which it refers was introduced in the British house. As I have already mentioned, His Majesty's instrument of abdication was executed on the morning of the tenth, and the bill was introduced and received first reading in the British house later on in the day. It passed its second and third readings on the day following and also passed the House of Lords and was assented to on the afternoon of December 11, at which time King George VI immediately succeeded to the throne.

What I wish to point out immediately is this. Our government had, as I have said, no definite assurance that His Majesty King Edward VIII had finally and definitely decided to renounce the throne for himself and his successors until word came from Buckingham Palace itself in the manner I have indicated. Had the government called parliament together before receiving that definite word, it would have been equivalent to an assumption on the part of the government that the king was going to abdicate. It was, I believe, the wish of all parties at that time that His Majesty should not abdicate. I have given to the house this afternoon the advice—if hon. members wish so to term it—which the Canadian government tendered His