

The Fight for Labrador

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In 2001, the *Constitution Amendment, 2001* (*Newfoundland and Labrador*) officially changed the name of Newfoundland to “Newfoundland and Labrador.” This amendment came from concurring resolutions in the House of Assembly of Newfoundland and Labrador, the House of Commons, and the Senate of Canada. But the debates in the Commons reveal that both Ottawa and St. John’s treated Quebec as an unofficial third party in the proceedings, and took pains to assuage Quebec City that the amendment would not affect the boundary between Quebec and Labrador. This all stems from the fascinating history of the Labrador Boundary Dispute between the Dominions of Newfoundland and Canada, which the Judicial Committee of the Privy Council finally adjudicated in favour of Newfoundland in 1927.

Section 43

AFTER THE FAILURE of the Meech Lake and Charlottetown Accords, the Constitution was widely seen as unamendable. Of the five amending procedures contained in Part V of the *Constitution Act, 1982*, the Unanimity Amending Procedure has indeed proven insurmountable, and the General Amending Procedure has only been used once. But Parliament alone has enacted some amendments under the Section 44 Amending Procedure, most recently in December 2011. The provinces have always remained free to amend their provincial constitutions by statute alone under Section 45, and the bilateral Section 43 Procedure, involving the provincial legislative assembly or assemblies concerned as well as the House of Commons and

Senate, has produced seven constitutional amendments since 1982, including most recently in 2001.¹ Under s. 43, we abolished Quebec’s denominational school system, affirmed the equality of New Brunswick’s English and French linguistic communities, replaced the guaranteed ferry service to Prince Edward Island with a fixed link that became the Confederation Bridge, twice altered and then later abolished altogether Newfoundland’s denominational schools, and, finally, added Labrador to the official name of Canada’s tenth province.² All occurred bilaterally between one province and Ottawa.

The *Constitution Amendment, 2001* happened like so:

1. 29 April 1999: the House of Assembly of Newfoundland and Labrador passed a motion for the constitutional amendment;³
2. 30 October 2001: the House of Commons adopted a concurring resolution;⁴
3. 20 November 2001: the Senate adopted its concurring resolution;⁵
4. 6 December 2001: Cabinet presented an Order-in-Council PC 2001-2236 directing the Governor General to issue the proclamation promulgating the constitutional amendment into force; and,⁶
5. 6 December 2001: Governor General Adrienne Clarkson issued Proclamation SI/2001-117, which amended the Constitution of Canada and officially changed the name of the province from “Newfoundland” to “Newfoundland and Labrador.”⁷

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The Amendment to the Constitution of Canada reads as follows:

1. The Terms of Union of Newfoundland with Canada set out in the Schedule to the *Newfoundland Act* are amended by striking out the words “Province of Newfoundland” wherever they occur and substituting the words “Province of Newfoundland and Labrador”.

2. Paragraph (g) of Term 33 of the Schedule to the Act is amended by striking out the word “Newfoundland” and substituting the words “the Province of Newfoundland and Labrador”.

3. Term 38 of the Schedule to the Act is amended by striking out the words “Newfoundland veterans” wherever they occur and substituting the words “Newfoundland and Labrador veterans”.

4. Term 42 of the Schedule to the Act is amended by striking out the words “Newfoundland merchant seamen” and “Newfoundland merchant seaman” wherever they occur and substituting the words “Newfoundland and Labrador merchant seamen” and “Newfoundland and Labrador merchant seaman”, respectively.

5. Subsection (2) of Term 46 of the Schedule to the Act is amended by adding immediately after the word “Newfoundland” where it first occurs the words “and Labrador”.

6. This Amendment may be cited as the *Constitution Amendment, 2001 (Newfoundland and Labrador)*.

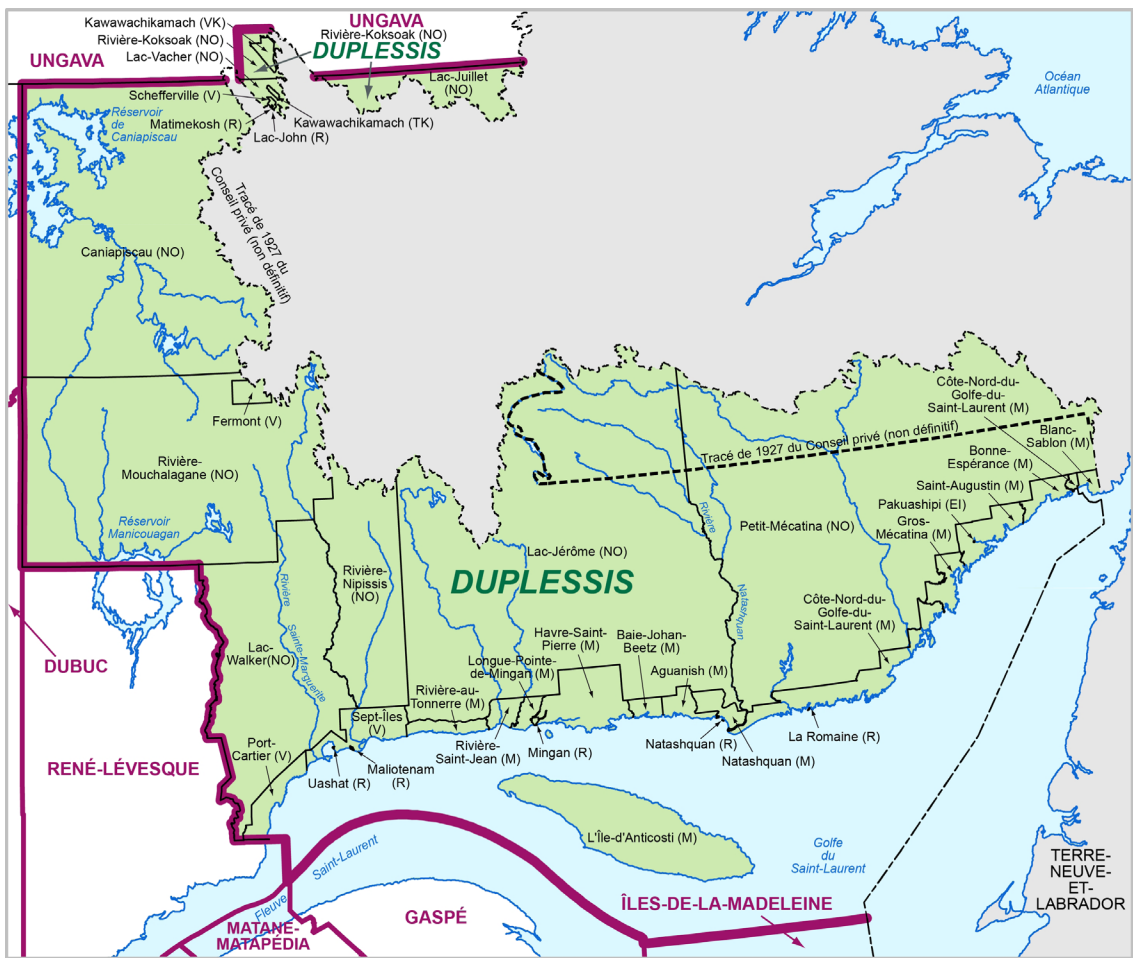
Irredentist Designs

ADDING LABRADOR to the official name of the province recognised and affirmed the reality of Labrador’s status as a distinct mainland and co-equal part of the province, as opposed to a mere colony of the island of Newfoundland. The Smallwood government had already begun recognising Labrador with the *Labrador Act, 1964*, adding Labrador to the province’s coat of arms, ordering that all official publications and stationery include Labrador, granting the Lieutenant Governor-in-Council some flexibility in “prescrib[ing] the

use of the word ‘Labrador’ coupled with references to the province in other matters;”⁸ and adding Labrador to licence plates.⁹ But s. 4 of the *Labrador Act* did not change the name of the province, which required an amendment to the Constitution of Canada plus provincial legislation in December 2001.¹⁰

The constitutional amendment of 2001 spoke to two audiences. Within Newfoundland and Labrador, it built upon earlier legislation and acknowledged the distinct culture and political aspirations of Labradoreans. But it contained another implicit message for those outside the Rock: Quebec must drop its irredentist claims to a portion of southern Labrador and accept the boundary entrenched by the Privy Council in 1927. That is why even though this amendment only involved bilateral concurring resolutions in St. John’s and Ottawa, Quebec City loomed in the background as an unofficial third party. This political consideration comes through the Commons debates and to a lesser extent the Senate’s.

Quebec has consistently refused to accept the established border between Quebec and Labrador. The Government of Quebec’s website and official maps contain the tautological assertion, “This border is not definitive.”¹¹ Quebec does not claim any territory encompassing the drainage basins discharging into the Labrador Sea, but it nevertheless characterises the entire border as “non-definitive.” Quebec contests the southern border of Labrador along the 52nd Parallel and instead claims that the border runs farther north at the height of the land east of the Romaine River and Long Lake.¹² The Ministry of Energy and Natural Resources map shows that Quebec’s claim encompasses the watersheds of all the rivers that discharge into the Gulf of St. Lawrence — notably all branches of the Natashquan, the Little Macatina, the Joir, the St. Augustine, St. Paul, and the Bujeault — which, of course, would allow Quebec to dam them unencumbered for hydroelectricity and give Quebec a claim on any mineral resources within these mountains. For the most part, Quebec’s claim remains abstract because this territory does not include any



tive and constitutionally entrenched under the *Terms of Union* by which Newfoundland joined Confederation in 1949. Quebec contests the border in direct violation of the Constitution of Canada, so “the border is not definitive” only because Quebec says that it is not — hence the tautology. No other province, nor the federal government, nor any foreign state, recognises the border as in dispute or lends any credence to Quebec’s irredentism. Instead, all acknowledge that the territory belongs to the Province of Newfoundland and Labrador and from 1927 to 1949 belonged to the Dominion of Newfoundland.

The falsity and mendacity of Quebec's nationalist viewpoint can be demonstrated through the following syllogism:

1. Item 21 of the Schedule of the *Constitution Act*, 1982 is the *Newfoundland Act*, which contains the *Terms of Union* of 1949.¹⁵

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2. The constitutionally entrenched *Terms of Union* define the border between Quebec and Labrador in accordance with the Privy Council ruling of 1927.

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.¹⁶

3. Therefore, Quebec's historical grievance about the ruling of 1927 became immaterial in 1949. Furthermore, s. 43(a) of the *Constitution Act, 1982* now subjects "any alteration to boundaries between provinces" to a constitutional amendment; the border cannot be altered unilaterally on the claim of the National Assembly or Government of Quebec. Even between 1949 and 1982, an inter-provincial boundary dispute would have fallen under a similar procedure under s. 3 of the *British North America Act, 1871*.¹⁷ Furthermore, the Supreme Court of Canada noted this same chain of reasoning as recently as 2020:

The *Constitution Act, 1982* recognizes that the *Newfoundland Act*, including the 1927 border, forms part of the Constitution: s. 52(2) (b); Sch., s. 21. It also notes that 'any alteration to boundaries between provinces' requires the authorization of 'the legislative assembly of each province to which the amendment applies': s. 43 (a).¹⁸

In other words, Quebec's argument must now be regarded as an *historical* question separate from legal-constitutional fact.

Parliamentary Debates

ON 20 MARCH 1996, the Lieutenant Governor of Newfoundland opened the 1st session of the 43rd General Assembly with the Speech from the Throne prepared by Liberal Premier Brian Tobin, who had recently transitioned from the federal cabinet of Jean Chrétien to leading the provincial Liberals to a parlia-

mentary majority.¹⁹ In the very first line Tobin boldly declared that he would seek to change the province's name:

I take great pleasure in welcoming you to this First Session of the Forty-third General Assembly of the Province of Newfoundland. It is time to change the name of our Province to reflect the reality that it is made up of two equally important parts, Newfoundland and Labrador. My Government will bring forward legislation to change the name of the Province from Newfoundland to Newfoundland and Labrador. This will require an amendment to the Terms of Union to be approved by the House of Assembly and by Parliament.²⁰

In reality, this required not a statute but a motion of the House of Assembly. Premier Tobin did not get around to tabling the motion until the 1st session of the next Assembly three years later on 29 April 1999; it passed unanimously.²¹

THE HOUSE OF COMMONS and Senate then needed to pass concurring resolutions, which they did in late 2001.²² Tobin presented the first resolution in the House of Assembly as Premier in 1999, and by a quirk of fate he also presented the concurring resolution in the Commons on 30 October 2001 as the federal Minister of Industry, having returned to federal politics a year earlier. Recalling that he had first promoted the amendment in his first Speech from the Throne in March 1996, Tobin noted that, "It has been the long-standing practice of the Government of Canada to take positive action in response to provincial requests for bilateral amendments to the constitution." Oddly enough he added that he "had consulted with members of the Bloc Québécois" — even though this constitutional amendment had nothing to do with Quebec and did not involve a resolution of the National Assembly. Tobin even added that he had "consulted with the Government of Quebec on behalf of the Government of Canada, as has the Government of Newfoundland and Labrador." Finally, he thanked "all members from all parties ... notably colleagues from Quebec on both sides of the House."

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Scott Reid MP, who has written a book challenging Quebec's various territorial claims,²³ in his remarks alluded to the reasons why Tobin felt the need to involve Quebec when Quebec was not a party to the constitutional amendment: the history of the Labrador Boundary Dispute. In 1927, Canada took the view that the "coast of Labrador" referred to a narrow littoral sliver that extended only a few miles inland and that the rest of the watersheds in the interior belonged to Canada, while Newfoundland argued that "coast of Labrador" included all the watersheds that discharged into the Labrador Sea. The JCPC ultimately decided mostly in favour of Newfoundland's interpretation of using watersheds and drainage basins to define the border between Labrador and Quebec, but it opted for the artificial 52nd Parallel as the southern border instead of using the drainage basins of the rivers flowing into the Gulf of St. Lawrence, which skirts farther north and would have given more territory to Canada and Quebec.

Reid concluded:

One could dispute whether that was a wise addition or change to the original formula. Whatever the case, the boundary was agreed by both parties. It was written into the Constitution of Canada when Newfoundland and Labrador joined Canada, and it is not subject to any form of dispute. There is no legal argument that any of the territory is not clearly and distinctly a constitutionally protected territory of the province of Newfoundland and Labrador.

Reid is correct. But that did not stop Bloc Quebecois MP Richard Marceau from opining otherwise. He dismissed the amendment as "minor," which it was to the extent that it did not change anything but the name of Newfoundland, but he nevertheless prevaricated at great length against it:

The amendment introduced by the federal government and sponsored by the Ministry of Industry reflects a diluted version of the previous position of the government of Newfoundland, and that is good. If it had been any different, the Bloc Quebecois would not have been able to support the motion.

In fact, Tobin's House resolution is identical to the motion he introduced earlier as Premier; all three of the multilateral amending procedures must rely on identical concurring resolutions, otherwise the Queen's Privy Council for Canada cannot advise the Governor-General to proclaim into force a proper constitutional amendment on which all assemblies have agreed.

Marceau insisted that Quebec had never "officially recognised the jurisdiction of the Newfoundland government over Labrador" or the ruling of 1927. Being a lawyer himself,²⁴ Marceau should have understood that the *Terms of Union* entrenched the boundary and thereby demoted Quebec's claim to an historical grievance and curiosity. Even so Marceau continued his attempted shakedown, boasting:

Premier Bouchard warned his Newfoundland counterpart against the negative interpretation that could have been generated in Quebec by presenting a motion to officialize the name of Newfoundland and Labrador, thus legalizing and officializing the 1927 judicial decision.

In fact, the *Terms of Union* from 1949 "officialized the 1927 judicial decision", and this constitutional amendment from 2001 merely recognised and affirmed the *Terms of Union*. Marceau taunted Tobin for having supposedly admitted that the motion "would simply legalize what has been the boundary of this province as confirmed by the British Privy Council decision of 1927." It was true that Tobin had not stated the facts accurately in that instance. If anything, Tobin inadvertently revealed the unstated implication – namely, a warning that Quebec must drop its claim to Labrador – and conflated that with the fact that changing the name had no effect on the border.

Marceau read into the *Debates* a letter which Tobin had sent as a federal minister to Premier Bernard Landry:

The amendment proposal aiming at changing the name of Newfoundland will have no impact on the present border between Quebec and Newfoundland. Replacing the name of Newfoundland by Newfoundland and Labrador

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in the Terms of Union is a symbolic measure which acknowledges in a significant way that Labrador is an essential and full partner of the province, with its own geography, history and culture.

Tobin's successor as Premier, Roger Grimes, also wrote to Landry on 23 October 2001: "I wish to reiterate that this is only a change of name, which in no way changes our position regarding our common border or our position on the issue." Tobin and Grimes conceded to Quebec's false premise. The border was not merely "Newfoundland's position" on some debatable issue; it was a fact entrenched in the Constitution.

Marceau, however, kept insisting that Quebec held some veto over this process, citing the letters as a "guarantee required as a *sine qua non* condition for the approval of Quebec of the constitutional initiative of Newfoundland." Moreover Marceau lamented that no constitutional amendment recognising "Quebec as a nation" had passed and decried "the disconcerting ease with which this historic amendment to the constitution that we are debating today will be enacted." Here he calls the amendment "historic" where he had begun his speech by dismissing it as "minor." Marceau then accused the Government of Canada of being "biased toward Newfoundland and the other provinces of Canada, to the exclusion, of course, of Quebec." In reality, the amendments proposed in the Meech Lake and Charlottetown Accords would have recognised Quebec as a nation. They stalled because they failed to meet the higher threshold of the General Amending Procedure, not because of some nefarious plot against Quebec. This did not represent "bias" toward Quebec but instead the application of the rule of law.

Marceau concluded with condescension that Quebec would accede only because it would enact a "minor change," a "cosmetic change ... which would have no impact, except perhaps for a stronger feeling of belonging for the 30,000 inhabitants of Labrador in the province of Newfoundland." Like many Quebec nationalists, Marceau pounces on any perceived slight against Quebec and simulta-

neously dismisses the nationalist aspirations of other peoples. He closed his petulant salvo with the pedantic observation that since "Labrador" can also serve as a geographic term for the northeastern Ungava landmass in addition to the political entity, Newfoundland cannot claim all of "Labrador" in the geographic sense – a technically true but wholly irrelevant statement. This is like saying that the Republic of Ireland should not use "Ireland" in its name because "Ireland" also carries a geographic meaning referring to the whole island, including Northern Ireland. Marceau assured the House that "the Bloc Quebecois will not be opposing this motion," yet the voice vote in *Hansard* shows that some MPs opposed the motion by crying "nay!"

Debate in the upper chamber proceeded in somnolent fashion. Senator Pierre Claude Nolin of Salaberry, Quebec echoed the erroneous argument of the Bloc Quebecois that adding "Labrador" to the name of the province somehow affected the border or would somehow recognise the border in the Constitution of Canada for the first time. Thankfully, Senator Gerald Beaudoin corrected the record and explained that it was "settled" and "clear" that the *Terms of Union* already entrenched the border as defined in 1927. The Senate adopted the motion on 20 November 2001.

The territory which now makes up Labrador has fallen under three polities within British North America: Rupert's Land of the Hudson's Bay Company, Newfoundland, and lastly (and successively), Lower Canada, the Province of Canada, and Quebec. Several Imperial statutes and executive instruments – notably the *Royal Proclamation of 1763*, the *Quebec Act, 1774*, the *Newfoundland Act, 1809*, and the *British North America Act, 1825* – oscillated back and forth on assigning part of the territory to Lower Canada and Newfoundland. This uncertainty and confusion, compounded by the absence of proper surveys until well into the late 19th century, contributed to the boundary dispute, which the Judicial Committee of the Privy Council definitively resolved in 1927.²⁵

Old maps of the Dominion and British North America from the 1880s and 1890s

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sometimes depict Labrador as a disputed littoral sliver with the bulk of the landmass belonging to Quebec. Quebec could argue that the Privy Council resolved the dispute unfairly and *should* have awarded the territory to Canada instead of Newfoundland based on its general methodology of defining “the coast of Labrador” as the drainage basin of rivers which discharge into the Labrador Sea. In fact, the ruling gave strong consideration to this argument but ultimately declared that the *British North America Act, 1825*, which defined Labrador’s southern boundary as the 52nd Parallel, must prevail over the definition of “the coast of Labrador” based on drainage basins which the Privy Council in London applied to the rest of the territory in dispute.²⁶ The artificial 52nd Parallel instead of the natural height of the land and watersheds therefore became the southern border.

But the *inter-provincial* and constitutionally entrenched boundary between Quebec and Labrador can only be altered through Canadian means (s. 43(a) of the *Constitution Act, 1982*) and not unilaterally by Quebec or by arbitration by an international body. The latter can, logically, only apply to *international* borders, such as the maritime boundary between St. Pierre and Miquelon and Newfoundland and Labrador. And, ironically, even if Quebec seceded from Confederation to become a sovereign state, the principle of succession of states means that all its current borders – including those with Newfoundland and Labrador as defined in 1927 and in the *Terms of Union* – would remain the same.²⁷

Quebec must understand that this irredentist claim on southern Labrador, which might once have formed part of Lower Canada, the Province of Canada, of the Province of Quebec *de facto* prior to 1927, now directly contradicts the Constitution. At this stage, Quebec could only ever hope to annex southern Labrador by way of s. 43 involving concurring resolutions Newfoundland, Quebec, and the Commons and Senate of Canada. Newfoundland and Labrador possess something which Quebec covets. At the very least, Quebec City would have to enter into negotiations with St. John’s and offer neighbourly concessions and inducements in exchange for the watershed

of Labrador north of the 52nd Parallel that discharges into the Gulf. Examples could include releasing Newfoundland from the dreaded contract on the Churchill Falls Hydroelectric Project before 2041 and paying some reparations for the \$28 billion in profit that Quebec generated between 1969 and 2019.²⁸ But Newfoundland would never cede part of Labrador on Quebec’s petulant refusal to recognise the Privy Council ruling alone.

THE OTIOSE BORDER dispute between Quebec and Newfoundland pits the two provinces with the strongest sense of nationality against one another, and this clash of competing nationalisms features enduring historical grievances on both sides. That Quebec’s unilateral claim directly contradicts the Constitution if anything only magnifies Quebec’s resentment. And perhaps envy compounds that resentment. After all, the Dominion of Newfoundland — at least from the promulgation of the *Statute of Westminster* in December 1931 until February 1934 when it voluntarily surrendered Responsible Government and submitted itself to the Commission Government — could have claimed the mantle of an independent, sovereign state part of a personal union of Crowns along with Canada, Australia, New Zealand, South Africa, the Irish Free State, and the United Kingdom.²⁹ The Dominion of Newfoundland instead willingly surrendered both Responsible Government and Representative Government in favour direct rule by a Commission appointed by London in 1934. In 1949, *Terms of Union* simply applied the *Statute of Westminster* to Newfoundland as it applies to the other provinces.³⁰ But Quebec has never been an independent and sovereign state. Newfoundland gave up willingly what Quebec adamantly aspires to gain for itself. ✗

Notes

1. Canada, Department of Justice, *A Consolidation of the Constitution Acts, 1867 to 1982* (Ottawa: Her Majesty the Queen in Right of Canada, 1 Jan. 2013), 67–68.
2. Dwight Newman, “The Section 43 Bilateral Amending Formula,” ch. 7 in *Constitutional*

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- Amendment in Canada*, edited by Emmett Macfarlane, 147-163 (Toronto: University of Toronto Press, 2016): 150.
3. Newfoundland and Labrador, *House of Assembly Proceedings*, 44th General Assembly, 1st Session, XLIV, No. 14 (29 Apr. 1999).
 4. Canada, *House of Commons Debates*, 37th Parliament, 1st Session, Vol. 137, No. 195 (30 Oct. 2001), 6707.
 5. Canada, *Debates of the Senate*, 37th Parliament, 1st Session, Vol. 139, No. 67 (6 Nov. 2001), 1722.
 6. Canada, Privy Council Office, P.C. 2001-2236: Order directing that a PROCLAMATION do issue amending the CONSTITUTION OF CANADA to replace the words "Province of Newfoundland" with "Province of Newfoundland and Labrador", 6 Dec. 2001.
 7. *Constitution Amendment, 2001 (Newfoundland and Labrador)*, SI/2001-117.
 8. *The Labrador Act, 1964* R.S.N. 1990, Chapter L-3, sections 1-4.
 9. Canada, *Debates of the Senate*, 37th Parliament, 1st Session, Vol. 139, No. 67 (6 Nov. 2001), 1642.
 10. *Name of the Province Act, 2001* (Newfoundland and Labrador), ch. N-3.1, s. 1-4.
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 12. Quebec, Ministère de l'Énergie et des Ressources naturelles, « Cartes et information géographique, Répertoire des services Web et données géographiques, Coubes de niveau, » 2016.
 13. Quebec, Élections Québec, « Cartes individuelles des 125 circonscriptions électorales : Duplessis », 31 Jan. 2017.
 14. CBC News, "Dispute Flares Up Again Over Quebec-Labrador Border," 22 Jan. 2007; The Canadian Press, "Quebec Election Map Revives Controversy Over Labrador Border Dispute," *Global News*, 8 Apr. 2014; The Canadian Press, "Why Peace Won't Come Quickly for Quebec and Newfoundland and Labrador," *Maclean's*, 4 Dec. 2016.
 15. Canada, Department of Justice, *A Consolidation of the Constitution Acts, 1867 to 1982* (Ottawa: Her Majesty the Queen in Right of Canada, 1 Jan. 2013), 74.
 16. Canada, Department of Justice, *British North America Act, 1949 – Enactment No. 21: Schedule: Terms of Union of Newfoundland with Canada*, 7 Jan. 2015.
 17. *The British North America Act, 1871* (Imperial) 34-35 Victoria, Chapter 28, section 3.
 18. *Newfoundland and Labrador (Attorney General) v. Uashaunnuat (Innu of Uashat and of Mani-Utenam)*, 2020 SCC 4, at para. 263.
 19. Canada, Privy Council Office, "Twenty-Sixth Ministry," in *Guide to Ministries Since Confederation*, 31 Apr. 2017. Tobin was Minister of Fisheries and Oceans from 4 Nov. 1993 - 8 Jan. 1996 before leaving to take on the leadership of the Liberal Party of Newfoundland and Labrador. He then re-joined Chretien's cabinet on 17 Oct. 2000 as the Minister of Industry.
 20. Newfoundland and Labrador, *House of Assembly Proceedings*, 43rd General Assembly, 1st Session, XLIII, No. 1 (20 Mar. 1996).
 21. Newfoundland and Labrador, *House of Assembly Proceedings*, 44th General Assembly, 1st Session, XLIV, No. 14 (29 Apr. 1999).
 22. *House of Commons Debates* (30 October 2001), 6696-6707; Canada, *Debates of the Senate*, 37th Parliament, 1st Session, Vol. 139, No. 70 (20 Nov. 2001), 1706-1721.
 23. Scott Reid, *Canada Remapped: How the Partition of Quebec Will Reshape the Nation* (Arsenal Pulp Press, 1992).
 24. Parliament of Canada, ParlInfo, "Mr. Richard Marceau, M.P.," accessed 8 March 2021.
 25. *Re: Labrador Boundary* 1927 338 JPCPC, 411-417.
 26. *Ibid.*, 428.
 27. James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 2006), 667-672; Carsten Thomas Edenroth and Matthew James Kemner, "The Enduring Political Nature of Questions of State Succession and Secession and the Quest for Objective Standards," *University of Pennsylvania Journal of International Economic Law* 17, no. 3 (Fall 1996): 756.
 28. CBC News, "Quebec's Top Court Rules for N.L. in Churchill Falls Dispute with Hydro-Quebec," 20 Jun. 2019.
 29. Jeff A. Webb, "The Commission of Government, 1934-1949," *Heritage Newfoundland and Labrador* (Mar. 2008).
 30. *Terms of Union of Newfoundland with Canada Act, 1949* (Canada) 13 George VI, Chapter 1, section 48.