

THIRD SESSION

THIRTY SECOND GENERAL ASSEMBLY

OPENED DECEMBER 4, 1961

SAT TO DEC 7, 1961

SAT AGAIN DEC 11, 1961

SAT TO DECEMBER 15, 1961

PROROGUED DECEMBER 15, 1961

*# of Days 9*

PROCEEDINGS

of the

THIRD SESSION

of the

THIRTY SECOND GENERAL ASSEMBLY

of

NEWFOUNDLAND.

BEGUN and holden at St. John's in the Province of Newfoundland on Monday, the 4th day of December, Anno Domini, Nineteen Hundred and Sixty-One, being in the Tenth year of the reign of Her Majesty our Sovereign Lady Elizabeth the Second, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

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Monday, December 4th., 1961.

His Honour the Lieutenant Governor having fixed the hour at which he proposed to open the present Session of the Legislature at three of the clock in the afternoon of this Monday, the 4th day of December, the Members of the House of Assembly met in the Assembly Chamber at three of the clock in the afternoon, when Mr. Speaker took the Chair.

At three of the clock the Sergeant-at-Arms announced that His Honour the Lieutenant Governor had arrived.

His Honour entered the Assembly Chamber preceded by the Sergeant-at-Arms.

Mr. Speaker left the Chair.

His Honour the Lieutenant Governor took the Chair.

His Honour was then pleased to open the Session with a Speech from the Throne as follows:

## MR. SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY:

Since you last met Newfoundland has won for herself a great position in the University world of Canada, the United States of America and Great Britain. More than two score of the Universities of these countries were represented at the opening of the new Campus of the Memorial University by their Presidents, while many other distinguished persons were present on the great occasion. I am sure that the people of the Province were deeply pleased over the presence of Mrs. Roosevelt and that of the Prime Minister of our great country. They were equally pleased to see the United Kingdom represented by the Duke of Devonshire, a member of the Ministry in England.

The ceremonies were conducted with great spirit and I believe you will agree that all of our people derived the liveliest satisfaction from the whole affair. Newfoundland now finds herself the owner of a magnificent University to which we all look for inspiration and guidance to the young men and women of the land. I am confident that I bespeak your thoughts when I say that we wish abundant success to this great memorial erected in honour of our gallant dead of two world wars.

Under the Terms of Confederation the Government of Canada undertook to make an offer to Newfoundland to enter into a Tax Agreement. This Agreement would provide for the rental to the Government of Canada of the income, corporation income and corporation tax fields and the succession duties tax field. An offer made under this Term, similar to the offers made to the other Provinces was accepted by my Ministers under authority given to them by this Honourable House of Assembly. Similar Agreements were entered into in 1952 and again in 1957, but the Government of Canada have now notified my Ministers that the present or any Agreement respecting income, corporation income and corporation tax rental will not be continued after the expiration of the present Agreement on the 31st day of March, 1962.

In substitution for Tax Rental Agreements that have been in existence since 1949 the Parliament of Canada has reduced federal income, corporation income and corporation Taxes by a percentage equivalent to payments formerly made to the provinces under Tax Rental Agreements thereby enabling the provinces to re-enter these partially vacated fields of taxation by the imposition of similar taxes of their own, which taxes, however, the Government of Canada have undertaken to collect. My Ministers feel that they have no alternative but to ask you to pass legislation providing for such taxation.

An amendment to The Mining Tax Act will also be placed before you.

As both of these proposals, if approved, will become effective on the first day of January next, my Ministers feel that they should properly come before this House for deliberation and, if approved, receive Royal Assent before that date.

A minor amendment to the Expropriation Act which will enable my Ministers to clear title to certain land required for the purpose of encouraging the tourist trade will also be submitted for your approval.

An amendment to The Education Act, submitted at the request of the United Church of Canada, will enable their United Church College Board of Governors and their St. John's School Board to be reorganized as one body.

My Ministers hope to be able to lay before you for such action as may be deemed necessary a draft of the proposed amendments to The British North America Act which will enable future amendments to this Act to be made in Canada. These amendments prepared under the supervision of the Attorney General of Canada and the Attorneys General of the Provinces in the opinion of my Ministers fully protect the peculiar position of the Province of Newfoundland.

I ask God's blessing on your deliberations.

His Honour left the Assembly Chamber.

Mr. Speaker resumed the Chair.

Honourable the Attorney General asked leave to introduce a Bill entitled "An Act To Amend The Trustee Act."

On motion of Honourable the Attorney General, the said Bill was introduced and read a first time and on motion it was ordered that the said Bill be read a second time on to-morrow.

Mr. Speaker announced that His Honour the Lieutenant Governor had been pleased to make a Speech to the Members met in General Assembly, and that for greater accuracy he had obtained a copy.

Whereupon the Clerk read the Speech from the Throne.

It was moved by Mr. Winsor and seconded by Mr. Jones that an Address of Thanks be presented to His Honour in reply to the gracious Speech with which he had been pleased to open the present Session of the Legislature and that a Select Committee be appointed to draft such Address in Reply.

It was ordered accordingly and the following Members were appointed to said Committee:

Mr. Winsor  
Mr. Jones  
Mr. R. J. Greene.

Honourable the Premier presented the following Resolutions:

"WHEREAS since the last Session of this Legislature Mr. George Sellars has passed to his eternal reward,

AND WHEREAS the late George Sellars has during his all too short a term as a Member of this House represented the District of Labrador South faithfully and well,

BE IT RESOLVED that this House desires to record the expression of its deep regret at his passing and,

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk to the widow and family of the deceased with an expression of our deep sympathy with them at this time."

"BE IT RESOLVED that this House place on record its deep appreciation of the great services performed by the Honourable Robert B. Job, one time Member of the Legislative Council;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk to the daughter of the deceased together with an expression of our deep sympathy with her at this time."

"BE IT RESOLVED that this House place on record its deep appreciation of the great services performed by Captain George Whiteley, one time Member of this House;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk to the son and daughter of the deceased together with an expression of our deep sympathy with them at this time."

"BE IT RESOLVED that this House desires to record the expression of its deep regret at the death of Walter Skanes, one time Member of this House:

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk to the family of the deceased with an expression of our deep sympathy with them at this time."

The said Resolutions were seconded by Honourable the Leader of the Opposition, supported by Honourable the Leader of the United Newfoundland Party and Honourable the Member for Labrador North.

Honourable the Premier gave notice that he would on to-morrow ask leave to move the House into a Committee of the Whole to consider certain Resolutions relating to the imposition of a tax on the income of individuals and corporations.

Honourable the Attorney General gave notice that he would on to-morrow ask leave to introduce a Bill entitled "An Act Further To Amend The Expropriation Act, 1957."

Honourable the Minister of Mines and Resources gave notice that he would on to-morrow ask leave to move the House into a Committee of the Whole to consider a Resolution relating to an amendment of The Mining Tax Act.

Honourable the Minister of Education gave notice that he would on to-morrow ask leave to introduce a Bill entitled "An Act Further To Amend The Education Act, 1960."

It was moved and seconded that when the House rises, it adjourn until to-morrow, Tuesday afternoon, December 5th., at three of the clock.

The House then adjourned accordingly.

*Robert W. Shepherd*

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Tuesday, December 5th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Mr. Barbour presented a petition from Winterbrook, Jamestown, Portland and Brooklyn re: Electricity.

Mr. Winsor, on behalf of the Select Committee appointed to draft a reply to the Speech of His Honour the Lieutenant Governor, presented the report of the Select Committee as follows:

To His Honour the Lieutenant Governor,  
The Honourable Campbell Macpherson, O.B.E.

May it please Your Honour,

We, the Commons of Newfoundland in Legislative Session assembled, beg to thank Your Honour for the Gracious Speech which Your Honour has addressed to this House.

(Sgd) E. W. Winsor,  
E. S. Jones,  
R. J. Greene.

Assembly Room,  
December 5th., 1961.

The Address in Reply was debated and on motion was adjourned for further debate on to-morrow.

Pursuant to notice and on motion of Honourable the Premier, the House resolved itself into a Committee of the Whole to consider certain Resolutions in relation to the imposition of a Tax on the Income of Individuals and Corporations.

Mr. Speaker left the Chair.  
Mr. Clarke took the Chair of Committee.  
Mr. Speaker resumed the Chair.

The Chairman from the Committee reported that they had considered the matter to them referred and had passed said Resolution and recommended that a Bill be introduced to give effect to the same.

The said Resolution having been read a first and second time, it was moved and seconded that the House concur with the Committee therein and the said Resolution was agreed to.

On motion of Honourable the Premier, the following Bill was introduced and read a first time:

A Bill "An Act Respecting Income Tax."

On motion it was ordered that the said Bill be read a second time on to-morrow.

Pursuant to notice and on motion of Honourable the Attorney General, the Bill entitled "An Act Further To Amend The Expropriation Act, 1957" was introduced and read a first time.

On motion it was ordered that the said Bill be read a second time on to-morrow.

Pursuant to notice and on motion of Honourable the Minister of Mines and Resources, the House resolved itself into a Committee of the Whole to consider certain Resolutions in relation to the Amendment of The Mining Tax Act.

Mr. Speaker left the Chair.

Mr. Clarke took the Chair of Committee.

Mr. Speaker resumed the Chair.

The Chairman from the Committee reported that they had considered the matter to them referred and had passed said Resolutions and recommended that a Bill be introduced to give effect to the same.

The said Resolutions having been read a first and second time, it was moved and seconded that the House concur with the Committee therein and the said Resolutions were agreed to.

On motion of Honourable the Minister of Mines and Resources, the following Bill was introduced and read a first time:

A Bill "An Act Further To Amend The Mining Tax Act."

On motion it was ordered that the said Bill be read a second time on to-morrow.

Pursuant to notice and on motion of Honourable the Attorney General, on behalf of Honourable the Minister of Education, the Bill entitled "An Act Further To Amend The Education Act, 1960" was introduced and read a first time.

On motion it was ordered that the said Bill be read a second time on to-morrow.



On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Wednesday afternoon, December 6th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Wednesday, December 6th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Honourable the Attorney General presented a petition from Cobbs Arm, Too Good Arm, New World Island re: Road.

Honourable the Minister of Health presented a petition from St. Vincent's, St. Stephen's and Peters River re: Road.

Honourable the Minister of Provincial Affairs presented a petition from Trepassey, Portugal Cove, Biscay Bay and Daniel's Point re: Road.

The debate on the Address in Reply was continued and on motion was adjourned for further debate on to-morrow.

The second reading of the Bill "An Act Respecting Income Tax" was debated and on motion was adjourned for further debate on to-morrow.

On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Thursday afternoon, December 7th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Thursday, December 7th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Mr. Smallwood presented a petition from Port Anson re: Road.

Mr. Smallwood presented a petition from Smith's Harbour re: Road.

Mr. Barbour presented a petition from Duntara re: Electrical Power.

The debate on the Address in Reply was continued and on motion was adjourned for further debate on to-morrow.

Pursuant to order and on motion of Honourable the Attorney General, the Bill entitled "An Act Further To Amend The Mining Tax Act" was read a second time.

On motion it was ordered that the said Bill be referred to a Committee of the Whole House on to-morrow.

Pursuant to order and on motion of Honourable the Attorney General, the second reading of the Bill entitled "An Act Further To Amend The Education Act, 1960" was debated and on motion was adjourned for further debate on to-morrow.

Pursuant to order and on motion of Honourable the Attorney General, the Bill entitled "An Act Further To Amend The Expropriation Act, 1957" was read a second time.

On motion it was ordered that the said Bill be referred to a Committee of the Whole House on to-morrow.

On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Monday afternoon, December 11th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Monday, December 11th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Honourable the Minister of Health presented a petition from Mall Bay re: Road.

The debate on the Address in Reply was continued and on motion was adjourned for further debate on to-morrow.

On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Tuesday afternoon, December 12th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Tuesday, December 12th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

The debate on the Address in Reply was concluded.

Pursuant to order and on motion of Honourable the Attorney General, the second reading of the Bill entitled "An Act Respecting Income Tax" was debated and on motion was adjourned for further debate on to-morrow.

On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Wednesday afternoon, December 13th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Wednesday, December 13th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Honourable the Premier tabled Newfoundland Supplement of The New York Times dated December 3rd., 1961.

On motion of Honourable the Attorney General, and with unanimous consent of the House, it was ordered that the Bill entitled "An Act To Amend The Trustees' Act" be stricken from the Order Paper.

Pursuant to order and on motion of Honourable the Attorney General, the second reading of the Bill entitled "An Act Respecting Income Tax" was debated.

On motion of Honourable the Premier and by leave of the House, it was ordered that the debate on the said Bill be adjourned until a later hour in the day.

Honourable the Premier, on behalf of the House, invited Honourable George Hees, Minister of Trade and Commerce of the Federal Government, to address the House.

Honourable the Minister of Trade and Commerce then addressed the House.

Pursuant to order and on motion of Honourable the Attorney General, the debate on the second reading of the Bill entitled "An Act Respecting Income Tax" was continued and on motion was adjourned for further debate on to-morrow.

On motion the remaining Orders of the Day were deferred.

It was moved and seconded that when the House rises, it adjourn until to-morrow, Thursday afternoon, December 14th., at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Thursday, December 14th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

Mr. Speaker informed the House that His Honour had been pleased to receive the Address in Reply this morning and had replied thereto as follows:

Mr. Speaker and Gentlemen of the Honourable House of Assembly:

I thank you for the Address in Reply to the Speech with which your present Session was opened.

Honourable the Premier made a statement re: The re-settlement of the people of Woods Island.

Honourable the Leader of the Opposition rose to a Point of Privilege re an article in the Daily News of December 14th., 1961.

Mr. Smallwood presented a petition from Wild Cove re: Electricity.

Mr. Smallwood presented a petition from Springdale, Wild Bight and King's Point re: Location of Vocational School.

Mr. R. J. Greene gave notice that he would on tomorrow move the following Resolution:

"That, in the opinion of this House and in view of the impending layoff of miners, the government should give immediate consideration to the appointment of a Royal Commission to examine into and report upon the present and future economic position of Bell Island and to make recommendations on ways and means of stabilizing and improving the economic position of that district and its people."

Pursuant to order and on motion of Honourable the Attorney General, the debate on the second reading of the Bill entitled "An Act Respecting Income Tax" was concluded.

Pursuant to order and on motion of Honourable the Attorney General, and by leave of the House, the House resolved itself into a Committee of the Whole to consider the following Bill:

A Bill "An Act Respecting Income Tax."

Mr. Speaker left the Chair.  
Mr. Clarke took the Chair of Committee.  
Mr. Speaker resumed the Chair.

The Chairman from the Committee reported that they had considered the matter to them referred and had passed the said Bill without amendment.

On motion this report was received and adopted and it was ordered, by leave of the House, that the said Bill be read a third time presently.

Pursuant to order and on motion of Honourable the Attorney General, by leave of the House, the Bill entitled "An Act Respecting Income Tax" was read a third time and passed.

On motion it was ordered that the said Bill be printed, being entitled as above, and that it be submitted to the Lieutenant Governor for His Assent.

Pursuant to order and on motion of Honourable the Attorney General, the House resolved itself into a Committee of the Whole to consider the Bill entitled "An Act Further To Amend The Mining Tax Act".

Mr. Speaker left the Chair.  
Mr. Clarke took the Chair of Committee.  
Mr. Speaker resumed the Chair.

The Chairman from the Committee reported that they had considered the matter to them referred and had passed the said Bill without amendment.

On motion this report was received and adopted and it was ordered that the said Bill be read a third time presently, by leave of the House.

Pursuant to order, on motion of Honourable the Attorney General, and by leave of the House, the Bill entitled "An Act Further To Amend The Mining Tax Act" was read a third time and passed.

On motion it was ordered that the said Bill be printed, being entitled as above, and that it be submitted to the Lieutenant Governor for His Assent.

Pursuant to order and on motion of Honourable the Attorney General, the Bill entitled "An Act Further To Amend The Education Act, 1960" was read a second time.



On motion, and by leave of the House, it was ordered that the said Bill be referred to a Committee of the Whole House presently.

Pursuant to order and on motion of Honourable the Attorney General, the House resolved itself into a Committee of the Whole to consider the following Bills:

A Bill "An Act Further To Amend The Education Act, 1960."

A Bill "An Act Further To Amend The Expropriation Act, 1957."

Mr. Speaker left the Chair.

Mr. Clarke took the Chair of Committee.

Mr. Speaker resumed the Chair.

The Chairman from the Committee reported that they had considered the matters to them referred and had passed the following Bills, both with some amendment:

A Bill "An Act Further To Amend The Education Act, 1960."

A Bill "An Act Further To Amend The Expropriation Act, 1957."

On motion this report was received and adopted and it was ordered, by leave, that the said Bills be read a third time presently.

Pursuant to order, by leave of the House, and on motion of Honourable the Attorney General, the following Bills were read a third time and passed:

A Bill "An Act Further To Amend The Education Act, 1960."

A Bill "An Act Further To Amend The Expropriation Act, 1957."

On motion it was ordered that the said Bills be printed, being entitled as above, and that they be submitted to the Lieutenant Governor for His Assent.

Honourable the Attorney General made a statement and tabled a draft of "An Act To Provide for The Amendment in Canada of The Constitution of Canada."

It was moved and seconded that when the House rises, it adjourn until to-morrow, Friday afternoon, December 15th. at three of the clock.

The House then adjourned accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.

Friday, December 15th., 1961.

The House met at three of the clock in the afternoon, pursuant to adjournment.

The Sergeant-at-Arms announced that His Honour the Lieutenant Governor had arrived.

His Honour the Lieutenant Governor took the Chair.

Mr. Speaker addressed His Honour as follows:

May it please Your Honour, the General Assembly of the Province has at its Present Session passed Certain Bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's assent.

Whereupon the Clerk read the following Bills:

A Bill "An Act Further To Amend The Mining Tax Act.

A Bill "An Act Further To Amend The Expropriation Act, 1957."

A Bill "An Act Respecting Income Tax."

A Bill "An Act Further To Amend The Education Act, 1960."

His Honour then said: "In the name of Her Majesty the Queen, I assent to these Bills."

His Honour the Lieutenant Governor was then pleased to make the following Speech:

Mr. Speaker and Members of the Honourable House of Assembly:

I would like at this time to thank you for your attendance at this special session to which I called you early in the present month and for the prompt and careful consideration you have given to the several matters which were then referred to and which have since been submitted to you in greater detail by my Ministers. Your acceptance of the income tax proposals made necessary by policy changes of the Federal Government will make it possible for this legislation to become effective as at the beginning of the next calendar year, and I am sure it will be generally agreed that all taxpayers should know at the beginning of the year just what the tax structure for that year will be.

I thank you for the consideration that you have given to the various other matters submitted to you.

Mr. Speaker and Members of the Honourable House of Assembly:

In releasing you from your duties at this time I would

like to extend to you the season's greetings. It is my hope that you and all our people may be able in the week approaching to cast the year's cares and worries aside and to celebrate the Yuletide season in the proper spirit; not forgetting in our celebration of this blessed event those in our midst who are less fortunate than others and assisting them, and particularly the younger generation, to share with their more fortunate neighbours the joy of Christmas.

A Merry Christmas and a Happy New Year to you all.

His Honour the Lieutenant Governor left the Assembly Chamber.

Mr. Speaker then said:

It is the will and pleasure of His Honour the Lieutenant Governor that this General Assembly be prorogued until Monday the fifteenth day of January next, and this Assembly is prorogued accordingly.

ROBERT W. SHEPHERD,  
Clerk of the House of Assembly.