

*Newfoundland*

Newfoundland. In that connection I should like to say a word or two, because it is a point on which there has been some controversy. I should like also to express to hon. members opposite appreciation of the fair attitude they have taken.

The fact is that by the Statute of Westminster Newfoundland was given the status of a dominion and had conferred upon it the various provisions, provided the necessary steps were taken to bring her under those terms. In point of fact sections 2, 3, 4, 5 and 6 of the Statute of Westminster were never applied to the colony of Newfoundland.

**Mr. Drew:** I know the minister wishes to be correct, and I would point out that section 1 is the section which states that Newfoundland is a dominion. Section 10 relates to certain things that flow from that. Section 1 was not one of the sections included in section 10, which described it as a dominion.

**Mr. Claxton:** That is quite right; it was described as a dominion. I do not challenge that; I do not say anything to the contrary. But I do say that the provisions of sections 2 to 6, inclusive, of the Statute of Westminster were never made applicable to the colony of Newfoundland because the Statute of Westminster was never adopted by the legislature of Newfoundland.

The leader of the opposition suggests that there was not time within which to do it, but I would point out that the Statute of Westminster came into effect on December 11, 1931, and the government of Newfoundland was not changed until the commencement of 1934. In the interval there was ample time for Newfoundland to have adopted the Statute of Westminster, had she wanted to do so.

**Mr. Drew:** During which time the commission of inquiry was sitting.

**Mr. Claxton:** The facts are just as I have stated them. In consequence the Statute of Westminster had absolutely no effect on the constitutional position of Newfoundland. I am informed that that was recognized at the time of the abdication of Edward VIII when reference was not made to Newfoundland for legislation when it was made in the case of the other self-governing dominions.

I would point out that sections 2, 3, 4, 5 and 6 of the Statute of Westminster are made applicable to a dominion only if that dominion has adopted the provisions of section 10, and that was never done by Newfoundland although she had two years within which to do it. Consequently I do not believe that there is anything to be said for the argument advanced by my hon. friend.

[Mr. Claxton.]

The position of Newfoundland was altered in 1934 when the powers of its two houses were vested in a commission. From that time on, the powers of the legislature have been exercised by the commission. I point out that the opportunity for the return of responsible government to Newfoundland was promised by the government of the United Kingdom at such time as the affairs of Newfoundland might be in order, and subject to the will of its people. Following that an election was held for the appointment of forty-five representatives to the commission which was set up to discuss the position of Newfoundland. After discussion they decided to have a referendum on two subjects, whether they would have responsible government or a continuation of the commission form. Some seventeen out of the forty-five representatives voted also for the inclusion of a reference to the people of the subject of confederation. Consequently a referendum on the three questions was ordered by the British government, and it was expressly provided at the time that, if a majority of those voting did not vote in favour of any one of the three alternatives, there would be a second vote. A first vote was held, and there was not a majority for any one of the three. Then there was a second vote, and a majority of those voting voted in favour of entering confederation with Canada.

That was done by the action of the British government. The decision was made by the will of the people of Newfoundland. The British government needs no defence, but I submit that quite obviously they extended to the people of Newfoundland the possibility of having responsible government as well as the other two propositions. In other words, by allowing the people of Newfoundland to make their own choice the British government completely discharged its obligation to the people of Newfoundland.

As the leader of the opposition (Mr. Drew) said, however, that is not so much our concern, although if we had felt there was anything unfair about the way in which it was done, we would not have followed through with it. What we wanted to do was to respect the decision of the people of Newfoundland, and to enter into confederation with them on terms which appeared to be just and generous to both sides.

Following the decision of the majority of the people voting in the referendum, a delegation came to Ottawa under the chairmanship of a very distinguished citizen of Newfoundland, Mr. Walsh, now Sir Albert Walsh. He had been vice-chairman of the commission of government. He had not indicated where he stood. The delegation included six others appointed by the Newfoundland