

one or two things. I am quoting from the editorial in the *Evening Telegram* of 17 February, 1934.

Mr. Chairman I can't permit you to quote from a newspaper. You can summarise it, but you can't quote from the newspaper.

Mr. Hollett Well, this is the way it goes, something like this, since you won't allow me to look at the newspaper.

Mr. Chairman It is not a question of that.

Mr. Hollett I have the newspaper here, very carefully preserved in mothballs. Some papers smell better if they are preserved in mothballs.

Mr. Chairman I simply stated that you can't quote from newspapers.

Mr. Hollett This is taken from the editorial, which says, "Newfoundland received from His Majesty a pledge which will be faithfully adhered to. It will receive back its constitution, and its place among the dominions when it proves itself equal to the responsibility which such status requires." I quote you that, and I shall refer to it again in a minute. I shall quote also from the *Hansard* of the British House of Commons, 2 December, 1943.

Mr. Chairman Would you mind giving me the date again?

Mr. Hollett Certainly, 2 December, 1943. At that time the Undersecretary of State for the Dominions made this statement: "The arrangements made in 1933 included a pledge by His Majesty's Government that as soon as the island's difficulties had been overcome and the country was again self-supporting responsible government, on request of the people of Newfoundland, would be restored. Our whole policy is governed by this understanding."

I quote you these two things, and I don't call it my scripture, but you might call it that if you wish. I quoted first from the *Evening Telegram* to show the opinion which the people in this country must have held in February, 1934. I am sure that's quite plain to all of you. The editor was expressing the opinion not only of himself, but of the whole country, that Newfoundland had received a pledge from the British government that it would receive back its place amongst the dominions when it proved itself equal to the responsibility. And I quoted also Mr. Emrys-Evans, Undersecretary of State for the Dominions in 1943. Evidently the opinion which our people had in 1934 was also the opinion held

by the British government in 1943.

Now I wish to make another statement of my own, which I shall endeavour to prove...that if Mr. Higgins had included in his motion any more forms than the two which he has or possibly one of them slightly amended, then he would have made the Convention Act *ultra vires* of the Letters Patent 1933-34. That is the statement which I hope to prove and that is why I said I agree wholeheartedly with Mr. Bradley when he made that statement.

Mr. Chairman Do I understand your position is that had the motion been enlarged on by Mr. Higgins by including another form of government, or an amended form of government, then the National Convention Act would be *ultra vires*?

Mr. Hollett Yes, if he had included three forms, or four forms, then I say he would have made the Convention Act *ultra vires* of the Letters Patent of 1933-34. Now I have the Consolidated Statutes. There are four volumes, but I have only brought in one, because I find there the Letters Patent from 1832 down to 1905 and 1917, including 1832, and 1855 and also 1876, and I take it that these Letters Patent were our constitution. I take it that around these Letters Patent are wrapped our very laws. These Letters Patent themselves gave our past legislators the authority to create these acts, every one of them. Not one of them could have been made unless there had been the Letters Patent to give the legislator authority, or the Governor authority to sign these acts. Whether you agree with me or not, that is definitely my opinion.

Now, sir, 1933. Up to that time the Letters Patent 1876 to 1905 were actually the constitution of this country. In 1934 these were suspended, and we had the Letters Patent 1934 in their place. I take it therefore as self-evident that all acts of law or otherwise that have been made by the Commission of Government since that time are made under and by virtue of the Letters Patent, 1934. I want, sir, your opinion on that.

Mr. Chairman That is correct. I think the effect of the Letters Patent of 1934 was to suspend our free political institutions under the several acts to which you have drawn our attention. I think that's a very safe and inescapable conclusion.

Mr. Hollett All our laws since are based on these Letters Patent?