

Motion agreed to, and the House again resolved itself into Committee of Ways and Means.

(In the Committee.)

Mr. FOSTER. Before my hon. friend continues, I wish to ask whether the papers with reference to the admission of Great Britain to the one-eighth reduction are ready to be placed on the Table of the House.

The PRIME MINISTER (Mr. Laurier). I will send for them immediately.

Mr. SPROULE. Mr. Chairman, when you left the Chair last night, I was about to direct the attention of the House for a few moments to the arguments advanced by the hon. member for Halifax (Mr. Russell) and the hon. Controller of Customs (Mr. Pater-son). The hon. member for Halifax endeavoured to show the House that there was no difference between the provision contained in subsection "b" of clause 16 of these resolutions, and the clause of the customs law of 1879 that provided upon certain conditions for the admission of goods from the United States into Canada at a different rate of duty from what was imposed by the general law. He said there was no difference between the offer of the tariff of 1879 and this one. To my mind there is a very great difference. The first difference is this, that the offer in the Act of 1879 applied to only one country, and it referred to certain specified articles that were set forth in the resolution. I have it under my hand, and it reads as follows:—

Any or all of the following articles, that is to say:—Animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables (including potatoes and other roots), plants, trees and shrubs, coal and coke, salt, hops, wheat, peas and beans, barley, rye, oats, Indian corn, buckwheat and all other grain, flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain, butter, cheese, fish salted or smoked, lard, tallow, meats (fresh, salted or smoked), and lumber may be imported into Canada free of duty, or at a less rate of duty than is provided by this Act, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada.

This was specific and definite. It related to a number of articles that were included in the old reciprocity treaty, and as to which Canada knew the advantages that would accrue to this country if they were admitted into the United States free of duty. It was definite in regard to the amount, because we knew the exact rate of duty at which they must be admitted. Our goods must be admitted to the United States at a rate of duty not exceeding that

Mr. DAVIN.

payable on goods from the United States coming into Canada. But this clause of section 16 does not provide that each article from Canada shall be admitted into the other country at as low a rate of duty as that at which Canada would admit a similar article from that country. It might be desirable that some articles coming from the other country should be kept out or charged a higher rate of duty, while it might be reasonable to admit others at a moderate rate of duty. As I have said, the provision in the law of 1879 was specific and definite. It enumerated the articles, and provided that none of these articles should be admitted into Canada at a low rate of duty unless the same line of articles were admitted into the United States at an equally low rate. But this clause 16 makes no such provision. The other resolution was confined to one country while this resolution provides for the admission of goods from every country. The other admitted certain specified articles, while this one covers the whole tariff schedule with very few exceptions. The other was in the nature of a limited reciprocity, and we knew what would be the effect of it if it were carried out; but the present proposal is one that no person can know the effects of. There is that very wide difference between the provisions of the customs law of 1879 and the provisions of the proposed customs law of to-day. Then, again, the hon. Controller of Customs, replying to the arguments of the leader of the Opposition, attempted to prove that the resolution before the House would not do the country so much harm, even if we brought this portion of the schedule into operation, because inside of nine months Parliament must meet again and could then review the legislation. But that does not affect the point in dispute. What is in question is not whether the evil will continue long or short, but the principle involved. It is the right of the executive to bind Parliament to any agreement which they may make affecting our trade relations with other countries without the authority or consent of Parliament. It has never been recognized heretofore, neither in the British nor in any colonial Parliament, that a Governor in Council had the right to bind Parliament in advance to any agreement of this nature before submitting that agreement to Parliament for its sanction, and this proceeding is a departure from that constitutional practice and one we should look upon with a great deal of suspicion. I have here Anson's "Law of the Constitution," and in that work I find that Mr. Anson dissents from any such proposition. Speaking of it, he lays down this doctrine:

No one but the Crown can bind the community by treaty, but can the Crown invariably do so without the co-operation of Parliament? This much appears to be certain, that where a treaty involves either a charge on the people or a change in the law of the land, it may be made, but can-