

*Supply Bill—Representation at Tokyo*

We say we are a partnership of free peoples. Has any hon. gentleman in this house ever heard of one partner sending one representative, another partner sending another representative, and another partner still another representative with respect to business matters? How is it possible in a partnership consisting of four people for each partner to have his own special representative for the transaction of business with distant peoples? The partnership deals as a unit with respect to business and speaks with a single voice, and when it fails, so to speak as a unit, disruption and dismemberment are inevitable.

Fourthly, that leads us logically to the next statement, which is this: The appointment of a minister by Canada implies by international law that the Dominion is a sovereign state. We are not, and that implication will create misunderstandings at home and abroad. The Prime Minister dealt with that matter, and all I wish to say in answer is to read from a recent authority on international law. I quote Oppenheim, section 64, "Conception of the State":

A state proper—in contradistinction to so-called colonial states—is in existence when a people is settled in a country under its own sovereign government. The conditions which must obtain for the existence of a state are therefore four:

There must, first be a people. A people is an aggregate of individuals of both sexes who live together as a community in spite of the fact that they may belong to different races or creeds, or be of different colour.

There must, secondly, be a country in which the people has settled down. A wandering people, such as the Jews were whilst in the desert for forty years before their conquest of the Holy Land, is not a state. But it matters not whether the country is small or large; it may consist, as with city states, of one town only.

There must, thirdly, be a government—that is, one or more persons who are the representatives of the people and rule according to the law of the land. An anarchistic community is not a state.

There must, fourthly and lastly, be a sovereign government. Sovereignty is supreme authority, an authority which is independent of any other earthly authority. Sovereignty in the strict and narrowest sense of the term includes, therefore, independence all round, within and without the borders of the country.

Mr. MACKENZIE KING: "In the strict and narrowest sense of the term."

Mr. BENNETT: Yes, with respect to the other matters. I repeat:

There must, fourthly and lastly, be a sovereign government. Sovereignty is supreme authority, an authority which is independent of any other earthly authority. Sovereignty in the strict and narrowest sense of the term includes, therefore, independence all round, within and without the borders of the country.

[Mr. Bennett.]

Mr. MACKENZIE KING: Yes, that is only in the strict and narrowest sense.

Mr. BENNETT: Yes, but you must deal with it in every sense. That is the very point I desire to make. We are not a sovereign power even for domestic purposes, and I can best illustrate that statement by a reference to one house of this parliament. The Supreme Court of Canada has decided that women may not be appointed to the Senate, and we have not the power to change our constitution in that regard. That must be done by an amendment to the British North America Act.

Mr. MACKENZIE KING: It is a matter of method, that is all; the power comes from us.

Mr. BENNETT: No, the legislative power is exercised at Westminster, not at Ottawa, and the same thing applies to other matters which were dealt with the other day by the hon. member for St. Lawrence-St. George (Mr. Cahan). The Merchant Shipping Act is another example; there can be no such thing as domestic sovereignty so long as this parliament occupies under the constitution, and the statute which created it, a subordinate position with regard to any matter. We may not change the constitution of the Senate; we are not a sovereign power even for domestic purposes. With respect to foreign matters it is admitted that we are not a sovereign power, because only an independent state may be a sovereign power, and not being an independent state we are not a sovereign power in foreign matters in the proper and legal sense in which that term is employed. The Prime Minister has said that Mr. Baldwin stated that we had equality of status. Mr. Baldwin's say-so is no more authoritative than that of the Prime Minister; It is no more authoritative than that of any member of this house, because the word of no single man can change the legal position. This constitution is divided into three parts, the legislative, the executive and the judicial. The judicial interprets the constitution and determines what is our position; that judicial determination does not rest upon resolutions of the Imperial conference, which cannot be even considered by it. When our constitution is construed and our powers determined by the courts, it has been decided time after time that such a resolution cannot be considered, and that even a resolution of this parliament has no authority before a court. The parliament of Canada and the parliament of Great Britain each speaks as a parliament assembled; in England it is His Majesty, by and with