

you; you go back to the Parliament of Canada and pass a law which restricts our privileges and curtails the advantages granted to us under such an agreement.' I think it is placing Canada unfairly before the Empire and before the world. We talk about Empire rights and privileges, about the advantages of having Empire trade and mutual preferences, but surely we are making a sad beginning when, such an arrangement having been entered into, we seek by legislation here to withdraw in the slightest measure any privileges which, for a consideration, we have granted to the colonies named in that agreement. I submit, Sir, that the hon. Minister of Trade and Commerce should amend this Bill in the way indicated, and if afterwards he wants to make a further arrangement with the West Indies, if they are willing, he can approach the respective governments of those colonies and have the arrangement carried out in accordance with what he terms the law in connection with the regulation of the tariff in Canada.

If those tariff regulations and tariff laws were well understood by the delegates of those colonies, as my hon. friend says they were, why was there no reference to them in that agreement? It would have been easy for my hon. friend in framing and agreeing to paragraph 2 to have said: 'Imported subject to the tariff laws and regulations of Canada.' But the use of the mere word 'imported' does not imply that the importations are subject to any conditions. It is unrestricted, and means that they are not subject to any regulations of which the delegates were not advised, nor to any internal enactments of the Parliament of Canada with which they were not familiar and to which they had not assented. It means that importations into Canada are entitled to have the benefit of a preference to the extent of four-fifths of the duty that is paid by any foreign country on like goods. I ask this committee to hesitate before they stamp this legislation with the mark of their approval, because it is not bona fide legislation; it is a breach of faith, and it is wrong as against ourselves as well as against those West Indian colonies.

Mr. McKENZIE : When the hon. Minister of Trade and Commerce began his explanations at the opening of the House to-day, he put a question to himself which I thought he was going to answer. But I noticed that in the course of his observations he forgot to answer it. He asked 'can the legislature change the agreement?' That is the question he put to himself. Now there is in the agreement itself a provision which would to some ex-

Mr. EMMERSON.

tent answer the minister in that regard. The seventh clause of the agreement says:

This agreement shall be subject to the approval of the Parliament of Canada and of the legislatures of the above-mentioned colonies, and of the Secretary of State for the Colonies, and upon such approval being given it shall be brought into operation at such time as may be agreed upon between the contracting parties by a proclamation to be published in the Canada Gazette and in the official gazette of each of the said colonies.

It would have been interesting to hear the minister give his own view upon that point, but as an answer to the question which he put to himself I would submit that all that is contemplated by that agreement is that the West Indian legislatures following this legislature shall ratify the agreement. In the strictest sense of the words this is not an international agreement. It does not come within the terms of international law as we understand it, because in the application of that law we can hardly say that Newfoundland and the West Indian Islands and Canada are nations within the meaning of the terms of international agreements. It seems to me that though each one of those countries is under the one Crown, the powers of this Parliament representing the Crown are just the same in regard to this agreement as if the powers of a different Crown were represented by the legislatures of the West Indies. Therefore, putting a proper interpretation upon international law, we must approach the confirmation of this agreement as if it were an agreement between ourselves and the United States of America or France or any other foreign country. If then, that question were put to me, I would say at once that this legislation cannot in the slightest degree change the terms of that agreement without the agreement going back to the original contracting parties to have those changes ratified, and when the changes are made, it could come back here for ratification. It is a well-known rule of international law that the terms of a treaty must over-rule all laws of either of the parties to it, and that the terms of an agreement will prevent any parliament or legislature of the countries that are party to it from making any laws which will conflict with the agreement or take away any of the rights of the parties. This, as international law, is going to a very great length, but it is the condition that prevails in this world. We have a very recent and striking illustration of the application of this law as between the United States and Japan. I mention this as being well-known to most lawyers, and, I am sure, well-known to the hon. gentleman in charge of this Bill. A treaty of comparatively recent date has been made