

and when the treaty was signed by the sovereign it was laid upon the table of the house, the house in turn either approving or disapproving of it. If it disapproves, the government is beaten, and if it approves, that is the end of it." He made a lengthy speech in which he pointed out that recourse to the prerogative was far better than legislation. The matter was taken up by Mr. Balfour in which he pointed out caustically that it was a new doctrine for Mr. Gladstone and Mr. Harcourt to contend that recourse should be had to the sovereign prerogative instead of legislation by the Commons and the Lords, with the assent of the sovereign. Finally, driven to the position which he had to adopt with respect to it, Mr. Gladstone said, "The reason I do that is this, that if it is a statute we have the Lords to contend with, and if it is done through the exercise of the royal prerogative, we have not." But they proceeded with the statute and passed it in the House of Commons on division. Ultimately it passed through without division on the third reading. What relation all that has to this I do not know; but I put it to every thoughtful man in this house: Can it be said that the exercise of a power by resolution is authority for anything in the world?

Mr. EULER: If instead of requesting the sovereign directly not to exercise its prerogative, the House of Commons had expressed its desire that the Prime Minister himself should not make any recommendation, would the Prime Minister in that case feel himself bound?

Mr. BENNETT: The hon. member is coming to the point I was about to make. Rarely have I found an argument adduced against a position I have taken which so completely supported my position as that taken yesterday by the right hon. gentleman. He argued that this House of Commons is a body from which I derive authority as leader. That is true. But it was not the house of 1919 from which I derived authority; it was not the House of Commons of 1919 which permitted me to stand in this place in the house. This house would be within its constitutional rights if it passed a resolution asking the Prime Minister to make no further recommendations during the life of this parliament for titular distinction of any person domiciled in Canada. As Lord Reading has said, that would be no affront to the sovereign; that would be treating the crown as the crown should be treated. That would be treating the crown as the crown is bound to be treated. The reason I have not stood in my place and asked this House of

Commons to rescind the resolution was that I would thereby be indicating that it had some validity. There is no one in this house who does not know, and particularly does this apply to the legal members, that once you accept jurisdiction by attorning to it you cannot question the jurisdiction. And if I had sat in this house and asked for the rescission of that resolution I would thereby have been a party to the acceptance of its validity.

Mr. MACKENZIE (Vancouver): Did the Prime Minister support the resolution of the present Secretary of State (Mr. Cahan) asking the House of Commons to consider the matter?

Mr. BENNETT: Yes, and I am not sure, but I believe I spoke upon it. I was most anxious that it should go to a committee, because the discussion which is taking place here could then have taken place before the committee, and the committee could determine whether or not the resolution should be rescinded. I am perfectly willing that the question as to whether or not there is any validity in this resolution should be referred to any court in the world. There is not only no validity in it, but the resolution itself, in the language of the Marquis of Reading, is an affront to the sovereign. But if to-morrow or the next day or, in fact any day, this House of Commons sees fit to pass a resolution asking the Prime Minister to refrain from making recommendations to the sovereign, the House of Commons is of course within its rights, because it is from the house that the Prime Minister must derive his authority to act. It is one thing to see to it that our actions are buttressed with the authority of precedent, and another thing to act according to the rule of law. It has been a matter of passing comment, as pointed out by an eminent lawyer not long ago, that a resolution of a House of Commons which has long since ceased to be, could not bind future parliaments and future Houses of Commons.

This happened in Australia: Mr. Bavin came into office desiring to recommend that his chief justice be given a knighthood. Recommendations were made to the Secretary of State for the Dominions and the recommendation was so made by the king. The Secretary of State for the Dominions had no hesitancy in saying that he would act upon the recommendations that were made. The power of a mere resolution by this house, if acceded to, would create such a condition that no principle which secures life or liberty would be safe. That is what Judge Coleridge pointed out. It was stated by Mr. Gladstone