

Mr. RINFRET: My hon. friend knows, and I believe on a similar occasion he took the stand while Secretary of State that the two electoral officers are independent. The Secretary of State is only the means through whom the estimates are voted. Naturally they have more leeway, but I was led to believe from the minute I took office that Lieutenant-Colonel E. H. Minns was the assistant to Colonel Thompson, and I never had any intimation that his was a temporary position. I know he is a very busy man, and I have often had occasion to refer to him

Mr. MacNICOL: What is he doing? He cannot be doing anything at the present time.

Item agreed to.

DEPARTMENT OF EXTERNAL AFFAIRS

Geneva—publications of League of Nations for distribution to members of parliament and a grant to the League of Nations Society in Canada, \$3,000.

Mr. CAHAN: On a former occasion when these estimates were before the committee I expressed the desire to make a lengthy statement, but I shall restrict my observations considerably; if hon. members will permit me I shall make only a short statement.

My contention is, first, that the passing of certain orders in council prohibiting imports from Italy into Canada and certain exports from Canada to Italy were passed without proper authority; and second, that the agreement made with respect to the imposition of sanctions at Geneva was not made through an organ of the League of Nations, and that the suggestion that the League of Nations was recommending the imposition of sanctions, as a league, is not in accordance with the facts; and third, that the action with regard to sanctions is a repudiation of the pledges made to this parliament by the Prime Minister (Mr. Mackenzie King) on a previous occasion, and not in accordance with a resolution introduced by the Prime Minister and passed unanimously by parliament in June, 1926.

I do not intend to enter upon a full discussion of the matters, but I should like to refer to them in order that they might be considered before further sanctions are imposed or further action taken, so that they may be considered in another light by the Prime Minister and his advisers.

On October 31, 1935, an order in council, P.C. 3461 was passed by His Excellency the Governor in Council, prohibiting the exportation,

reexportation or transit to Italy or to any Italian possession of the arms, munitions and implements of war enumerated in a list attached thereto, and it was ordered that a proclamation to that effect be issued forthwith and published in The Canada Gazette.

That order in council was passed under the authority of section 290 of the Customs Act and was, in my opinion, a valid and effective exercise of a power conferred on the executive by legislation of parliament.

On November 15, 1935, an order in council, P.C. 3594 was passed by His Excellency the Governor in Council, prohibiting by article 1, imports from Italy into Canada; and by article 2, certain exports from Canada to Italy; and by article 3, prohibiting any person in Canada from making, contributing to, participating in or assisting in the making of any loan to or for the benefit of,—

(1) The government of any Italian territory, that is to say, the kingdom of Italy and the colonies or dependencies thereof and any territory in the effective military occupation of Italy;

(2) Any person, not being a body corporate, of whatever nationality resident in any such territory;—

A most extraordinary thing.

—or (3) Any person wherever resident being a body corporate incorporated under the law of any such territory.

A subsequent amendment of the same order provides that giving a guarantee or becoming party to a bill of exchange, or buying a bill of exchange, or giving credit in any form shall be deemed for the purposes of this article to be making a loan.

This order in council is entitled the Treaty of Peace (Covenant of the League of Nations) Order, 1935. But it was not made in pursuance of any obligations which Canada had as a member of the League of Nations, and it is a misnomer to call it a covenant of the League of Nations order.

The Customs Act in section 290, provides:

290. The governor in council may, from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of arms, ammunition and gunpowder, military and naval stores, and any articles which the governor in council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man.

In so far as the order in council of November 15, 1935, P.C. 3594, prohibits exports from Canada within the terms of section 290 of the Customs Act, it was passed with the authority of parliament, but, in so far as the said order in council prohibits either exports or imports which are not authorized by the Customs Act,