

*Excise Tax Act Amendment*

Mr. SMITH (Calgary West): I intend for a moment to turn to the constitutional question, if you like to call it that. I promise I will not repeat anything that has already been said. But on this question, as to whether this is a tax or not, it is going into the general revenue fund of Canada, the same as all other taxes, as I gather from the last answer given by the minister.

Mr. ABBOTT: Collected at the wholesale level.

Mr. SMITH (Calgary West): If it is not going in there as a tax, it has no room there. The only provision by which that fund can hold it is that it does go in as a tax.

It seems to me that whether it be a tax or not, is this not the position, and do I not give a parallel when I say this: I am speaking tonight on the invitation of the minister, given to me in the house last December, when I spoke under the wrong heading with respect to some refrigerator equipment in the warehouse of the Canadian Pacific Railway Company at Calgary.

The simple facts are these: equipment came through, and it was paid for. It came in on the afternoon of the day the minister made his announcement and, so far as I know, it is still there. Why? The government will not permit its being moved without the payment of taxes. If that is not a tax, I do not know what it is. It seems to me that this is the position which the government takes: Some of us in this House of Commons have had occasion to visit jails, for different reasons of course; I confess to having been in a number of them. And I am now looking at the Minister of National Health and Welfare.

Mr. MARTIN: You would not see me in the same jail.

Mr. SMITH (Calgary West): He knows what I am going to say, because he has had the same experience. I give you this as a parallel: you are telephoned to go down there to the jail. You talk through a wire mesh in the very up-to-date jails, or through a board in the old type of jail. The fellow says: You cannot put a man in jail for this, can you? You say no. But there he is. That is the situation with respect to your tax. It is a tax; you do not need to pay it; it is illegal; but you have to pay it. Furthermore, to get your tax back you have no legal remedy. For the man in jail there is habeas corpus to get him out. So this is tougher than maintaining a man in that position.

Here is my question and I ask for a reply from some minister. I am going to take a

[Mr. Abbott.]

parallel of government service, that of immigration, and I mention that because we have immigration agents all along the border where we have customs agents. I ask this serious question. If the Minister of Finance can be justified in setting aside the statutes of Canada with respect to tariffs, both in amount, in exclusions and quotas, why cannot the Minister of Immigration set aside our immigration statutes and run immigration as he sees fit by a radio address? If it be true that the finance minister's action was right, then surely it inevitably follows that any minister of the crown can at will set aside the statutes of Canada and operate his department as a one-man show until parliament catches up with him. So why cannot the Minister of Immigration do the same thing with respect to immigration? I mention immigration because I wanted to give a parallel service, where they have powers of enforcement, where they have parallel agents, where the same methods and measures of control obtain. I put that problem to the government. I know they have many brilliant lawyers over there, but they will need to be very brilliant indeed to find a distinction between the two sets of circumstances which I have given.

Mr. CHURCH: I regret that the government have taken this step. They are going back twenty-five to thirty years. A great hydro-electric development has taken place in Ontario and Quebec by means of which the working man in the city and the farmer on the farm has had brought within his reach many electrical appliances and labour-saving devices which he looks upon today as necessities. A very great development of electric power took place between the two wars. This country has a potential 42,000,000 horsepower of electric energy, with only one-sixth of that developed so far in the central provinces of Ontario and Quebec, where the light and power movement has expanded tremendously in the last twenty-five years and brought to the kitchens of the toilers and industrial workers, under cheap power, joy to the housewives and farmers' wives through these labour-saving devices, and joy of living at small cost.

I see that the excise tax is to be imposed on firearms. I know one Toronto firm imports from Connecticut pistols of various kinds and puts them in our city for sale where young people can get guns and pistols. Anybody could walk into this store on lower Spadina avenue and buy them. They were imported from Connecticut. I complained to the government but nothing was done about it, although there were a lot of hold-ups in that district. They had a catalogue out with cuts of these