

But if you have not, by means of the law and a penalty put down combines, what is the reason that you cannot? Provide that the judges who try the case shall, as a penalty, wipe off what duty they think would cure the difficulty. You then have a non-partisan body which commands the respect of every body, and to whom any party may appear with an idea that they will get justice. Surely the law is that which is to be invoked in these matters, and not the partisan decision of a Cabinet Council, no matter what side of politics may be in power. And so I want to ask hon. gentlemen opposite to think whether they cannot attain the same end and avoid these two great difficulties that I have spoken of. I think they can be avoided by making the judges of the land the judges and not a partisan body such as the Cabinet of the day. Now, and lastly—

An hon. MEMBER. Hear, hear.

Mr. FOSTER. I see that my hon. friend is loath to have me stop. Lastly, I wish to say a word with reference to this reciprocal business—just a word or two, for I will leave the main body of the discussion to be taken up by my hon. friend (Sir Charles Tupper) who sits by my side and who is thoroughly conversant with it. I want to draw attention to the extreme indefiniteness of this resolution:

1. That when the customs tariff of any country admits the products of Canada on terms which, on the whole, are as favourable to Canada as the terms of the Reciprocal Tariff herein referred to, are to the countries to which it may apply, articles which are the growth, produce or manufacture of such country, when imported direct therefrom, may then be imported direct into Canada, or taken out of warehouse for consumption therein at the reduced rates of duty provided in the Reciprocal Tariff set forth in Schedule "D."

That any question that may arise as to the countries entitled to the benefits of the Reciprocal Tariff shall be decided by the Controller of Customs, subject to the authority of the Governor in Council.

And so on. Now, I call the attention of the House and the country to that as the most extraordinary provision that I ever knew to go into the tariff of any constitutionally governed country. What does it do? It constitutes the Controller of Customs on his report to the Governor in Council the arbiter of the tariff-making and treaty-making power, so far as commercial matters are concerned, of this country, without reference to Parliament at all. The disturbance caused would be complete. No one would know how trade would stand, no one would know what would be the conditions of trade six months ahead. No conditions are definitely stated, but it is simply provided that if the Controller of Customs believes and so reports that a certain country should be put on the reciprocal list, that country goes on the reciprocal list, by the simple proclamation, I,

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suppose, of the Governor in Council. Is this Parliament convened for anything or not? Is the tariff-making power and consequently the revenue-collecting power a right which Parliament should most jealously conserve? Are we to give it over to the control of a Controller of Customs on his report to the Cabinet of the day? Surely this Parliament has not fallen so low as to do that. Can you conceive of the British Parliament so legislating or of the British Government proposing, such legislation? Why, Sir, not even in France, and they have a great deal of latitude in matters of tariff, is such latitude allowed. The Government there are bound strenuously by a minimum tariff every rate of which is given, and they have, even then, to submit to Parliament what they make as a reciprocal arrangement with other countries. I am not going to follow this line further. I call the attention of the House to it, and I say that so long as we sit here as the representatives of the people, we cannot concur, and it is not for the interest of trade, outside entirely of the rights of the House, that we should delegate the whole question of trade arrangement and reciprocal treaty-making to the hands of the Government upon the report of the Controller of Customs or any other member of the Government.

But, Sir, what does all this amount to? I have here a very interesting little extract which shows again the facility with which opinions may change. It will be remembered that in 1893, Mr. McCarthy introduced a resolution, in which amongst other things, he affirmed:

That in the opinion of this House, the tariff ought to be at once amended in respect of the matters herein indicated, and also by the substantial reduction of customs duties in favour of the United Kingdom, in whose markets all Canadian products are admitted duty free, and of those nations which, under treaty obligations with Great Britain, would be entitled to the same advantages granted; however, so as not unnecessarily to prejudice the business of the country, nor to do wrong to those who have imported and paid duties in accordance with its provision.

That was brought to a vote. Mr. McCarthy in drawing his resolution, drew it on the line of existing treaties. When he spoke of reducing duties in favour of the United Kingdom, he included those nations having favoured-nation treaties with Great Britain. What was the attitude of my hon. friend the Prime Minister of to-day on that question? His attitude was this:

I know that for many years we must raise our revenue by customs duties; but I tell the Finance Minister that the difference between him and us is this: That whereas he forms his tariff for protection and with revenue as merely an incident, we will frame our tariff, not for protection, but for revenue, and we will impede and interfere with freedom of trade only so far as it is absolutely necessary for the purposes of revenue, and for nothing else.