

thereupon conduct a public inquiry and make its findings as to whether, to what extent and for what period such value is required to prevent the importation of goods into Canada from prejudicially or injuriously affecting the interests of Canadian producers or manufacturers. If no fixed value is found by the tariff board to be required, or if a lower value is found to be appropriate, the finding of the tariff board will become at once effective. If appeal is made to the tariff board such value authorized by the minister shall in default of any finding by the tariff board in the meantime cease to have force and effect upon the expiration of three months from the date of any such application to the tariff board.

Amendment agreed to.

Mr. JACOBS: I wonder whether it is necessary to warn my hon. friends on this side to beware of the Greeks when they bear gifts.

Mr. BENNETT: Yes, but what about the Hebrews?

Mr. MACKENZIE (Vancouver): They never bear any.

Mr. CAHAN: This amendment is clearly made by reason of the note of December 26, 1935, from the Prime Minister of Canada to the Japanese minister. Now, let us consider the case. The Japanese government appeals to the tariff board. Before making that appeal it has an inquiry in its own country and has all the evidence prepared. It may take three or four months in the preparation of its case. To meet that case the government of Canada has to go to Japan, make a similar investigation and have the results of that investigation brought back to Canada and presented to the tariff board. My suggestion is that under those circumstances three months is not an adequate period for the preparation by this government of its case, the result being that if the Japanese government prepares its case with great care, and has all its evidence available for presentation here, it will be almost impossible for the Department of National Revenue to meet that case within three months, and if its case is not prepared within three months and heard and decided by the tariff board, then decision is given against this government by default. I think that is a condition of affairs which is to be deprecated, and it is impossible to understand this change except on one suggestion, that is, that this government made up its mind to have an agreement with Japan on Japan's own terms, and when Japan said, "Sign on the dotted line," this government signed without due consideration of the vast import of the pledge they were giving.

Mr. BENNETT: Affecting all countries.

Mr. LAWSON: I should like to support very strongly the argument presented by the hon. member for St. Lawrence-St. George by pointing out to the committee what actually happens in actual practice before the tariff board, as some members may not have appeared before the tariff board in hearings as I have. When application is made to the board they require a written submission, and the person making the application is virtually in the position of plaintiff. In the case we have in mind it must be borne in mind that as a prerequisite to the existence of the duty which is to be attacked the government of this country has functioned and determined to its own satisfaction that there is an injurious effect on the interests of Canadian producers or manufacturers; being of that opinion it authorized its minister to do something, and he has functioned. Now, as pointed out by the hon. member for St. Lawrence-St. George, the tariff board makes copies of the applications as filed, with the reasons therefor, and it is under obligation to circularize and send them to every interest in Canada affected. It asks those interested for a return, in other words for a brief or a factum as against that which has been alleged by the plaintiff. It naturally takes time for this to be prepared, and when the tariff board has before it that which I shall call a factum, for want of a better term, it then determines whether or not there is a necessity for a public hearing. In this case it provides that there shall be a public hearing, but even though there is an obligatory provision for a public hearing, if the tariff board is to proceed intelligently with that public hearing it must have before it the allegations, or arguments, or facts. Generally speaking, subject to these necessary delays, the plaintiff has the conduct of the proceedings.

Let us assume that it is a private party making an application so that we shall not be making any allegation against any foreign government. By devious means at his command, that person can delay the hearing. All he has to do to succeed in his case is to prevent its being heard for a period of three months. In the first place, I say that three months is far too short a period for the involved questions which are bound to arise. In the second place, I say that a term which automatically benefits the plaintiff in the event of his own delay, which bonuses him for delay, should certainly not appear in this bill. If, in order to carry out the terms of the obligations contained in the letter to the Japanese government, this government feels