

proved, could have been rectified. Instead, we have to-day one person attacking the whole administration of the department on this score from November, 1931, to the present time. He has aroused and organized those who imported goods during that period to join in what may fairly be termed a most dangerous raid upon the federal treasury. Numerous telegrams have been received, all evidently prompted by the same person, who has notified those importers that the prospect of collecting millions of dollars from the Government may vanish if this Bill is passed. He has been organizing a systematic assault on the Department of National Revenue with a view to having it declared by the courts that all dumping duties since 1931 have been assessed illegally. His first attack is based on what is called the currency complaint, which covers the period from November, 1931, to June, 1932. He has circularized all importers of fruit and vegetables, urging them to join in the assault. He has retained prominent lawyers to act for those interests. He has expressed the opinion that thousands of dollars will be collected on the currency claims. Likewise he hopes that the claims for duty on importations of onions will run into hundreds of thousands of dollars, and he sets no limit on what the claims on importations of tomatoes, apples and other fruit will aggregate. The total apparently would run into millions. I repeat, there is in process of organization a formidable and dangerous raid on the federal treasury.

Hon. Mr. DUFF: Who is the organizer?

Hon. Mr. DANDURAND: Mr. K. V. McKittrick, Traffic Manager of the Toronto Wholesale Fruit and Produce Merchants' Association.

Honourable members will understand that the duties which the importers paid on vegetables and fruit from November, 1931, to the present time were through various middlemen passed on to the ultimate consumer.

Hon. Mr. CALDER: Was there no protest then?

Hon. Mr. DANDURAND: No. As I have said, if there was an overcharge in the duties so paid, it was passed on to and paid by the consumer. I submit that the importers have no moral claim against the department to any refund, for they were not the losers by payment of the duties complained of.

I doubt very much the propriety of sending this Bill to the Banking and Commerce Committee. Assuming those importers, so organized, desire an investigation, we shall have to ascertain in each case what duty the

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importer paid, how he absorbed it into his selling price, and how and by whom it was ultimately paid. If we attempt an inquiry along those lines we shall not be able to complete it before prorogation. Many telegrams have reached us, but though coming from many quarters they all appear to be inspired from the same source.

Hon. Mr. LYNCH-STAUNTON: I understood the honourable leader to state, in effect, that when the duties were collected the Government had full authority by law to impose them.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. LYNCH-STAUNTON: And that the persons now claiming a return of the duties contend that the Government made some slip in not publishing Orders in Council in the Canada Gazette, or in not taking some other technical action. Is that the case?

Hon. Mr. DANDURAND: Yes, that is one of the technical points.

Hon. Mr. LYNCH-STAUNTON: They do not claim they were unlawfully charged these duties, but claim that the Government's practice was technically incorrect. Is that it?

Hon. Mr. DANDURAND: Yes, in many particulars.

Hon. Mr. LYNCH-STAUNTON: Most of it?

Hon. JOHN T. HAIG: Honourable members, I do not say I shall vote against the Bill, but I doubt whether, under section 43 of the Customs Act, the department had any right to levy those duties against goods coming from the United States at that time, because the Act provided that duties could be levied against a country with a depreciated currency. This did not apply to countries with appreciated currency.

But aside from that altogether, and leaving out of the picture for a moment what the honourable leader has said, I submit that this Bill does much more than he has stated. It purports to ratify and confirm what officials of the department have done for the last five and a half years. It goes further: it provides what in future they may do without parliamentary sanction.

True, in the majority of cases the department had authority to collect the duties if its officials had complied with the Customs Act, which requires the Minister—not the deputy, not the assistant deputy, not the superintendent, but the Minister—to issue the order and publish it in the Canada Gazette. There is authority for imposing dumping duties on goods from depreciated currency