

country of export. The department answers that this was a ruling of the Commissioner of Customs issued when the Canadian dollar became depreciated as compared with the United States dollar. As I have stated, that covers the period from November, 1931, to June, 1932. I may add that the ruling, which under the statute itself was arbitrary, could have effected the same result by increasing the valuation under Canadian currency, inasmuch as it was for the Commissioner or the Minister to decide that valuation, arbitrarily, if you will.

The fifth complaint is that the fixing of values at an advance on the invoice value does not constitute a fixation as contemplated by section 43 of the Customs Act. The department answers that this method of fixing values was adopted in 1932, was agreed upon by the Canadian Fruit and Vegetable Jobbers' Association and the Canadian Horticultural Council, and is still being used.

The sixth complaint is that no authority exists for the inclusion of the weight of the container in computing values fixed under section 43 of the Customs Act. The department answers that this is in line with the tariff revisions requiring the weight of the packages to be included in the weight for duty, and was adopted on the recommendation of the Canadian Fruit and Vegetable Jobbers' Association.

The seventh complaint is that no authority exists for computing fixed values on railway billing weights. The department answers that this was a ruling issued in 1932 to promote uniformity in treatment of fruit and vegetables at different ports and was made at the request of the Canadian Fruit and Vegetable Jobbers' Association.

The eighth complaint is that certain valuations which were stated to be applicable "all year" should have been interpreted to mean until the end of the calendar year, rather than all year around as interpreted by the department. The department answers that it has consistently interpreted this phrase to mean all year around and every year until otherwise ordered, as distinct from seasonal or limited periods during which certain commodities are available.

The ninth complaint is that certain bulletins setting forth fixed valuations failed to exempt shipments purchased and in transit to Canada at the time the bulletins were issued, though such shipments had been exempted on other occasions. The department answers that this was merely a change in the method of application of the fixed valuations and was in accord with the policy existing at that time.

The Minister then continues his explanation:

Those are the grounds that are set out, and many of them are quite technical. The point I wish to bring to your attention is this. The importers knew at a very early stage what view the department took of the meaning of these Orders in Council and of the orders the Minister made under the Orders in Council, and governed themselves accordingly. Knowing the practice of the department and the view it took of what the proper practice was, nevertheless the importers placed their orders for a period of years—it has been five or six years—and paid the dumping duties required by the department.

Recently certain enterprising persons have been promoting the filing of claims with the Department of National Revenue. Claims amounting to over \$600,000 have already been filed, and I am advised by my officers that the likelihood is that with respect to fruits and vegetables alone the claims against the department will run to \$2,000,000 or more.

The contention on which these claims are based is that when a man pays duties illegally he is entitled to a return of them, on grounds of equity and fairness. Such is not the case here, because the persons who have actually paid the duties will not get them back; the people who will benefit are the promoters of claims and others who are having a large number of claims filed with the department. We have a stack of them already. It means that the treasury will lose two or three million dollars, and the persons who paid enhanced prices for goods as a result of the dumping duty will get no benefit whatever.

On this account I submit that Parliament should ratify the imposition of these duties. In my opinion that is the fair thing to do in all the circumstances. I do not agree that this is confiscatory legislation or legislation of that type. It is more in the class of legislation which in Nova Scotia is passed every year for the ratification of assessments. I understand also that in Ontario years ago, though perhaps not now, legislation was passed every year ratifying tax sales.

The administration of these sections is a difficult matter at best. The Department of Justice was consulted from time to time, as were the departmental solicitors. It may be that when the sections and the numerous bulletins are examined with a microscope some legal ground may be found for the return of these duties; I do not know. Two petitions of right have already been filed, and they are exempted because we do not think we should issue a fiat to enable petitioners to go into court and then legislate them out of court. But for those who have not filed a petition of right I submit that the action of the department should be ratified.

Now, I draw the attention of honourable members to the fact that these complaints with respect to rulings of the department between November, 1931, and June, 1932, should have reached the department within a reasonable time, yet they were not sent in until 1936. If they had covered only the department's interpretation as to the currency which should have been used in valuing the goods imported, they could have been discussed, and any injury to the importers, if