

the country to which we gave the undertaking if during the course of weeks or months that undertaking should prove to be one which ought not to be expressed in these precise terms but in some other. Experience, in other words, will be the guide, and I suggest to the committee that inasmuch as the power conferred is a power to reduce the burden of taxation, it is not a dangerous power to place within the hands of the executive.

Mr. STEVENS: May I ask the minister this question? Is it proposed that this new subsection 10 shall apply in the tariff to other than section 6 of the tariff act, namely, the dumping clause?

Mr. ILSLEY: Yes; the words are:

For the purposes of this act articles shall not be deemed to be of a class or kind made or produced in Canada unless so made or produced in substantial quantities; and the governor in council may by order in council provide—

And so forth. This act includes not only section 6 of the customs tariff but also all the schedules of the customs tariff.

Mr. STEVENS: May I suggest to the minister that if this new subsection 10 is intended to apply to the whole act it should be a separate section instead of a subsection of section 6? Section 6 is limited; it is the well known dumping clause of the tariff act, and it would appear to me that if you make this a subsection of section 6 you will limit its application to section 6. To put the matter in another way, it would be more proper, I think, if it were made a separate section of the tariff act.

Mr. ILSLEY: That is a problem of draftsmanship more than anything else, but wherever the words appear they can mean only one thing. Subsection 10 reads:

For the purposes of this act articles shall not be deemed to be of a class or kind made or produced in Canada unless made or produced in substantial quantities—

And so on.

Mr. STEVENS: The reason I asked the question was this: The argument regarding the application of the duty is based upon section 6, namely the dumping clause. It will be found, if examination is made of the schedules of the tariff act, that many items are specifically referred to as of a class or kind made in Canada.

Mr. DUNNING: Not a great many.

Mr. STEVENS: But there are some where that is stated in the item itself, and if this is passed as a subsection I question whether

it will be applicable to such items. The letter from Japan intimates that it will, but I doubt whether by this method the government are making it applicable.

Mr. ILSLEY: The letter to Japan covered not only section 6 of the customs tariff but everything.

Mr. STEVENS: That is what I say.

Mr. BENNETT: Section 43, for instance.

Mr. ILSLEY: The letter to Japan referred to the classification as it appears in the customs tariff; that is the whole of the customs tariff, and this provision, I feel sure, carries out that undertaking. The fact that this appears as a subsection of one section does not take away from the force or the power of the words because the words used are "for the purposes of this act," and that carries through the whole act, schedules and all.

Mr. STEVENS: I do not want unduly to press the point but certainly I should like to have seen that point submitted to the law officers of the crown. If the committee will read section 6 they will see that each of its subsections deals with matters pertaining to section 6. It is very lengthy and I am not going to read it, but it is quite clear on reading them that they apply to section 6. For instance, subsection 9 of section 6 reads:

(b) Any order in council made hereunder may be varied, extended or revoked at any time by the governor in council.

(c) This subsection shall be deemed to have had effect from and after the first day of September, 1931.

That applies only to subsection 9 of section 6. Now we come along and insert subsection 10 following these other subsections, which completes the section undoubtedly so far as draftsmanship is concerned. But, by its very wording, "for the purposes of this act," it means the whole act and should be a separate section instead of simply a subsection of section 6. I would suggest to the minister that, before we pass this, it might be once more submitted to the law officers of the crown in the light of what I have said.

Mr. ILSLEY: I thank the hon. gentleman for bringing the point to our attention, but the proper course I suggest is to pass the resolution. Regarding the point raised I will undertake to submit it to the law officers before the bill is brought into the house. There will have to be a bill based upon the resolution.

Mr. NEILL: The minister said that the question which was raised about 900 tons of anthracite was a very good illustration of the