

where in the mind of his party there is a suspicion that our purpose is something more than the language indicates. I still say that it is always well to keep in mind the elementary rule that statutes must be interpreted in accordance with their plain, ordinary meaning. There can be no sinister purpose behind this. We provide for a tenure of office of ten years for one purpose, and one purpose only, and that is that there may be certainty, stability and uniformity—certainty on the part of those who have to discharge these duties as to the tenure of their office; that there may be that stability which is essential to any court; that there may be uniformity for a period of ten years in the methods that are utilized for the purpose of ascertaining the facts.

The hon. member for Hants-Kings said the other day that in ascertaining costs, you might use different principles than those which should prevail, and take the least efficient industry as the determining factor as to costs. I was much struck by his observation and I propose, as we proceed, to ask the committee to add the word "efficient" before the word "production," in order to meet that very view.

Mr. STEWART (Edmonton): You cannot instruct your court.

Mr. BENNETT: The hon. gentleman says that you cannot instruct your court. The reason it is being made a court is to provide that if it exceeds its jurisdiction, then being a court, a prohibition would lie against it. If it fails to discharge its duties, a mandamus could be issued out of the courts.

Mr. RALSTON: A mandamus?

Mr. BENNETT: Certainly, to compel the court to the performance of its duty. It is a lower court.

Mr. RALSTON: Not a court of record.

Mr. BENNETT: It is not a court of coordinate jurisdiction with the Supreme Court of Canada, but it is a court of record.

Mr. RALSTON: It is a court of record?

Mr. BENNETT: It is a court of record, and if a judge exceeds his jurisdiction a prohibition lies against him. Let us go one step further. It is said that the Combines Investigation Act—

Mr. RALSTON: In a court of record one does not have prohibitions.

Mr. BENNETT: I have seen prohibitions against a court of record, against a county court judge, and if my hon. friend wishes to know the cases I shall cite them.

[Mr. Bennett.]

Mr. RALSTON: Not in a court of record.

Mr. BENNETT: The county court is a court of record.

Mr. RALSTON: Not a court of record with the jurisdiction here involved.

Mr. BENNETT: Absolutely. If the Supreme Court of Canada with the powers given to it under the Supreme Court of Canada Act—

Mr. RALSTON: This is only advisory.

Mr. BENNETT: It is not; it is a question of finding facts. Turn up the word "advisory" in the bill. You cannot find it.

Mr. RALSTON: It was used repeatedly in the discussion.

Mr. BENNETT: It was used by hon. members opposite, but was not used by me. Since my hon. friend has referred to the question I shall state to him the powers of the board. They shall make a report—that is what they shall do. I shall read the section of the bill concerning reports:

Inquiries under this section shall be conducted in a summary manner, and the respective reports to be made pursuant to its provision shall succinctly state the facts so ascertained; and each report shall be accompanied by a copy of the evidence, if any, taken, and by a copy of all information obtained in connection with the inquiry.

I repeat the phrase, "shall succinctly state the facts so ascertained." That is what was done by the United States tariff commission in the cases to which I referred in the house the other day, having to do with maple syrup and edible gelatin. In those cases the facts were dealt with, and they ascertained what rate of duty would be necessary to equalize the costs of production.

Mr. RALSTON: They expressed an opinion.

Mr. BENNETT: No "opinion" at all; it is a question of fact, and what is more it is a mathematical fact—an absolute mathematical fact requiring no evidence whatever.

Mr. RALSTON: Well, why not use a cash register or an adding machine?

Mr. LAPOINTE: Surely my right hon. friend does not need judges for mathematics?

Mr. BENNETT: Evidence must be forthcoming upon which the conclusions are based.

Mr. RALSTON: Therefore there would be an opinion based upon facts.

Mr. BENNETT: If statements of facts may be said to be opinions—

Mr. RALSTON: An inferential fact.