

duty has been the all important thing to preserve these small industries scattered all over the country. That is to be done away with; that is done away with. The government of the day have seen fit to define the matter. I say the results are such that we cannot contemplate them; I think I can say we should not contemplate them with equanimity. But they are there. Now, is the government keeping faith with this House of Commons or with the people of Canada who are engaged in these productions unless it inserts in this section as a part of the law of Canada, not a discretionary power to a minister or the governor in council at all, but that which they have promised, namely a definition of the words "of a class or kind made or produced in Canada" and says frankly in the statute that unless ten per cent of the normal consumptive requirements of the Canadian people are produced in Canada the dumping duty does not apply? That is the real issue. It is no good to say: We are doing this by order in council. That is not as good as by statute, because with respect to the question of doing it by order in council there is always uncertainty as to when, and in the other case it is a part of the law of the country.

The language I find in the note is this:

I have the honour to inform you that the Canadian government, in accordance with its general policy respecting trade and tariff matters, has decided to make the following modification in its customs—

Mr. DUNNING: Regulations; that is what we promised.

Mr. BENNETT: That has been done only by statute heretofore, not by regulation. What the hon. minister is talking about was done by statute, and the old words "substantial quantities" were in the statute, not in an order in council; they were taken out of the statute, and it was under the statute the case was presented to the tariff board.

Now let us look at these words:

The classification "goods of a class or kind made or produced in Canada" as it appears in the customs tariff—

Not in the regulations, but, "as it appears in the customs tariff." That is what we are now amending. "As it appears in the customs tariff will be restricted"—that is a promise of legislation, not of regulation, a promise that the tariff act would be amended. The letter says "as it appears in the customs tariff" it will be changed.

Mr. DUNNING: It has been read a half a dozen times.

Mr. BENNETT: The promise of the Prime Minister of this country was that a classification "of a class or kind, as it appears in the customs tariff" would be amended.

Mr. DUNNING: Yes.

Mr. BENNETT:

—will be restricted to goods which are of a class or kind made or produced in Canada in quantities sufficient to supply at least ten per cent of the normal Canadian consumption. Adequate notice will be given of the transfer for customs purposes of a product from the category "not of a class or kind made or produced in Canada" to the category "of a class or kind made or produced in Canada."

I am prepared to leave it to any judge in the world whether that does not contemplate the amendment of a statute, and not a regulation, the action of parliament, not of the executive.

The other questions are those of production and valuation of their money, and appeal to the tariff board, and then look at the top of page 4, paragraph 3:

In computing the value for ordinary duty and for special duty under section 6 of the customs tariff—

Mr. DUNNING: But we are not amending the statute to carry that out.

Mr. BENNETT: Then all I can say is you do not have to do that because you have the power to enter into an agreement with respect to it, which has been done. That part is not difficult to understand. But when you turn to paragraph 2, leave it to any judge you like or to the tariff board or to any other tribunal; can any other meaning be derived from that than the one simple meaning, that this contemplates an amendment by parliament of a statute, namely the customs tariff? How otherwise can you take those words than as they appear in the customs tariff and restrict them to the meaning given to them? I had no doubt as to how that was to be done until I read this section. I think I am doing only what is my bounden duty in saying that as far as it is possible we call upon the government to carry into effect the plain meaning of paragraph 2 of that letter, and to amend the tariff act in accordance with the proposals of the Prime Minister.

Some hon. MEMBERS: Carried.

Mr. BENNETT: No. It is of course impossible in the face of the majority which exists to do more than say that that is not implementing the terms of a letter which says in its very terms that it is dealing with the customs tariff—"as it appears in the customs tariff." Is there any method by which that can be done other than in the