

of Commons, except that I have added a line taken from the entry made in the journals of this House in 1874.

Mr. MACDONALD: I desire to call the attention of the House to what I think is an important change made by the Senate in this Bill, and which provides that a hearing by the board in regard to the question of the amount of tax to be assessed should be held in camera at the request of the taxpayer. The discussion upon the wisdom of accepting that amendment was cut off by the consideration of the point of order which the Speaker has just decided. It is true that there may be cases in which it would be desirable that that should be done, but I do not think it should be open to every person who may be subject to income tax to insist upon a hearing in camera. It is left to the taxpayer to insist upon a private hearing of the proceedings before the board or Exchequer Court. In the ordinary courts, in cases in which it is desirable that the proceedings should be held in private—and the law permits that in some criminal cases of very serious import—the matter is left in the discretion of the court. Here the person taxed has full discretion, no matter what the tribunal may think. It is questionable if it is not desirable to have these proceedings in public, so that the public, who are contributing to the taxes, may know what grounds are raised by parties as reasons for being exempted from this taxation. Very peculiar circumstances might arise under such a provision. No one will want to have his assessment considered in public if he can have a private hearing by simply asking for it. The result will be that all proceedings will be held in secrecy, and the country will not know, this House will not know, no one will be able to tell, except the gentlemen composing the tribunal and the parties to the case, on what principle the thing has been decided.

It does seem to me, therefore, that this is not a wise measure, and that some discretion should be left with the tribunal and the court to determine whether or not the rule as to the trying of the case in public should be departed from in this particular instance. We are practically legislating here that the proceedings before a tribunal, in order to ascertain what the assessment of any man should be under the income tax measure, shall be held in private. I do not think that is wise legislation, and I think the House ought to hesi-

[The Speaker.]

tate before declaring that all these proceedings shall be held in private.

Sir ROBERT BORDEN: I should have preferred that this amendment had not been made by the Senate. However, as far as I can ascertain by inquiry, there is not much probability of their receding from it. There is some force in the observations which my hon. friend has put forward. On the other hand, it can hardly be supposed that a board of referees composed of responsible and reputable men would be likely to adopt one principle in one case and another principle in another case. Certainly that would not be urged for one moment with regard to the Exchequer Court of Canada. The House may therefore reasonably conclude that there will be an application of the same principle to all cases. The view of the Senate is doubtless based on the consideration that it might be very detrimental to the interest of the taxpayer, not in all cases but in certain cases, if publicity were given to his business affairs to the extent that would be necessary if the proceedings were held in public. It is not desirable that an inquisitorial proceeding of this kind should be conducted in such a way as to be attended with detriment to any man's business. The object of the Bill is to procure a fair assessment, and we have, as a guarantee that this will be done, an investigation by the Board of Referees in the first instance. Then the Crown has the opportunity of an appeal to the Exchequer Court of Canada if it should appear that the determination of the Board of Referees is not in the public interest.

Mr. NESBITT: Is it only in case of dispute, or in all cases, that the matter is referred to the Board of Referees?

Sir ROBERT BORDEN: The Board of Referees is appointed for the purpose of determining the assessment, and there is an appeal to the Exchequer Court.

Mr. F. B. CARVELL (Carleton): My view is very much the same as that of my hon. friend from Pictou (Mr. Macdonald), and perhaps I have other reasons, which I should like to give to the House. We all know that it is a matter of history that the rich man never pays his fair share of taxation, as compared with the poor man; I do not care whether it is income taxation, or ordinary taxation by a municipality. The man who owns a small home or a little piece of property is obliged to pay taxes upon it. The assessor can see his property and it is assessed for at least as much as