

hon. friend says this treaty makes the provision he intended it to make, then let the treaty speak for itself; do not let us after having made a solemn agreement with the West Indies, try to alter that agreement but let us pass it just as it was signed, sealed and delivered by the various parties thereto. Then let the Minister of Customs under the advice of the Minister of Justice decide what the treaty means; but do not let us by statute seek to alter the terms of the treaty.

Mr. EMMERSON: It seems to me it is a well-recognized principle of international law that the terms of treaties are paramount over mere matters of internal enactments. A good method, and perhaps the only method of testing this question, which has been raised, would be to admit for the sake of argument that this Bill had been enacted into law as it stands, that some individual from the West Indies, or I care not where, some American citizen, had procured from any one of these countries certain produce or articles, brought them into the United States under bond and kept them there for any period of time, and then sought to bring them into Canada free of duty, the question would be when he came to the border, is he entitled to the provisions of the treaty as such, or would he be confronted with the terms of this Bill itself? The phraseology of the Bill is one thing; the phraseology of the treaty is another. I am sure it would be recognized that the treaty was paramount and must prevail, as a matter of right, as a matter of international right. We have already, as I understand it, approved of section 2 of this Bill, and we have said what the law is in respect to the point in question. We have said, so far as this country at this moment can say so, that:

On all goods enumerated in schedule B to the said agreement being the produce or manufacture of any of the colonies parties thereto, when such goods are imported direct from any British country into Canada or taken out of warehouse for consumption therein if imported as aforesaid, duties of customs—

(a) at the rate of four-fifths of the several rates of duties, if any, imposed on similar goods when imported by any foreign country.

We propose to enact this section as drafted by the Law Clerk, which entirely changes the paragraph which I have just read; it puts an entirely new meaning upon it. The question for this Committee to consider is: was it arranged between the delegates from the West Indian Islands and the representatives of the Government of Canada

Mr. PUGSLEY.

That there shall be levied, collected and paid, after the said agreement is in accordance with its terms brought into operation, and so long as it remains in force, on all goods enumerated in schedule B to the said agreement being the produce or manufacture of any of the colonies parties thereto, when such goods are imported direct from any British country into Canada.

Was that a part of your agreement? It does not appear in the agreement which we approve in the schedule of this Act. Yet it must be apparent to anyone that what will prevail with regard to the importation of such articles after the enactment of this law must be the terms of the law itself. It may not have been so intended. If it was intended that the goods should be shipped direct from that country to this it should be so stated in the treaty itself. I submit there can be no other interpretation given to it and that the interpretation sought to be given by the law clerk or by whomsoever drafted this Bill is not in accord with the agreement entered into by the delegates.

Hon. J. D. REID (Minister of Customs): For my part, I do not see how there can be danger of misunderstanding of the two clauses mentioned. The whole trouble seems to be that, under clause 2 of the agreement, the hon. gentleman says, goods may be shipped from the West Indies, put in bond in the United States and afterwards, in a few months or years, brought into Canada; and that they would have to be entered at the rate for West Indian goods. I think the hon. member understands that, according to the Customs law, when goods are shipped from the West Indies to Canada they may go through the United States, and when unloaded from the vessel they may be put in cars and shipped through to Canada. A manifest is made out and they do not go through the books of the customs in the United States except to manifest them. But if they are placed in bond in the United States, they are put in the warehouse and a customs entry is made out, just as if duty were to be paid. If, afterwards, they are shipped from the United States to Canada, they have to pay the duty not only on the value of the goods as coming from the country of origin, but also on the United States duty.

Mr. MACDONALD: Goods in bond—to pay two duties?

Mr. REID: Let me give a case in point. Suppose goods were bought in England by an American and entered in bond in New York. If those goods were afterwards brought into Canada and sold here, the owner would pay the duty on the English price plus the duty in the United States, because the very placing of them in bond makes them, so far as the customs are