

Mr. FOSTER: The Law Clerk and the Commissioner of Customs, when this clause was being framed, had for their purpose the putting into effect of the agreement which agreement was that articles from the West Indian colonies, when imported into the Dominion, should bear a certain duty. These goods could only be imported into the Dominion under our customs laws. The contention of my hon. friend is the most absurd I have ever heard. Under his contention you could have all countries of the world bringing their goods into certain other countries, warehousing them there, distributing them amongst merchants, and when they went into another country, claiming that the same customs rates should be applied as though they were the products of a country which had a preferential rate, even though they were imported into the other country ten or twenty years before. Surely the hon. gentleman does not think that the delegates from the West Indian colonies ever contemplated any such thing.

Mr. PUGSLEY: My hon. friend's argument goes to show the absurdity of making the agreement contained in clause 2. I am not responsible for what the commissioners did. It may be that they had in their minds to do certain things, but they have not done them. When the commissioner of customs comes to consider the meaning of this agreement, he is not to interpret it by what the Minister of Trade and Commerce may have said, or what the Minister of Customs or some other ministers may have said; he is to interpret the agreement as it stands. The words in the agreement are:

On all goods enumerated in schedule B to the said agreement being the produce or manufacture of any of the above-mentioned colonies imported into the Dominion of Canada, the duty or customs shall not, &c.

The law clerk has followed those words:

On all goods enumerated in schedule B to the said agreement being the produce or manufacture of any of the colonies parties thereto.

But he does not stop there; he says:

When such goods are imported direct from any British country into Canada.

These words have been left out of the treaty. The Law Clerk and the Commissioner of Customs have undoubtedly seen that if those words are not put in the Bill, in order to change the terms of the treaty, then the effect would be that United States merchants could import goods into their own country, keep them in warehouses for one month, six months, one year or two years; then send them into Canada to retail merchants throughout the country, and upon those goods under the terms of the treaty they would only be liable to pay four-fifths of the ordinary duty. That is what the Law Clerk and the Commissioner

of Customs have sought to remedy; but they cannot do that.

Mr. FOSTER. Goods could not be sold out in parcels.

Mr. PUGSLEY. Why not?

Mr. FOSTER. In bond?

Mr. PUGSLEY. Sold out in parcels; any quantity can be released.

Mr. FOSTER. If you are shipping in bond from the West Indian Islands to Canada, you cannot break up the shipment.

Mr. PUGSLEY. I think so.

Mr. FOSTER. Not at all. They go through under seal.

Mr. PUGSLEY. Very well. Supposing it were necessary to keep them in bond, they could keep them in bond for a year or more, and then send them to Canada. Is that importing direct to Canada? That is what the Bill says. I think that means by a continuous journey to Canada. I want to call the attention of my hon. friend to this fact that the Law Clerk and the Commissioner of Customs have sought to remedy a defect which is contained in the treaty. It is no use my hon. friend saying what he understood or what someone else understood with reference to it; it is absolutely clear under that agreement. I will leave it to any lawyer on either side of the House, and I am sure that their opinion will be to the effect that such goods sent from the United States to Canada will be entitled to come in under the definition, upon payment of four-fifths of the duty. Can you alter the treaty by the Bill?

Mr. FOSTER. The agreement is not altered by the Bill.

Mr. PUGSLEY. If it is not altered, then why not make the words read exactly as in the treaty? Why not say just as the treaty says:

Being the produce or manufacture of any of the colonies parties thereto.

And leave out the words:

When such goods are imported direct from any British country into Canada.

If those words are not needed, why put them in, if you say the treaty is to the same effect? My hon. friend knows very well that those words are put in in order to remove a defect which is contained in the treaty; he must know that as a gentleman of ordinary intelligence; he must know, if you leave the treaty as it is, that it does not provide that these goods from the West Indies must be imported direct to Canada. That is the object of changing the words of the treaty. Can this Parliament do that? I submit it cannot. If my