

their business in Canada, we find that Canadians go in to purchase at the retail store, and if they have not the goods they want, they go round to the other door, and that by this means an illicit trade is being carried on continually in those sections of the country. I have noticed in visiting this part of the country where such buildings stand that they are built across the line being partially on one side and partially on the other; and then business is carried on in these buildings. It is almost impossible to prevent that kind of illicit trade going on. I have somewhat modified the American law, and have placed this clause in the Bill for the consideration of the Committee.

Mr. COLBY. I think there can be no objection to the clause so far as it applies to the right of search; but I would state, for the information of the hon. Minister of Customs a fact of which he may not be aware. At the time of the running of the boundary line in connection with the Ashburton Treaty many changes were made on the former frontier. Farms were divided and portions of farms which formerly were in Canada were thrown into the United States, and portion of others from the United States into Canada. The inconvenience caused in this way was rectified in many instances by an interchange of land. There were buildings on the frontier similarly affected. In my own township I recollect three buildings each of which had been used as a retail store, and the running of this line was found quite as inconvenient to the proprietors of those buildings as to the Department of Customs. One of them was abandoned voluntarily by the proprietor; another, a wooden building, was removed entirely into Canada as it was mostly on that side; but the third, which is a permanent granite building, is there now and cannot be removed. It cannot be used properly for any other purpose, and I am sure the Government, if under any pretext they desire to appropriate that building, would feel called upon to indemnify the proprietor, as it was through no fault of his it was situated as the running of the boundary line has defined it.

Mr. BOWELL. What is it used for now?

Mr. COLBY. It is used for a store.

Sir JOHN A. MACDONALD. Conducted on strictly temperance principles, I suppose?

Mr. COLBY. I believe so; but I have not been in the cellar recently. There might be, in cases of that kind, occasion for special vigilance on the part of the local officers. There might be occasion for a visitation of that store, and the operation of the inquisitorial part of this clause, to which I do not object; but I apprehend that the hon. Minister would hardly go the length of confiscating that property and rendering it valueless to the owner, without compensation. I speak of buildings of which I have a knowledge, but I have no doubt that along the frontier there may be others of the same description. I am sure that the hon. Minister is not more than half serious in making the proposition, judging by his manner in presenting it.

Mr. BURPEE (St. John). I think the wording of the first line should be altered. In the cases to which the hon. member for Stanstead (Mr. Colby) has referred, the buildings were on the boundary line; but I think it would be stretching the law too far to include the buildings "near" the boundary line.

Mr. BOWELL. We will strike out the words "or near."

Mr. SCRIVER. I am glad some effort is being made by the hon. Minister of Customs to reach what is certainly a very great evil on the frontier. I know of no such instance in my own county as those to which the hon. gentleman has referred; but I know that along the frontier for some fifty or sixty miles there are stores which are supposed to be across the line, or about one-half in New York and one-half

Mr. BOWELL.

in the Province of Quebec. In the majority of instances they are places where intoxicating drinks are sold without a license, and they are the cause of great demoralization as well as of great injury to the revenue, by goods being taken from one side to the other without a payment of duty. It is, I acknowledge, a very difficult question. Some years ago I myself called the attention of the then Minister of Justice to the subject, and suggested to him the propriety of having some correspondence with the authorities at Washington, with the view of reaching this evil, if possible. One manner of reaching it, that suggested itself to my mind, was that an arrangement should be entered into between the two Governments—the Dominion Government and the United States Government—participated in by the State Government in the one case, and by the Provincial Government in the other, under which a portion of territory might be reserved, or so affected as to prevent these buildings being erected upon it. Of course, the difficulty of the United States Government and the Dominion Government taking action, would be the danger of interfering with Provincial rights under the constitutions of the respective countries. I am a little afraid, however, that the action proposed by the hon. Minister of Customs will not reach the difficulty. I would not myself object to granting the inquisitorial power which is granted by this Act; I think that may have some effect; but I do not know how the law could be practically carried out. I would ask the hon. Minister of Customs, for instance, if it should be thought desirable, under this Act, to cut a building in two, and take the half in Canada away.

Mr. BOWELL. That is the provision of the clause.

Mr. SCRIVER. And if it becomes law, I would ask whether the hon. Minister thinks it practicable, or profitable, to enforce such a law.

Mr. BOWELL. The American law provides for pulling down the whole building.

Mr. SCRIVER. But I think that amounts to nothing, so far as the part in Canada is concerned.

Mr. COLBY. You must not go away from the boundary line the breadth of a hair.

Mr. SCRIVER. But seriously, I am very much pleased to learn that the attention of the Department has been called to this question, and that the Department is disposed to make some effort to abate what is really a very great evil; and I would commend the Department for attempting to lessen the evils existing under the present system.

Mr. COLBY. I have personal knowledge of a long stretch of the frontier, and I know of only the single instance to which I have referred of a house being built on the boundary line. I happen to know, also, that the occupant of that store is specially and particularly watched by the officers on both sides of the line; and his facilities for smuggling are therefore actually less than those of any other man in the neighborhood, if he were disposed to do it.

Mr. BOWELL. The difficulty of carrying out the law suggested itself when we were framing the clause. I admit that the case put by the hon. member for Stanstead (Mr. Colby) is a very forcible one, and that it is not the fault of the owner of that building that the line was so run, under the Ashburton Treaty, as to cut his house in two. But if he imports improperly he should be punished.

Mr. COLBY. The proprietor of the building is not a trader. It is a store, not for illicit purposes, but for proper purposes.

Mr. BOWELL. I would suggest that the Committee accept the modification of the clause proposed by the hon. member for St. John (Mr. Burpee), and strike out the