

port. If our law is precisely the same as the American law, and the same interpretation be put upon it as they are putting on theirs, would it prevent the transaction the hon. gentleman refers to ?

Sir CHARLES HIBBERT TUPPER. I think it would. If my memory is right, the way in which the thing is done is this. The goods are billed, for instance, from Victoria to Glenora. Glenora is put at the bottom of the bill of lading.

The MINISTER OF THE INTERIOR. Supposing they were billed first to Wrangel, and then from Wrangel to Glenora ?

Sir CHARLES HIBBERT TUPPER. I do not know that the courts would care much about the manner in which they were billed, if they got right to the bottom of the transaction and found it was a bona fide shipment of goods from a Canadian port to a Canadian port. I think there is a good deal in the view that our legislation would carry us far enough to meet the case, and if that be so, there is no necessity for this Bill ; but that is a point the ship-owners wish to have referred to the Justice Department. Mr. Irving made a very practical suggestion in December, that if the Justice Department thought this was not a construction that could be put upon our Act, we should obtain the necessary legislation declaring that to be the meaning of the law. So that, in order that this Bill may receive the earliest consideration, and not in the expectation that a Bill in the hands of a private member can be advanced into law at this session, even if it had met with the approval of the Government, as a public Bill, I would ask leave to introduce this Bill.

The MINISTER OF MARINE AND FISHERIES. Will the hon. gentleman state shortly the substance of what is proposed by that Bill ? I was otherwise occupied, and unable to catch what he said at the moment.

Sir CHARLES HIBBERT TUPPER. I do not know whether it would be better to make this a declaratory Bill, but have not done so, and do not see much difference, provided the object is attained. The first clause provides :

Section 2 of the Act respecting the coasting trade of Canada, being chap. 83 of the Revised Statutes, is hereby repealed and the following substituted therefor :—

No goods or passengers shall be carried by water from one port of Canada to another port of Canada, either for the whole voyage or for any part of the voyage, except in British ships ; and if any goods or passengers are so carried, as aforesaid, contrary to this Act, the master of the ship or vessel so carrying the same shall incur the penalty of four hundred dollars, and any goods so carried shall be forfeited, as smuggled, and such ship or vessel may be detained by the collector of customs at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the

payment therefor given to his satisfaction, and until such goods are delivered up to him, to be dealt with as goods forfeited under the provisions of "The Customs Act."

This is the old section re-enacted, with the interpolation of the words "port of Canada either for the whole voyage or for any part of the voyage." Then, I add the following subsection :—

Nothing in this section shall be construed to prohibit the carrying from one port of Canada to another port of Canada, in a ship other than a British ship, of goods which have been imported in such ship from a foreign port, and have not been unladen at a port of Canada.

Because, of course, we do not aim at disturbing any vessel arriving with goods, where the cargo is not unladen or broken.

The MINISTER OF MARINE AND FISHERIES. This is obviously a Bill which under certain circumstances might be very important, and, of course, I have no intention of expressing any opinion upon it now. I merely rose to ascertain if I understood the observations of the hon. mover correctly. I tried to follow them. If I understood the hon. gentleman right, the transportation companies in British Columbia—very properly—tried to get as much of the carrying trade in goods going north as they could, and it was suggested that goods might be carried from San Francisco or Tacoma or Seattle or any of the American ports on their way north and landed at Victoria and there be transhipped from the American vessel to the British vessel which should carry them forward. It struck me, when the matter came before me at first, that there might be some difficulties in that way. Much as we would like, and as I am sure, every member of the House would like to facilitate anything that could transfer the carrying trade to our own bottoms, there is an initial difficulty at Victoria. How could you send the goods from San Francisco to Victoria and tranship them there ? There is no treaty between United States and Great Britain enabling that to be done, nor is there any statute that I know of. When goods are carried from San Francisco to Victoria, when they enter the port of Victoria they must be legally entered I should imagine. I do not see how that could be overcome. I would be glad if the hon. gentleman would suggest some means to overcome it. As soon as a ship arrives at Victoria, the collector at the port must say : Under the law, if you land this freight here you must pay duty. How can I take your word, or what authority have I for allowing these goods to be transhipped ? There is no treaty under which you can tranship goods and forward them.

Sir CHARLES HIBBERT TUPPER. They come through in bond.

The MINISTER OF MARINE AND FISHERIES. I would like to call my hon.