

The MINISTER OF MARINE AND FISHERIES. Did Mr. Payne, in introducing the Bill, cite any authority in support of his position that it was lawful to tranship goods shipped from San Francisco ?

Sir CHARLES HIBBERT TUPPER. No, although that may be because he had not the matter as well in hand as the Administration. Undoubtedly, they put that construction upon it, and that construction of the law was being enforced at their ports when Mr. Payne made that speech. And so Secretary Gage says :

Section 1 is a stronger and more explicit statement of certain provisions of section 4347 of the Revised Statutes. It is not put in the form of an amendment of that section, as the revisers of the statutes saw fit to incorporate in that section certain legislation based on the Treaty of Washington of 1871. The present validity of that legislation has for some years been disputed, and to avoid any legislative declaration on that dispute as a part of this measure, where it is not involved, the first section is drawn independently, though in effect it amends indirectly the other portions of section 4347.

The essential amendment is in the words "or for any part of the voyage." The question has recently been put to the Treasury whether American goods consigned to Alaskan ports from Seattle can be carried in American vessels to Victoria, a distance of only 72 miles, and at Victoria be put on British vessels to be carried to Dyce, a distance of 900 miles, or to St. Michael's, a distance of about 2,000 miles. The Treasury Department has ruled that this is a violation of the laws reserving the coasting trade to American vessels. It is a palpable evasion of those laws, but in some quarters doubt is expressed whether the courts will not decide, as they did in the case of a shipment of a cargo of nails from New York to Antwerp by a foreign vessel—

He refers to this very case I have mentioned.

—and thence to San Francisco by another foreign vessel, that the law had been successfully evaded, not violated. That decision led to the amendment of the Revised Statutes, section 4347, by the Act of February 15, 1893, prohibiting shipment "via a foreign port." That amendment, however, does not, perhaps, fully cover the transaction here referred to. The policy of the United States is to confine carrying by water for the whole voyage between American ports to American vessels. It is believed that section explicitly affirms that policy and removes all doubt.

That is all, I think, that is material in this memo. from the Secretary of the Treasury. The rest refers to other subjects which have been already discussed. Now, our coasting Act is as much capable of that construction as the section of the United States laws to which I have referred. I am not quarrelling with the United States policy, for I see nothing unfriendly in it at all. The difficulty I have endeavoured to point out is, that this construction has suddenly been put upon that statute, owing to a change in the state of affairs that has arisen on the coast, and that construction is being enforced, whereas

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on our side we are going on in the good-natured way in which both governments were proceeding before. Our statute says :

No goods or passengers shall be carried by water from one port of Canada to another except in British ships.

Under similar language in the United States law, the United States authorities declare that that cannot be done, either directly or indirectly. The law cannot be evaded by using an American bottom for a short part of the trip, and then transshipping into a foreign bottom at a foreign port for the rest of the journey. The United States contend that the trade between the two American ports should be carried by American vessels and they are going on perfecting and enforcing their laws on that line. The spirit of our Act is equally that the trade between two Canadian ports should be carried by British bottoms ; and I feel satisfied that if this subject is carefully looked into, there will be no hesitation on the part of our Government—if the statute will bear the construction I think it possibly may now bear—in sending to our collectors similar instructions with regard to foreign vessels that the United States have sent to their collectors.

The MINISTER OF MARINE AND FISHERIES. Will the hon. gentleman give a concrete case to show what he wants ?

Sir CHARLES HIBBERT TUPPER. I could not do better than mention the case which actually occurred, and which yet is a case of the kind in which our collectors will not, and have not, interfered. I refer to the case of the steamer "Alaskan," a United States vessel, which took goods from Fort Wrangel to Glenora, while the boats of the Pacific Coast Steamship Company, all American registered vessels, carried them from Victoria to Fort Wrangel. By means of this transshipment at Wrangel, they so arranged that their vessels carried those Canadian goods all the way between Victoria and Glenora, two Canadian ports.

The MINISTER OF THE INTERIOR (Mr. Sifton). If the case were reversed, and if our law were exactly the same as the American law, would the hon. gentleman think that the American law, enforced as it is now being enforced, would prevent the transaction he refers to ?

Sir CHARLES HIBBERT TUPPER. I have already said that I have not formed a very strong opinion on that point. I think myself, that the construction which the United States Treasury has put upon their existing law would be supported by the courts.

The MINISTER OF THE INTERIOR. Supposing it were supported by the courts, the hon. gentleman will know that the shipment from Victoria to Wrangel is a shipment from a Canadian port to an American