

shall only sow a particular kind of wheat, that he shall not engage in raising a particular breed of cattle, and that if he does he shall be liable to punishment; or, if he wishes to sell them, he shall bring them into market in a particular way. In all these cases we are interfering with the possession of property, with the manner in which it shall be held and disposed of. Now, I say in all these matters we are interfering with the jurisdiction of the Local Legislatures in matters of property and civil rights. I defy any member of the committee to show in what respect the Local Legislatures shall have control over property and civil rights, if we have here power to do what we are undertaking to do in this matter. We are undertaking to say how property shall be held, and the condition on which it shall be offered for sale. We undertake to say whether certain kinds of property or products shall be mixed, and what sort of inspection they shall be subject to. I say these are all outside our jurisdiction. They are not within our functions, they are questions as to the possession of property, the protection of property, and the protection of the civil rights of the community. They are not matters as to the regulation of trade at all. They are not matters regulating commerce, but they are regulating the rights of property, the mode of its transfer, and the civil right of the party with whom the property holder for the time being undertakes to deal. It does seem to me we are wholly outside our jurisdiction; and no matter whether the legislation is wise or unwise, it is legislation that ought not to be undertaken by this Parliament, but by the Local Legislatures.

Mr. DAVIES. I have never been able myself to entertain any clear opinion as to what legislation is within the local jurisdiction or not, since the decision of the Privy Council in the case of *Russell vs. The Queen*. They based their decision on the right of this Parliament to enact the Scott Act on the ground it was comprised in the words "peace, order and good government of Canada." I think the question is, at any rate, debatable, and at first blush would commend itself to my mind as a matter that would be in the power of this Parliament to legislate upon in the direction of preventing the general adulteration of food, and would come within the words "peace, order and good government of Canada," as much as the liquor traffic—I should think so when taken in connection with the sub-section of section 91, Trade and Commerce. There is, of course, a great deal in what my hon. friend from Bothwell says; but since the decision of the Privy Council a wider opening has been given to the powers of this Parliament, and we base them to a large extent upon those words more than we did formerly. It does seem to me that it is for the good government of Canada that we should have the power to legislate against the adulteration of food. Of course, we all agree there is no more important subject than the prevention of the adulteration of food and drink, and it can hardly be contended that the prevention of adulteration is purely a civil right. I think it comes within the power of this Parliament.

Mr. McLELAN. I think when there is a difference of opinion on this question it is our duty in the meantime to see that the people are not being poisoned, and we ought not to wait until this question is settled. The hon. member for Queen's, Prince Edward Island (Mr. Davies), has just said that it is a matter of great moment that the food and drink of the people shall not be adulterated. I certainly think it is, and therefore I think we ought to go on and prevent that adulteration.

Mr. MILLS. I would just say in reply to my hon. friend from Queen's that the question of jurisdiction arises in every section of the Bill, and I do not think that the rule laid down by the Privy Council in *The Queen vs. Russell*, applies to this case.

Mr. POPE. The hon. gentleman has no right to discuss a constitutional question on the clauses of this Bill.

Mr. MILLS. I am discussing the question of jurisdiction, and it is pertinent on every clause. Now, in that case, the Privy Council said that the punishment of offences against the law with regard to the sale of liquor might come within the jurisdiction of the Provinces if it could be shown that the Provinces had jurisdiction over the subject matter; but unfortunately the parties who were engaged in arguing the case on behalf of the Provinces, did not seem to know that that would be a subject coming within provincial jurisdiction. If that fact had been shown it is clear from the observations made by the Lords of Council, they would have held that it was within provincial jurisdiction. If I had the case here I could read the particular words used by the Lords of Council to show that that was the view they held, and it was because the parties who appeared on behalf of the Provinces failed to show that the judgment was given as it was—at all events that is a somewhat different case from this. It was a question of police regulation throughout the entire Dominion. This is a question relating to property, it is an attempt to protect the purchaser against fraud on the part of the vendor. The relation between the vendor and purchaser is a civil right. This is not a measure for the preservation of peace and good order and good government, to prevent riots and bloodshed or the disturbance of the peace, but for the purpose of regulating the relations between vendor and purchaser, and is an attempt to protect the purchaser against fraud on the part of the vendor. That, I repeat, is purely a civil right and as such is within the jurisdiction of the Provinces.

On section 17,

Mr. CASEY. I think some provision should be inserted in this clause to provide that not more than a certain proportion of fusil oil should be put in whiskey. I desire to enquire whether the schedule covers all chemical ingredients that are put into whiskey.

Mr. McLELAN. Additions can be made to the schedule.

On section 19,

Mr. PATERSON (Brant). I want the Minister to consider this point. The object of the Bill is not absolutely to prevent persons selling articles composed in part of ingredients which lessen the value of what purports to be the main article. Take, for instance, the article of coffee. If chicory or some other foreign substance is found in it, it would be an adulterated article within the meaning of the Act. Well, if a person wanted a twenty cent coffee it would include a certain proportion of chicory, and what is to prevent the manufacturer from putting in a larger quantity and selling it at the same price? I think it might be arranged that there should be certain grades, as I believe there are in England, according to the quantity of the innocent foreign article introduced, and that the purchaser might be secured in not paying for a grade ranking higher than the actual quantity of the admixture would entitle it to rank—whether, in fact, it was an article largely adulterated or slightly adulterated.

Mr. McLELAN. I think section 19, prescribing the limits of variability, would meet the case, as it would provide for different standards. It provides also that where there are not existing standards, they may be prescribed by notice in the *Gazette*.

Mr. PATERSON (Brant). It seems to me that the language of the clause would hardly cover what I mean. I can understand that under that clause the Governor in Council might say that coffee must not be adulterated, say more than one-fourth. But what I mean is that the article shall be so labelled that the purchaser will know that he is buying not only adulterated coffee or confectionery but the