

to map out the districts and appoint inspectors in the various localities, such as are designated here, and I say it is rather strange to find these same parties now contending that we have not the power. It seems almost like the disposition of the hon. member for Bothwell to follow up the opinion which has been attempted to be laid before the people of the country, that there is a disposition on the part of the present Government to interfere with Provincial rights. I think if there is any line of subjects on which we are entitled to legislate it is this. In 1876, England recognized the same principle. It has been recognized in the United States by Acts of Congress, and if we acknowledge the principle in the inspection of butter, why not apply it in other articles as well. I find that the Act passed in Congress in March, 1883, is doing a great deal of good, and I am sorry that there is not some provision in this Act, of a like character to one in the American Act, to prevent goods coming into the country unless they are up to a certain standard of purity. We know that a great deal of spurious tea is now coming into this country from the United States, owing to the passing of that Act, and it is sold in packages all over the country by peddlers to farmers and others, who are induced to buy it, not from its value, but from the prizes of one kind and another which are given with it. There seems to be no law to prevent this being done, and it is taking away the legitimate trade of merchants and others who are endeavouring to sell a good article. We all know that a great many of these articles are sold in the country, which are neither conducive to health or the nourishment of the body, and I think it is well that Parliament should put in operation machinery which, if it does not stop the importation of articles unsuitable for food, should at least prevent their being manufactured in this country.

Sir JOHN A. MACDONALD. I think we had better show that there is no desire on the part of my hon. friend to rob the different Provinces of their rights, but that he is actuated simply by a desire to amend the law which has existed since the 26th of May, 1874. That Act was intended to impose license duties, &c., and to prevent the adulteration of articles of food, drink and drugs. It was an Act passed by the Administration of hon. gentlemen opposite. The first clause contains a definition, just as this Act contains, of what adulterated food, drink or drugs mean. It goes on to provide that the Government may appoint in each Inland Revenue division one or more analysts of food, just as this Act does. It provides that the adulterated articles are to be seized and destroyed, that the analysts are to report quarterly to the Department. The power is given to these analysts to procure samples of suspected articles in certain ways. There is also a penalty provided in case the person refuses to admit the officer, or to furnish samples. It goes on to provide how the expenses of the analysts may be collected from the person who exposes for sale these adulterated goods. In fact, the whole tenor of the Act of 1874, in spirit, in intention, in purview, in penalty, and in purpose, is just the same as this Act, only this Act, after some years' experience, from 1874 to 1884, amends, in some few particulars, the Act of 1874.

Mr. MILLS. I have just a few observations to make in reply to the hon. gentleman. In the first place, the hon. gentleman was at that time on this side of the House, and I am inclined to think he did not discharge his duty as well as we are doing at present, or he would have exercised a little more vigilance. In the next place, I never pretended that no mistakes were made up to the present time. The question of jurisdiction, as the hon. gentleman knows, is a difficult question, on which the House is liable to err. But we have now decisions of legal tribunals which enable us to interpret the Constitution, and the hon. gentleman ought not to insist on a line of legislation which those decisions show is beyond the jurisdiction of this House.

Mr. SPROULE.

On section 6,

Mr. BLAKE. Would the hon. gentleman explain the principle on which power is given to the councils of municipalities to appoint inspectors of food and drugs.

Mr. COSTIGAN. It has been felt that in order to make this Act a success, which should enlist the co-operation of the municipalities in the different parts of the Dominion, in order that it might be carried out with the least possible expense, and that the municipalities should have an interest in carrying it into effect, we simply provide means by which they can give us their help.

Mr. BLAKE. These observations are very important, as they indicate a recognition, by those who bring forward this Bill, that, as my hon. friend has pointed out, it deals with a matter of municipal or police organization. The hon. gentleman not only provides that a municipal council may appoint inspectors, but he gives them powers of prosecution, and provides that the penalties resulting therefrom shall go into their revenues; but, he said, that in order to the effectual prosecution of this Act, he feels it necessary that it should be worked in connection with the municipal machinery. But the municipal machinery and the municipal power are not here, but elsewhere.

Mr. COSTIGAN. In some cases the municipalities themselves have been anxious to assist in carrying this Act out; but under the old Act they could not do so.

Mr. MILLS. The observations of the hon. gentleman show that the House, on a former occasion, made a mistake in dealing with a subject that belongs to the Local Legislatures and the municipal authorities, and he insists on continuing that mistake. His present proposition shows that he feels that this power can only be properly exercised by the municipalities, to which it rightly belongs. If he proposes to deal with the question at all, he ought to repeal the law altogether.

Sir JOHN A. MACDONALD. Then, I understand that the hon. gentleman objects to this Legislature giving power to any city, town, county, or village to aid in appointing the inspectors. Does this Act look like centralizing power here? If the Bill has power to appoint inspectors, and it has exercised that power, then it can give that power to councils, just as it can to individuals. If the council of any city, town, county or village, does not want to exercise the power to appoint inspectors, it need not—that is all. My hon. friend says that this power has been sought for by the municipalities. This Act in no way says that it can only be worked through municipal councils. It merely says that, for convenience sake, they shall have the right to appoint inspectors, if they choose to do it. That seems very reasonable—so reasonable that even if the hon. gentleman did wish to amend the clause, I do not think my hon. friend should agree to do so.

Mr. BLAKE. The hon. gentleman has failed to apprehend the observations made from this side of the House.

Sir JOHN A. MACDONALD. Very probably; they are not intelligible.

Mr. BLAKE. I will try to make them so. The hon. gentleman in charge of the Bill was asked the reason for this clause. He stated that in order to make the Act successful, it was found necessary to enlist the co-operation of the municipalities; he stated that some of them desired to co-operate, but they had not the power. What was said on this side was that the clause which gave the power to the councils of cities, towns, counties or villages, to appoint inspectors, and to require the analyst to analyze, which gave inspectors appointed by the councils of these municipalities power to prosecute, and provided that the penalties obtained by such prosecution should go into the municipal revenues,