

pure, as the case may be, and have given their certificates to the Minister of Inland Revenue, all appearance of common sense vanishes from the Bill, and we are told that the Minister is to revise that decision and find out whether the article is chemically pure or not. Nothing can be more absurd or mischievous than to give a Minister power to cancel a certificate of adulteration made by the chief analyst. That is what he will be asked to do time and again; he will never be asked to cancel a certificate of purity; but when a certificate is given by the chief analyst that so and so's goods are adulterated, and that so and so will become liable to heavy penalties, the Minister is to take into account, as he says himself, the "mitigating circumstances," and by the light of these he is to decide, not whether the man should pay a penalty or not, but whether the article is pure or not. That is to be decided by the mitigating circumstances, and the only reason the Minister gives for this provision is that it was passed last Session. There were a great many bad precedents set by the legislation of last Session, and if this escaped attention at that time, that is no reason why it should escape now. The only effect of this section is to give the Minister power to let off persons who are certified by the two analysts to be liable to the penalty. If the Minister is weak, it will only defeat the ends of justice, and if he is strong, it will go far to defeat the Government. To avoid any such dilemma, I move:

That the words, "if concurred in by the Minister," be struck out.

Mr. PATERSON (Brant). I see that in the Act passed last Session, there was a sub-section to the clause providing:

"This section shall not have force or effect until a chief analyst is appointed, to whom an appeal under this section can be made."

That is not found in the present Act. I would take that as an indication that the chief analyst had either been appointed or was to be appointed after the 1st of July, when this comes into effect.

Mr. McLELAN. The chief analyst has been appointed.

Mr. PATERSON. The provision that the decision of the chief analyst, if concurred in by the Minister, shall be final, may give rise, it seems to me, to difficulty. I do not see why the words, "concurred in by the said Minister," should be there. The clause provides that the party proceeded against shall have the right of appealing from the decision of the first analyst to that of the chief analyst. If the two concur, I think the decision should be final, and in that respect this amendment has my support. If they do not concur, there might then be occasion for reference to the Minister.

Mr. DAVIES. That would be very improper. The question is simply whether the article is pure or impure. The first analyst says it is impure. From that decision you appeal to the chief analyst, and he either affirms or reverses it. In either event, it is not a fact of which the Minister has cognisance, for he is not an analyst. He ought not to have the power of reviewing the decision of the chief analyst. The amendment is a good one. The decision of the chief analyst should not be prejudiced by that of the Minister, who has not the means of knowledge on the subject, and the party against whom a decision may be given should not be allowed to escape through, perhaps, political influence.

Mr. McLELAN. Suppose that the first analyst declares that one of the ingredients is impure. The vendor takes exception to that and appeals to the chief analyst. He declares that the ingredient complained of is pure, but that some other ingredient is impure, and the article should therefore be condemned. There is a difference of opinion upon the different ingredients of the article. In that case the Minister would no doubt inform himself on the subject from competent people outside and give his decision. I am

Mr. CASEY.

sure however the duty is not one that the Minister is anxious to have imposed on him, and I have no doubt my hon. friend the Minister of Inland Revenue would be glad to be relieved from it.

Amendment agreed to.

Mr. DAVIES. I suggest to the Minister that, if he intends this section to be workable, the certificate given by the chief analyst should be made evidence, which it is not now.

Amendment agreed to.

On section 13,

Mr. CASEY. Is it contemplated to publish the names of the persons whose goods have been examined and found to be adulterated?

Mr. McLELAN. No.

Mr. CASEY. It is a question whether it would not be a part of the well deserved punishment of those who sell adulterated goods to have their names published, excluding the honestly ignorant retailer who is exempt from the other penalties of the Act, but referring to the wicked and mischievous fabricator of the adulterated goods.

Mr. McLELAN. We might insert "and the names of the vendors."

Mr. MILLS. It has been reported to me that a manufacturer of spice and coffee receives orders for packages of ground coffee at a price named which is less than the actual price of the unground coffee. It is known that chickory or roasted beans or peas must be put into the article, and it is manufactured to supply a demand. People know they are not getting a pure article. Everyone is informed of the fact, and one manufacturer in the city of London told me that, if he were to observe the law, he would have to close his establishment.

Mr. McLELAN. No, he would label it "coffee with bean mixture."

Mr. CASEY. I hope the amendment will exclude the name of anyone innocent of wilful adulteration under the Act.

Mr. SUTHERLAND (Oxford). I hope the Minister will agree to that amendment. The names of innocent parties might be published to the world, and I cannot see that any benefit would accrue to the public from the adoption of such a change.

Mr. McLELAN. I will allow the clause to stand over, in order to see if the views of hon. gentlemen can be met.

Mr. DAVIES. I agree with the member for Elgin that the clause would be worthless unless the public were informed where they could find articles that were not adulterated. The object of the Act is to punish men who adulterate food, but we should be careful in punishing the guilty not to implicate an innocent man.

Mr. FISHER. I do not see how an innocent man can be hurt, because it is only when adulteration is found to exist that a report is made.

Mr. McLELAN. At present the names of the parties who have adulterated foods or drugs are published in the report.

On section 15,

Mr. MILLS. I am not going to detain the committee by arguing the question of jurisdiction, but that question does arise in many of these sections. There is nothing we are doing here to interfere with the manner in which a person deals with these particular articles, that would not apply to every other kind of property. We may say the agriculturist