

This is a power usually invested in them, and which is vested in every Province of the Dominion. It has been recognized as such and the municipal law governed these questions before Confederation existed. I have here a small work by Justice Cooley, in which he deals with the question of civil rights, as they have been recognized by a series of decisions extending over centuries, rendered by the English common law courts. We find embraced in civil rights, religious liberty, civil liberty and political liberty, the police power and other matters. With respect to these powers, Justice Cooley says :

"The authority to establish for the intercourse of the several members of the body politic with each other those rules of good conduct and good neighborhood which are calculated to prevent a conflict of rights and to ensure to each the uninterrupted enjoyment of his own, so far as is reasonably consistent with a corresponding enjoyment by others, is usually spoken of as the authority or power of police."

That is precisely what this measure proposes to deal with. The regulation of trade has never been held by any court in England, so far as I know, to be a regulation of the morals of trade. That is a municipal regulation, not embraced by the definition, regulation of trade, but under the phrase civil rights. The hon. gentleman by this Bill does not propose to regulate trade in the sense in which that expression is used in our Constitution, but he does propose to regulate trade by police regulations, as in the sense in which that expression is used in the municipal law in this country and in England. It is perfectly clear, then, that the hon. gentleman in proposing this Bill is proposing a serious inroad into the rights of the various Provinces. I think there would be no difficulty, if we were to examine the provisions of this Bill, to show that a large part of the powers possessed by the Local Legislatures would be taken away by it. It is not a question simply of convenience; it is not a question as to which Government or Legislature could deal with the question most efficiently. We are bound to keep in view this fact: that if we denude the Local Legislatures of so much of their power as to seriously diminish their influence, able and competent men will no longer seek to become members of the Provincial Legislatures. It cannot be in the interest of this Parliament or the public at large to make such encroachments on the rights and powers of the Local Legislatures as would impair their usefulness and prevent able and capable men from seeking election and taking part in Provincial affairs. Let me call the attention of the Minister in charge of this Bill to section 8. That section is as follows:—

"If the person having such articles in his possession, or his agent or servant, refuses or fails to admit the officer, or refuses or omits to show all or any of the said articles in his possession, or the place where any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he requires, when required so to do in pursuance of this Act, he shall be liable to the same penalty as if he knowingly sold or exposed for sale adulterated articles."

This is an attack on legislation in regard to civil rights. I do not say that this Parliament might not deal incidentally with the question of civil rights, where it was necessary to the exercise of a power; but this Bill, from the beginning to the end, deals with nothing else. If the Government have power to legislate on this subject, they have power to regulate market fees, to make police regulations for the sale of the ordinary articles brought into market, to regulate the sale of goods on the shelves of every shop, to deal with all those matters, as matters of bargain and sale, which have been recognized heretofore as subjects for police or municipal regulations. The subject of trade and commerce has nothing to do with manufactures. This has been held by the English courts. The manufacture of a particular article, whether it is of an inferior or superior class, does not differ from the growth of an article. You can no more regulate the manufacture of drugs or any other class of articles than you can deal with the growth of a particular article. In

all these cases you are dealing with property and the rights of property, as incident to property, and not making any regulation respecting trade. A similar question was dealt with in a recent decision given by the Judicial Committee of the Privy Council, relating to the Sixth Article of Union between England and Scotland. There is in those articles a declaration that the regulation of trade throughout the United Kingdom shall be uniform, yet the Judicial Committee observed that it had never been held to bind the Parliament of the United Kingdom to make the same local regulations for trade in Scotland as in England, because those local regulations are held to be police laws and not to relate to trade and commerce. The definition given to the words in the British North America Act is similar to that given in relation to trade and commerce in this article of the Union. I do not propose to discuss this question of jurisdiction further at this moment. The same power which the Government claim under the provisions of this Bill would enable them to determine what the status of every professional man in the country should be; to determine on what terms licenses should be granted to practice the medical profession; on what terms license should be granted to act as a chemist or druggist. The Government might, on the same ground, undertake to regulate every profession in the country. It is perfectly obvious that any such attempt at regulation would be an interference with the civil rights of individuals; and they are equally interfering with the civil rights of parties by the provisions contained in this Bill.

Mr. COSTIGAN. The House will be a little surprised at the speech delivered by the hon. member for Bothwell (Mr. Mills), which would have been more consistent if delivered in 1874, when his political friends enacted the law now under discussion. The only difference between that law and the Bill now before the House is this: while the hon. gentleman assumed that the whole power with regard to that question was possessed by the Federal Parliament, we are only trying to make the Bill more workable in the country, and we simply allow the municipalities to co-operate with our officers in carrying it into effect. We are not, therefore, going in the direction of centralization, but in the other direction, for we are giving back to the people what the hon. gentleman took away from them.

Mr. SPROULE. One word with reference to some remarks made by the hon. member for Bothwell (Mr. Mills), before six o'clock. He said this principle never had been adopted by the Federal Government of the United States. I find that on the 2nd of March, 1883, an Act was passed by Congress providing for the inspection of tea; another Act passed previous to that time provided for the inspection of coffee, butter, &c. They deal with only a few of these articles, but yet it is an acknowledgment of the principle, and shows that they recognize it as entirely within their jurisdiction. The first Inspection Act passed here was passed in 1873, and it provided for the appointment of inspectors to inspect flour, wheat, and other grains, beef, pork, fish and fish oil, leather, rawhides, petroleum and other articles. Then, I find that on the 29th August, 1873, an Order in Council was passed, I presume, under the superintendence of the late Government.

Mr. MILLS. No; we were not in power then.

Mr. SPROULE. I think the hon. gentleman was in power then.

Mr. MILLS. No.

Mr. SPROULE. I have only to say that in that year the districts were extended, and inspectors appointed; while in 1874 the authority of this Parliament in these matters was further exercised. It was recognized at these various times as a principle, that this Government had the power