

Mr. PATERSON (Brant). Under the provisions of section 5, the Government seem to have the power to appoint their officers to do this duty, and in section 6 the power is given to councils. What object has the Government in taking power to do this, and at the same time giving the power to municipalities? Has the Government deputed any of its officers in the different divisions to perform the duties that are required under this Act?

Mr. McLELAN. The municipalities will appoint the officers.

Mr. PATERSON. I think the provision of the Act requires that the fines and penalties imposed shall go into the public treasury. The city, town, county or village will appoint the inspector. His salary will no doubt depend upon the fees collected. How is the payment of these inspectors to be provided for?

Mr. McLELAN. Section 4 provides that all penalties imposed and recovered by the inspector shall be paid into the revenue of the city, town, county or village, and be distributed in such manner as the council of such city, etc., may direct. No doubt the city or the municipality will therefore arrange to pay him for his services.

Mr. PATERSON. The civic council may appoint a man and declare that he shall have for payment such fees as are imposed, and he might make it troublesome to dealers in order to get all the fees he could. I do not wish to say anything against the Bill, for I believe it is in the right direction, but I merely point out a danger that might arise if the salary of the officer depends upon the collection of fees.

Mr. McLELAN. I presume each municipality will make such regulations as will meet the case. I do not think there is danger of the dealers being harassed under the operations of this Bill. The officer may get a percentage of the fees and penalties with a regular allowance.

Mr. PATERSON. According to sub-section 3, the inspector may prosecute "any persons manufacturing, selling, offering or exposing for sale" adulterated goods. The difficulty is this: The dealer buys the goods in good faith from the wholesale man who has bought them in good faith from the manufacturer. Sub-section 2, of section 23, provides that if the person accused proves he did not know of the article being adulterated and shows that he could not, with reasonable diligence, have acquired that knowledge, he will be only liable for the costs attending the prosecution. I think he should have recourse against the manufacturer for the costs, because the manufacturer could not fail to know in the first instance if the article was adulterated.

Mr. McLELAN. He would have that recourse in common law.

Mr. PATERSON. That would answer the purpose.

Mr. FISHER. There might be some trouble where the official was obliged to proceed immediately against the wholesaler, with whom the retailer had shown the fault to be.

Mr. CASEY. If the goods were imported by the retailer, in good faith, from outside the country, he would have no remedy.

Mr. FISHER. If the retailer imports from abroad, is he not to be responsible for the sale? We cannot get at the manufacturer, and I should suppose the importer from a foreign manufacturer would be held responsible for the adulteration.

Mr. CASEY. I do not know that the importer could always in fairness be held responsible. A punishment could be inflicted upon the fraudulent foreign manufacturer by

Mr. McLELAN.

providing that, when goods manufactured by a person outside of Canada have been shown to be adulterated, notice should be given to all Customs officials that the importation of that article was prohibited for the future.

Mr. FISHER. I emphatically differ with my hon. friend from Elgin. If the importer is allowed to bring in adulterated goods and sell them without being subject to a penalty, he will always be getting goods from the foreigner to the detriment of our own manufacturers.

Mr. McLELAN. I think that is provided for in clauses 20 and 21.

Mr. PATERSON (Brant). It will not do to put down our own manufacturers at a disadvantage, and I hope the Secretary of State will bring his legal knowledge to bear on this matter so as to prevent any injury being done.

Mr. CHAPLEAU. We could not prosecute people outside the country, but I think that a wholesale merchant importing from abroad, who is protected by the certificate of analysis which he receives, will have his remedy against the manufacturer from whom he imports.

Mr. FISHER. Hon. gentlemen opposite have taken the manufacturers of this country under their charge in one sense, and have done a good deal to protect them. Now, here is an opportunity where we can protect our manufacturers in a legitimate manner, an opportunity where protection is absolutely necessary. If we allow a wholesale dealer in this country to import from abroad a manufactured article and sell it, knowing that in doing so he is less liable to prosecution than if he buys the same article from a Canadian manufacturer, the wholesale dealer has an inducement to go abroad for that article, which might be adulterated. I think it is but just to our manufacturers that the wholesale dealer importing from abroad should be put on the same basis as the manufacturer in this country.

Mr. McLELAN. It is the intention of the Government to put that in the Bill. However, it is a matter about which I will have enquiry made, and see that it is put beyond doubt in the Bill.

Mr. CASEY. There is no proviso here at all giving the retailer recourse against anybody. Clause 20 would apply practically, only to the retailer. Supposing a retailer here at Ottawa offered for sale a case which he had purchased from a wholesaler in Montreal. If the Government found that these goods which were in his possession were adulterated, they could be seized, but no penalty could be inflicted upon the wholesaler in Montreal who supplied him with the goods, unless somebody else took action against that wholesaler by having some goods in his possession inspected and proved to be adulterated. Sub-section 2, of clause 23, certainly seems to have absolved that retailer from all penalties when he can show that he did not know the article was adulterated.

Mr. PATERSON (Brant). I would ask the Secretary of State what he thinks with reference to sections 20 and 21, whether they are interfered with by the provision in sub-section 2 of section 23.

Mr. CHAPLEAU. I have not taken special care of this Bill, and hence my reticence in speaking about it. But in the Bill of which I have charge, there is a similar clause which I think ought to be dropped altogether, as it would afford no protection. If the retail merchant sells an article at more than \$10 a ton which does not contain, at the minimum, the ingredients mentioned in the Act, he cannot plead that he did not know it, because he is obliged to ascertain. He sells it at his own risk, and if he sells it he will be liable to prosecution and fine. In the Bill of which I have charge, before you sell you are obliged to show to the purchaser the certificate of analysis of the