

improvement, all he has to do is to put on the phial a special name.

Mr. MILLS. Take the manufacture of quinine, almost every different establishment produces a different article through its own way of manufacturing. The improvements in its manufacture would, according to the view of the hon. gentleman, necessitate a change in the name.

Mr. SPROULE. That is what is done at present, because as soon as they change the chemical constituents they change the name; that is required to be done to make it intelligent to the profession. Proof spirit, for instance, are equal parts of spirits and water, but it is made above proof or below proof and sold under another name.

Mr. BLAKE. On the top of page two, the first sub-section is as follows:—

"If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality and strength."

This would extend to the admixture of chickory in coffee.

Mr. COSTIGAN. That is qualified by (c) in sub-section 2.

Mr. BLAKE. No, because chickory is not required for the production or preparation of coffee as an article of commerce in a state fit for carriage or consumption.

Sir JOHN A. MACDONALD. In order to make a coffee suited to British palates, it may be necessary to mix chickory with it, and in this way it is made an article of commerce. On section 3,

Mr. BLAKE. How many analysts are supposed to be appointed?

Mr. COSTIGAN. We have analysts now in most of the chief cities, Toronto, Montreal, Quebec, St. John, Halifax and London, and we will need but two or three more.

Mr. MILLS. The whole Bill should be allowed to stand over. I am rather surprised that the colleagues of the hon. gentleman from Quebec, should agree to a measure of this sort, for if there has been any measure before the House this Session which has attacked Provincial rights, this measure is of that character. What is the hon. gentleman proposing to do? He is proposing by this Bill to regulate the diet of the population; he is proposing to interfere with police regulations. Now, matters of this sort—adulteration of food, the selling of bread of light weight, everything of that sort—have been regarded as a matter of police regulation, and, when we look at the English law on the subject, we find this was regarded as a municipal or police power, and the hon. gentleman is proposing to deal here with a question that comes more clearly within the rule of civil rights, than perhaps any other that has been brought under the attention of this Legislature. I find it is stated by Mr. Cooley, in referring to this class of question, that they belong to the municipal or police power of the Government, and they embrace every relation in the state of society relating to private life. The hon. gentleman might just as well undertake to regulate domestic matters, to say when a child should attain his majority, to say how property shall be inherited or transferred, as to say how property shall be disposed of in a local market. This is not a regulation of trade within the meaning of the Constitution. We know those words have been interpreted both by the Supreme Court of the United States and, under our own Constitution, by the Judicial Committee of the Privy Council; we know that they have said, that the regulation of trade relates to larger questions than this particular class. The Privy Council in one case said, that the Articles of Union between England and Scotland provided that the regulation of trade should be uniform in the two countries, and yet they point out that there are local distinctions, because these do not come within the general definition of a regula-

tion of trade. This is a regulation of a civil right; it is interfering with the rights of the Provinces, and the hon. gentleman might just as well take charge of all these municipal and local affairs in every town and city of the Dominion, as undertake to deal with this particular question. It is not part of the criminal law, otherwise we could embrace everything, the whole field of legislation, by simply declaring that this or that particular violation of some rule or provision is in itself a crime. I think it is perfectly obvious that, in dealing with this subject, the hon. gentleman is dealing with a matter of civil rights that pertains to the Provinces and ought never to be brought under the attention of this Legislature. We may go on making encroachments upon the Local Legislatures in this way indefinitely; we may undertake by piecemeal to deprive them of those rights and those powers which by the Constitution have been given them. That seems to be the policy that is adopted at the present time. We have several Bills before us, all dealing with questions of this sort, all undertaking, under some pretext or other, to grasp powers that do not belong to this Parliament, but belong to the Local Legislatures, who are much more competent to deal with them and who ought to be allowed to exercise in their own way the powers which are vested in them by the Constitution. It is clear that we have not the power or the right to do what it is proposed that we shall do by this particular Bill.

Mr. BERGIN. Is not adulteration of food and of drugs an offence against the person, an offence against society at large? Is not the result of the adulteration of food and the adulteration of drugs, such as to imperil the life of the individual, who use that food or those drugs, and is it not a crime therefore, and ought not the Government to take such powers as would enable them to discover crime? I really cannot see that there is any force in the argument adduced by the hon. member for Bothwell. I do not believe it is the intention of the Federal Government to be infringing constantly, as the hon. member insinuates, upon the rights of the Provinces. I am sure that he is quite mistaken in supposing that this clause of this proposed Act will have that effect. I am ready to admit that the Local Legislatures could very well pass such an Act as this, but, when they neglect to do it, and it is a matter which involves crime, I think this Parliament ought to attend to it.

Mr. BLAKE. If the hon. gentleman's statement were correct with reference to so much of this Bill as may deal with procedure which is injurious to health—a point which is open to a good deal of discussion—I would point out to him that the Bill goes much further than that. If he will look at the 27th clause, he will find an express provision indicating that the Bill does go further. Sub-section (a) of that clause provides that, "if such adulteration is deemed to be within the meaning of this Act injurious to health," certain penalties follow and sub-section (b) provides that; "if such adulteration is not deemed to be injurious to health," certain other penalties follow. That proves to the hon. gentleman that indeed it was not necessary to cite it to prove to him, because it is proved by many other clauses of the Bill, that it is not based upon any assumed power directed to the preservation of the life of the community in respect of drugs and of food used, which may be injurious to the health. I will give him another instance. I do not suppose it is injurious to drink skimmed milk, but the Bill deals with that. It is no doubt a very wrong and a very immoral practice to sell skimmed milk as unskimmed, but it does not hurt you; and yet the Bill provides a penalty for it, unless you put on the can, in letters so long, it is skimmed, and the skimmed article is asked for. I must say also that, when the hon. gentleman considers that the Local Legislatures could pass the Bill, and that we ought to pass it because they have