

rights given to the purchaser. The Act gives to every purchaser the right to have every thing he buys analyzed, and I must press for the striking out of these words. It is a most important amendment to the clause. Whatever might be the intention of the Government in exercising that power, it certainly gives them the power to nullify the whole Act.

Sir JOHN A. MACDONALD. We will accept that amendment.

Section, as amended, agreed to.

On section 19,

Mr. BLAKE. You will see that by the 18th clause any change the Governor in Council makes is to be published in the *Canada Gazette*. Then, in the 19th clause, there is an additional provision which I do not object to, and that is to prepare and publish a list of articles declared to be exempt, so that besides the publication in the *Canada Gazette* there is to be a departmental publication. But in the second half of that clause there is also provision to fix from time to time the limits of variability permissible in any article of food or drug. There is no provision for publishing that at all, either in the *Gazette* or otherwise. It is a most important thing.

Sir JOHN A. MACDONALD. You are quite right.

Clause amended by adding, "such departmental orders shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication."

On section 24,

Mr. CASEY. This clause aims at effecting what I stated was desirable some time ago; but it is not as perfect as it should be. I think the purchaser who wishes to have a sample analyzed should take the same steps as the inspector or revenue officer who procures samples for the same purpose, and I have drafted an amendment to that effect. I think this clause should provide that the private prosecutor, as I may call him, should make the same offer as to the verification of sample as the inspector is required to make under section 9, and the burden of proof would not be thrown on him, as to the sale or identity of samples, any more than it is upon the inspector. In that case, the proviso about the burden of proof would not be necessary, while as it is, I am afraid it will be practically inoperative, with regard to the private purchaser, because, generally speaking, he will have no other proof of the sale than his own evidence.

On section 27,

Mr. PATERSON (Brant). Should not the innocent vendor have recourse upon the manufacturer or compounder for the cost, as well as penalties, in case he proves his innocence? In such cases the manufacturer is primarily responsible, as he is the one who sells the article, and it may be a hardship upon the merchant who handles a great many articles not to have recourse for the cost.

Mr. BLAKE. It does seem rather hard that the vendor should have to pay the cost in such cases. You put on him the burden of proving, first, that he did not know that the article was adulterated, and secondly, that he could not have found it out with reasonable diligence, and if he has accepted that burden and successfully carried it out, you say he shall pay the costs of his lawyer and the costs of the Crown. I think when the hon. gentleman provided that the vendor should be exempt in any respect on proving these two things, he should be exempt altogether.

Mr. SPROULE. I think you will find that when the retail trader ascertains that his goods are not up to the standard, and knows from whom he purchases them, he will

not be likely to purchase them from the same manufacturer again. If you make it only applicable to the manufacturer, the provision would be almost useless.

Mr. BLAKE. The hon. gentleman misunderstands me. I think that when, as now, the retailer is exempted from the penalties on proving the two things I have mentioned, he should also be exempted from the costs, which may be very serious.

Mr. COSTIGAN. There might be a few cases of hardship of that kind; but the question is, whether it would be wise, in order to relieve such cases, to do away with that liability.

Mr. PATERSON (Brant). Of course it will be the desire of the Minister and the Government that these articles should be subjected to a test. I do not know that the Department would willingly relinquish all claims for costs. But supposing a retail merchant became subject to the costs, his recourse should be on the wholesale merchant, and the wholesale merchant should have his redress on the manufacturer. It seems to me that the adulteration should be traced back to the guilty person, and he should bear the costs.

Sir JOHN A. MACDONALD. I think that would be the best course. I do not desire to speak with confidence, but it seems to me that if a merchant sells an article which has been adulterated by some one else, he has recourse for the fraud by the general law of the land. But if not, I would ask my hon. friend to consider that well, and to provide for it, if it can be provided for, in this Act, which I doubt.

Mr. BLAKE. Hear, hear.

Sir JOHN A. MACDONALD. If it were provided for in this Act, I think my hon. friend for Bothwell would come out strongly for private rights. But I rather think we had better leave the clause as it is for the present, and my hon. friend will look into it.

Mr. BLAKE. I rather think there is the common law power which the hon. gentleman refers to, and my hon. friend from St. John (Mr. Weldon) confirms my recollection. If so, it is one of those civil rights which the common law gives, and which the hon. gentleman can neither grant nor take away.

On section 30,

Mr. PATERSON (Brant). I would ask, in case a person having reason to suspect that an adulterated article is being sold, mentions the matter to one of the officers whose duty it shall be to prosecute, is it the understanding that the information given by that person shall be deemed confidential? I suppose it would not be necessary to use the person's name; and it seems to me the Act could be carried out more effectually if the name were not divulged by the officer.

Sir JOHN A. MACDONALD. I believe, as a matter of departmental practice, both in the Department of Customs and the Department of Inland Revenue, the name of a person giving information is not given up. Under this Act, there is no necessity of giving it up. A party says Mr. so-and-so is selling adulterated tea or sanded sugar; the analyst goes and examines the article; if the sample is all right, it passes, and if it is found to be adulterated the man is punished; and there is no need of giving up the name. That is the ordinary practice.

On the schedule,

Mr. BLAKE. I find that the schedule speaks of "chloride of sodium if in excessive quantity." That is a very vague phrase. Who is to decide whether or not the quantity is excessive? I do not know whether or not common salt is an essential ingredient in any of these liquors, but I