

Mr. CASEY. What is the object of giving this power? Why should any article be exempted from the operation of the Act?

Sir JOHN A. MACDONALD. I think the hon. gentleman will see that this is a very valuable clause. New articles of food may be introduced, new poisons or deleterious articles may be foisted upon the public. The 18th clause provides, that "the Governor in Council may, from time to time, declare certain articles or preparations to be exempt from the provisions of this Act, and may add to the schedule to this Act, or may remove from the said schedule any article or ingredient." The next clause says:

"The Department of Inland Revenue shall, from time to time, prepare and publish lists of the articles, mixtures or compounds declared to be exempt from the provisions of this Act, in accordance with the next preceding section, and shall also, from time to time, fix the limits of variability permissible in any article of food, or drug, or compound, the standard of which is not established by any such pharmacopœia or standard work as is hereinbefore mentioned."

I think it is very valuable. Of course, the Department will not act without clear evidence that the article ought to be exempted, without clear evidence that it is harmless, or, on the other hand, clear evidence that a particular compound or food, or drug is deleterious. That is published to all the world. Then Parliament meets a few months afterwards, and that is a check upon any improper conduct of the Department in that regard.

Mr. CASEY. I can see quite well that it is necessary to give the power of changing the schedule of the Act from time to time as to variability and as to the permissibility or non-permissibility of certain ingredients, but that is not what I object to in this clause. This clause provides that the Governor in Council may exempt certain classes of food from the operation of the Act altogether; that is, he may state that certain classes of food or drugs are not subject to public analysis under this Act, in other words, that the Government may remove the safe-guard which is given to the purchaser in regard to certain classes of goods at their pleasure. I do not see why this should be put in the Act. I have asked the Minister what is the reason, and I cannot find out by my own unaided intellect. This gives a reference to the schedule, and I do not find any schedule except the one referring to alcoholic liquors. That is the only schedule to the Act, but this clause appears to refer to an extended schedule of a similar nature in regard to other articles of food, and that is a schedule which has not been put in the Act. It cannot be the meaning of this clause that this schedule as to alcoholic liquors is the only one subject to amendment. It must intend to refer to a general schedule of the same nature.

Mr. MILLS. This section is, in fact, a proposition that certain kinds of property shall be held by permission of the Governor in Council and not under law. I can easily understand how the Governor in Council might be given power to seize property imported contrary to the provisions of the law regulating the Customs, but this is a proposal to confiscate property within the country. The Governor in Council is to make regulations, and is to make that an offence which before this Act passes is not an offence.

Mr. BLAKE. I understand that the 17th section, which we have passed, declares that "alcoholic, fermented or other potable liquors, sold or offered or exposed for sale, shall be deemed to have been adulterated in a manner injurious to health, if they are found to contain any of the articles mentioned" in this schedule, cocculus indicus, chloride of sodium, copperas, opium, and so forth. Therefore, the hon. gentleman has satisfied himself that the introduction of any of these articles into alcoholic, potable or other fermented liquors is injurious to health. That is the only theory upon

Mr. BLAKE.

which he asks us to pass the Act. It is proposed to us in this 18th section to give him power, if he pleases, to remove any one of these ingredients from this schedule. He has decided that they are injurious; why should he take power to take them out of the Act?

Sir JOHN A. MACDONALD. I think the clause must be considered distributive. "The Governor in Council may from time to time declare" that such an article should be exempt from the provision of this Act. That is one part. Then he "may add to the schedule of this Act or may remove from the said schedule any article or ingredient, the addition or removal of which is by him deemed necessary in the public interest." There is the schedule. It can only strike out.

Mr. BLAKE. My point is, that if we decide that all the articles or any one article in this schedule is an injurious adulteration, why then should you propose to take power to strike any of them out?

Sir JOHN A. MACDONALD. We might find that we were mistaken, and that they were a poison.

Mr. BLAKE. Parliament cannot assume that; it cannot assume that the Governor in Council is wiser than the collective wisdom of Parliament which had determined an article to be injurious.

Mr. SPROULE. If the analysis proves to the satisfaction of the Governor in Council that any article is not injurious, then, no doubt, it will be added to the list. If it should be found that other articles not included in this schedule had been used for the purpose of adulteration, then the Governor in Council would require power to add those articles.

Mr. BLAKE. The hon. member for Grey is discussing the question as to the power to add, when the objection is as to the power to remove.

Mr. CASEY. The confusion arises from the fact that there are two separate classes of provisions in this clause. It provides, in the first place, that the Government may exempt from the operations of the Act certain articles and preparations; then, that they may declare that certain articles and preparations need not be subject to analysis at all. Therefore, the purchaser shall have no means of enquiring what is the analysis of the articles and preparations. Now, there is some reason in the argument that the Governor in Council ought to have power to add to the schedule from time to time certain other things found to be unwholesome, and I do not know why they should not. There is room for argument that they ought to have power to declare some things to be unwholesome which were at first considered to be wholesome; but in that case the schedule should not be in the Act at all, but the articles should be left at the option of the Governor in Council. Therefore, I move that clause 18 be amended by striking out the words from "declare" to "and may;" so that the clause will read "the Governor in Council may from time to time add to the schedule," &c.

Sir JOHN A. MACDONALD. There is a great deal in the arguments used by the hon. leader of the Opposition, and by the hon. gentleman who has just spoken. I have spoken to my hon. friend who has charge of the Bill, and he consents that the words "or may remove" in the 24th line, and the words "or removal," in the 25th line, shall be struck out. I would ask my hon. friend not to press or strike out the power given to the Governor in Council to declare certain articles to be exempt from the provisions of this Act; because in the 19th clause you will find that this power may be beneficial, and it can do no harm.

Mr. BLAKE. It is in the direction of freedom.

Mr. CASEY. It is in the direction of freedom to the vendor, but it is in the direction of taking away certain