

was a clause which showed conclusively that the Bill was of that character, in fact, which we say it is, and gives municipal or police powers—which was a confession on the face of the Bill that it was of the local character to which we referred.

Sir JOHN A. MACDONALD. Hear, hear.

Mr. BLAKE. The hon. gentleman understands, and so he does not answer.

Sir JOHN A. MACDONALD. The argument is no argument at all, and is not worth an answer.

On section 7,

Mr. CASEY. I wish to call attention again to a matter to which I called attention last Session—that is, that neither the old Bill nor this one makes adequate provision for securing an analysis of suspected food or drugs. Under both Bills the initiative must be taken either by an Inland Revenue officer or the municipal inspector. The Inland Revenue officers, it appears, must have instructions from the Department, but the local inspector seems to have the power of acting on his own motion. Neither in the one case nor in the other, however, is there any provision for allowing the purchaser who suspects that which he has bought—

Mr. COSTIGAN. Clause 24 covers that.

Mr. CASEY. At first glance this does seem to meet the objection I was going to raise.

On section 14,

Mr. CASEY. It would be advisable, perhaps, as a proper punishment for those who adulterate food, &c., that a provision be made to publish the names of those found guilty of adulteration. They could be published in the *Gazette*, or better still, in the local paper.

Mr. COSTIGAN. That would be a matter for regulation.

On section 16,

Mr. MILLS. It does not require a great amount of common sense to show that this clause comes within the municipal law, and has been dealt with as such in almost every municipality in the Dominion, under some by-law or other as a municipal matter.

Mr. BLAKE. Is this copied from some other Act?

Mr. COSTIGAN. No; it is a new clause. The adulteration by water has been, considering the extensive use of milk, declared to be injurious to health, because it is as fatal to the infants that use the milk as if it did contain poisonous substances.

Mr. BLAKE. I am not objecting to a clause, in a Bill of this kind, dealing with the adulteration of milk, but the mode in which we are dealing with it is another question; and I ask the hon. gentleman if he took the provisions of this clause from some other law existing in some other country.

Mr. COSTIGAN. It is an original clause.

Mr. BLAKE. The provision says if the milk sold comes from an animal fed on unwholesome food. That seems very wide. Would you call distillery swill unwholesome food?

Mr. CASEY. This is a very important point, and it will be left entirely to the analyst to say whether the food is unwholesome or not, but he cannot report what the cow has been fed on from the milk, and I do not think you can lay on him the duty of seeing the cow fed.

Mr. COSTIGAN. If it be a question of evidence, the analyst can decide.

Mr. CASEY. In that case, it would be brought to court without the services of the analyst at all, or there should be

a consulting veterinary surgeon appointed, to assist the analyst in cases of this kind. If this is allowed, the Department will have to consider what is considered unwholesome food. There are different opinions on this point. For instance, distillery swill—some people contend that it is perfectly wholesome and does not injuriously affect the milk at all, while others say it is very injurious, so that we should have a mass of contradictory opinions. As to the reason urged for including adulterated milk in the Dominion Act, namely that it is poisonous or equally injurious with poisonous food, I do not think it is strong enough. The only ground for legislating against the adulteration of milk with water, or the weakening of it by skimming, is that it is a fraud upon the purchaser—he is not getting what he bargained to get; and I do not know whether that would bring it under our purview or not. The proviso again, making it lawful to sell skimmed milk if it is branded as skimmed milk, I think, will be quite inoperative. I do not think any-one will offer it for sale so branded.

Mr. O'BRIEN. I think there is something in the objection of the hon. member for West Elgin as to this clause, because it would give rise to a great deal of difficulty and would be likely to lead to vexatious prosecutions where quarrels arose between neighbours. I would suggest that, instead of the present provision, it should refer to milk of an unwholesome character, and let the analyst judge of the milk itself and not of the food upon which the animal has been fed. The words as they stand at present would give rise to a great deal of trouble, and the object might be gained by saying "milk which is of an unwholesome character," and let the analyst decide whether that is so or not.

Mr. CASEY. Unless the analyst was a medical man, as he would not always be, it would be very hard for him to say whether it was of an unwholesome character or not. I think regulations would have to be framed to say what degree of weakness would be allowed, and what degree of strength would be required, and what ingredients would not be allowed in the milk. It must be made definite in some way or other.

On section 17,

Mr. CASEY. I see the suggestion which I make in regard to milk has been carried out in regard to alcoholic liquors.

Mr. BLAKE. I think this clause, which says 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 the schedule," ought to say "shall be deemed to have been adulterated in a manner which makes them additionally injurious to health," because the clause seems to recognize the fact that if unadulterated they are not injurious to health. I want the Minister to consider that suggestion.

On section 18,

Mr. CASEY. What is the object of exempting certain articles or preparations from the operation of the Act?

Mr. BLAKE. This clause is practically a clause putting the whole operation of the Act as to the subject matters in the control of the Governor in Council, because you can withdraw anything you please from it and put anything you please into it. You may adulterate the Act.

Mr. COSTIGAN. It is from the old Act.

Mr. BLAKE. We are amending the old Act.

Mr. COSTIGAN. This is amended also.

Mr. BLAKE. In what respect?