

Hon. Mr. DANDURAND: But this deals with the terms and form.

Hon. Mr. FOWLER: That is all right. Cancellation is covered.

Hon. Mr. BELCOURT: Section 3 deals with the issue of licenses. Those words relate to the issue of licenses, and not to anything else; so clearly there would not be power to revoke.

Hon. Mr. FOWLER: Section 3 covers the duration.

Hon. Mr. DANDURAND: That power has not been challenged.

Hon. Mr. BELCOURT: Well, it will be.

Hon. Mr. DANDURAND: It may be.

Hon. Mr. BEIQUE: I move that the word "and," in the last line but one, be struck out, and that after the word "purposes" the following words be added: "and for the revocation of licenses."

Hon. Mr. DANDURAND: I have no objection.

The CHAIRMAN: It is moved by Hon. Mr. Béique that clause 22 be amended to read as follows:

The Governor in Council may make such orders and regulations as are deemed necessary or expedient for carrying out the intention of the Act; for the seizure of any drug that there is reason to believe is liable to forfeiture under this Act; for the use or sale of any drug for scientific purposes, and for revocation of licenses.

The amendment was agreed to, and section 22, as amended, was agreed to.

On section 23—additions to schedule:

Hon. Mr. DANDURAND: In the fourth line there are to be added the words, "or similar synthetic preparations."

Section 23, as amended, was agreed to.

On section 24—except in cases tried before two justices, no appeals in cases taken under section 4, (a), (d), and (e):

Hon. Mr. DANDURAND: This is the view of the Department on section 24:

This is a new section and designed to limit the right of appeal to a stated case on a point of law, with respect to offences under paragraphs (a), (d), and (e) of section 4 of the Act, which deals with persons importing, having in possession without a license, or selling to a minor (drug smugglers and peddlers), except where the case is tried before two justices of the peace.

Hon. Mr. FOWLER: Do you allow of any appeal?

Hon. Mr. DANDURAND: No appeal except where the case is tried before two justices of the peace, and except on a stated case.

Hon. Mr. FOWLER: That does not say so here.

Hon. Mr. DANDURAND: It says:

Except in cases tried before two justices of the peace, sections seven hundred and forty-nine to seven hundred and sixty, inclusive, and subsection two of section seven hundred and sixty-nine of the Criminal Code shall not apply to any conviction, order or proceedings in respect of any offence under paragraphs (a), (d) and (e) of section four of this Act.

Hon. Mr. FOWLER: Why?

Hon. Mr. DANDURAND: The memorandum proceeds:

This section is made necessary through the fact that the right of Appeal is being greatly abused. It is the general practice in most of the large cities for these drug peddlers, when convicted, to immediately serve notice of appeal. This is done as a matter of course, in the hope that the Crown witnesses may disappear, or that time may operate in their favour. A large percentage of these drug peddlers convicted under paragraphs (a), (d), or (e) of section 4 of the Act, never appear in court on the date set for the hearing of the appeal. While it is true that the bail is estreated in cases of this nature, as a rule the amount is not very large and has no deterrent effect on the guilty party. This practice has become so common that the law is being evaded by large numbers of this class of criminal who as a rule has no fixed residence or place of abode, and operates under various aliases, thereby making it very difficult, if not impossible, for the police authorities to apprehend the offender with a view to having him serve the penalty imposed by the lower court.

It should be kept in mind that this section does not affect a physician, druggist, dentist or veterinary surgeon, or in other words, persons who have some place of business or interest in the community, and are not likely to disappear before the hearing of the appeal. This section as drafted still allows, to all persons, the right of appeal by way of a stated case, or on a point of law, and also provides for the right of appeal in any case where an accused person is tried before two justices of the peace. The sole purpose of this section is to prevent the right of appeal being abused, and to prevent these drug traffickers from escaping the penalty of the law, as is being done to an alarming extent at the present time.

Paragraphs (a), (d), and (e) of section 4 cover the following cases:

Every person who—

(a) imports into or exports from Canada any drug, or, not being a common carrier, takes or carries, or causes to be taken or carried from any place in Canada to any other place in Canada, any drug, without first obtaining a license therefor from the Minister; (1911, c. 17, s. 3, am. 1920, c. 31, s. 5 A (2) (a).)

(d) has in his possession any drug without lawful authority, or manufactures, sells, gives away or distributes any drug to any person without first obtaining a license from the Minister; (1920, c. 31, s. 5 A (2) (e).)

(e) unlawfully sells, gives away or distributes any drug to any minor; (1921, c. 42, s. 1 (e).) shall be guilty of a criminal offence, and shall be liable upon indictment to imprisonment for any term not exceeding seven years.