

Hon. Mr. FOWLER: Take care that you do not do more harm than good when you interfere with the general course of the law and with the rights of defence that every British subject is supposed to have.

Hon. Mr. LYNCH-STAUTON: Is there no appeal in this case?

Hon. Mr. FOWLER: No, there is no appeal.

Hon. Mr. DANDURAND: There has been no change since 1911.

Hon. Mr. LYNCH-STAUTON: No, there has been no appeal.

Hon. Mr. FOWLER: There is no appeal by way of certiorari.

Hon. Mr. DANDURAND: I am speaking of section 21.

Hon. Mr. McMEANS: Since the last decision of the Privy Council, there is no longer any certiorari in Canada. No matter what the evidence is, there is no removing it by certiorari, under that last decision.

Section 21 was agreed to.

On section 22—regulations:

Hon. Mr. BEIQUE: If I am not mistaken, there is no power in the Governor in Council to repeal any licenses that have been issued. If so, I would suggest adding at the end of clause 22 the words, "and for the repeal of licenses," because when an offence has been committed, the license, I think, should be repealed.

Hon. Mr. DANDURAND: That is provided for by section 3:

With the approval of the Governor in Council the Minister shall have power to issue licenses for the import, export, sale, manufacture and distribution of any drug, to name the ports or places in Canada where any drug may be exported or imported, to prescribe the manner in which any raw opium, prepared opium or any drug is packed and marked for export, to prescribe the record that shall be kept by any person in connection with the export, import, receipt, sale, disposal and distribution of the drug or drugs mentioned in the schedule to this Act, and to make all convenient and necessary regulations with respect to the issue and duration and the terms and forms of the several licenses that may be issued hereunder.

Hon. Mr. BELCOURT: That does not apply to the case.

Hon. Mr. BEIQUE: No. I would suggest the addition of the words, "and for the repeal of licenses."

Hon. Mr. BELCOURT: Or "revocation."

Hon. Mr. BEIQUE: Or "revocation."

Hon. Mr. LYNCH-STAUTON.

Hon. Mr. DANDURAND: It is provided by regulation that where there is an offence the license may be cancelled.

Hon. Sir JAMES LOUGHEED: Is the license issued by regulation or by statute? The power to license is given by statute, is it not?

Hon. Mr. DANDURAND: But the form and terms and duration of the license are dealt with by regulation.

Hon. Sir JAMES LOUGHEED: If the power to license is granted by statute, the revocation of the license will have to be by the same authority.

Hon. Mr. DANDURAND: Yes. The authority is given the Governor in Council by section 3.

Hon. Sir JAMES LOUGHEED: If it is, that is all right.

Hon. Mr. BELCOURT: Clause 3 authorizes the Minister, with the approval of the Governor in Council, to issue licenses, and among other things to determine the duration, etc.; but there is nothing in that clause that would authorize the Minister, even with the approval of the Governor in Council, to cancel.

Hon. Mr. PARDEE: Yes.

Hon. Mr. DANDURAND: In conformity with section 3 regulations were passed under P.C. 2392, which says:

All licenses issued under this Act are subject to cancellation in the event of the licensee being found guilty of an offence against any provision of the said Act.

Hon. Mr. BELCOURT: But the difficulty is that the regulation does not seem to be within the power of the statute and does not seem to be authorized.

Hon. Mr. PARDEE: Yes, it gives the power.

Hon. Mr. BELCOURT: I know the regulation does, but the regulation would be ultra vires of the Act.

Hon. Mr. PARDEE: Oh, no.

Hon. Mr. DANDURAND: The Minister is given power, with the approval of the Governor in Council, to make regulations "with respect to the issue and duration and the terms and form of the several licenses." That is provided for in the latter part of section 3.

Hon. Mr. BELCOURT: Duration would not cover revocation.