

Hon. Mr. FOWLER: "For any public purpose." He might analyze anything—aniline dyes, for instance—and yet might not be competent to analyze this drug. I think he should be "duly qualified."

Hon. Mr. DANDURAND: I am informed that those Provincial Analysts are qualified analysts under the Act.

Hon. Mr. FOWLER: But not to analyze everything.

Hon. Mr. CURRY: You must place some confidence in the authorities for the carrying out of the Act.

Hon. Mr. DANIEL: Does this section mean that under any circumstances the certificate of a Dominion or Provincial analyst must be taken? Suppose there is a difference of opinion between analysts. The Provincial analyst says the substance does contain morphine or opium, and the defendant's analyst says there is nothing of the kind in it. Does this section mean that under these circumstances the evidence of the Dominion Analyst must be taken?

Hon. Mr. DANDURAND: This is simply prima facie evidence, and it can be contested. The analyst is brought into Court and cross-examined, and other analysts may be brought in.

Hon. Mr. BELCOURT: Is that section necessary at all? Would not the court give to the certificate of the Dominion or Provincial Analyst the character which this section gives to it? It would be authoritative before the court without the section. I do not think the section is at all necessary. Surely the certificate of a licensed analyst would be accepted by the court.

Hon. Mr. DANDURAND: This provides that the certificate of a Dominion or Provincial Analyst shall be accepted as evidence, because if the certificate were valueless the witness might have to be brought a hundred miles or more.

Section 17 was agreed to.

On section 18—power of peace officer to search for drugs:

Hon. Mr. DANDURAND: Section 18 is amended simply by adding after the word "vessel" in the fourth line the word "vehicle."

Hon. Mr. FOWLER: You are giving power under this clause for a constable, who is not always the most intelligent person in the world nor the most tactful, to enter anybody's house at any time of the day or night.

Hon. Mr. LYNCH-STAUNTON: Without a warrant?

Hon. Mr. PARDEE: There must be reasonable cause.

Hon. Mr. FOWLER: Yes, there must be reasonable cause; but what would appear to a constable as reasonable cause might not appear reasonable to a good many other people. You are violating the sanctity of a man's home, which is supposed under our law to be his castle. To permit an ordinary constable to walk into that house day or night to make a search for drugs, is, it seems to me, unnecessary. The second part of that section is bad enough, but it is not too bad, as he has to establish reasonable cause and get an order from a magistrate. I certainly would be opposed to the first part of that section.

Hon. Mr. LYNCH-STAUNTON: What is the meaning of that section? Does it mean that the officer may search without a warrant?

Hon. Mr. FOWLER: Yes, it says so.

Hon. Mr. LYNCH-STAUNTON: There is a proviso that would contradict that.

Hon. Mr. DANDURAND: He may search any place but a private dwelling house. We had a considerable discussion on this last year, and the clause was amended. This section is in the form as we passed it last year.

Hon. Mr. LYNCH-STAUNTON: The officer should have power to search any place except a private dwelling house.

Hon. Mr. FOWLER: If you establish reasonable cause upon oath and get an order from a magistrate, then a private dwelling house can be entered.

Hon. Mr. PARDEE: Is not that sufficiently protected?

Hon. Mr. FOWLER: Yes. I was mistaken at first. I thought the power to search without a warrant applied to a dwelling house.

Section 18 was agreed to.

Sections 19 and 20 were agreed to.

On section 21—proceedings; no certiorari:

Hon. Mr. DANDURAND: No change.

Hon. Mr. FOWLER: I do not see why the ordinary remedies of the law should not be left open to persons charged with these offences.

Hon. Mr. LYNCH-STAUNTON: Neither do I.