

8. SECTION 27A.

Removing the exemption of drugs in Part 2 of the Schedule from certain sections of the Act, as, with the full control recommended by the Canadian Medical Association and the Dominion Council of Health, there is no necessity for the Schedule to be divided.

9. SCHEDULE.

(1) With the inclusion of all narcotics in one Schedule, the words "Codeine, Paracodeine, or" are redundant and have been deleted before the word "apomorphine" in this paragraph.

(5) For the same reason the words "Codeine or" are redundant. These words are deleted before the word "apomorphine" in this paragraph.

Omitted from the Schedule is former paragraph (9) which read

"Any plant of any description whatsoever, whether dried or otherwise, which contains Morphine, or any part of any such plant, excepting the seed of the poppy plant".

Paragraph (9) was added to the Schedule by Order in Council under section 24 of the Act, but such action was declared *ultra vires* by the Courts, in which decision the Department of Justice concurred. From the administrative standpoint it is preferable not to have it in the Schedule, as of necessity it takes the Department into the botanical field and away from the chemical analysis of the Dominion Analysts and their Certificates of Analysis which, under section 18, are *prima facie* evidence in Court. Since the nullification of this Order in Council the Department has reverted to the much safer principle of proving the existence of morphine chemically, in whatever circumstances encountered.