

gave an exhaustive review of the law on all these points. In those circumstances, I would be hesitant about pushing ahead, but would rather let the minister take the initiative if he feels that what we have said has some merit. We might also have an opportunity to review all these statutes and study the matter further.

Shall all the other sections of the bill carry?

Hon. SENATORS: Carried.

The CHAIRMAN: Shall I report the bill as amended?

Hon. SENATORS: Carried.

The committee adjourned.

The CHAIRMAN: It is also agreed that in connection with section 45 of the bill subsection (c) be struck out and that the new subsection take its place in which the present subsection becomes paragraph (a), and then a paragraph (b) in which authority to provide for emergency is added. I would like to know if it is all right if I should call it so move.

The CHAIRMAN: This morning I raised the question of referring of section 45 on the question of the issuance of the warrant. I have had further discussion with Senator Frowse who was discussing this morning. I have come to the conclusion that while I would feel happier with the section 45 because I think more clearly expresses the procedure and assures the continuity of the principle of the issuance of the warrant until he is proven guilty, yet when I looked at not only the decision of the Court of Appeal of Ontario which was referred to this morning in the Report, Ontario Case I looked at a first case of the Court of Appeal which is exactly on the purpose of section of the Narcotic Control Act that deals with possession for the purpose of trafficking and there this specific point was raised that this was a violation of the provisions of the Bill of Rights and that the accused person was being put in the position of having to prove his innocence. It would seem to me that the intention when the Court of Appeal in that case put on this section is in the mind in which I was trying to write the section that I proposed this morning, and I have not that much pride in authorship to push this any further, where I had that the committee has already given an interpretation that is in line with my proposal. In view of the husband and now existing I do not think we should start out and do a piecemeal job. I think the minister should look at what we have proposed an decide whether it is a wise change for clarification in the circumstances.

Senator LEONARD: I second the motion, Mr. Chairman. However I wish to say that I agree with what you said this morning, and in the light of what you say now I think it might be as well to put the later case to which you referred on the record of our proceedings because other people could have the same idea in mind and I think it will be just as well for them to know what this section means.

The CHAIRMAN: The case I referred to this morning was *Reid v. Crown* (1961) Ontario Weekly Notes, and was a decision of the Court of Appeal. The later case is *Reid v. Crown* also a decision of the Court of Appeal in Ontario and reported in (1961) Ontario Reports. The proposal of the court was different, except that the Chief Justice presided in both cases. The late Mr. Justice Marten wrote the judgment and