



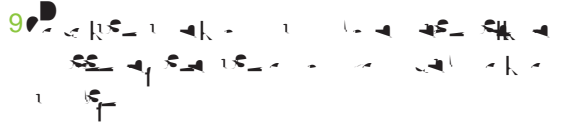


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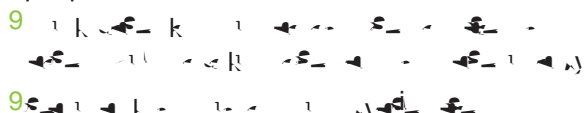

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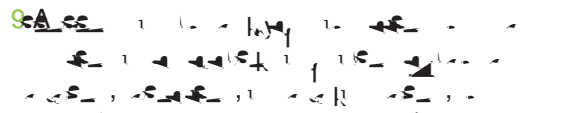

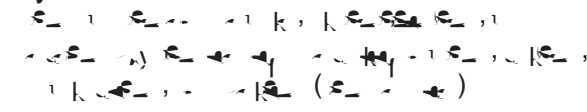
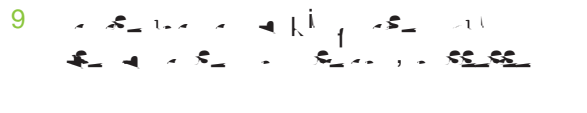
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Parliament added marijuana to a list of proscribed drugs in 1923. No explanation was given for why they criminalized smoking pot, which some protesters did at the Fill the Hill marijuana rally on Parliament Hill in Ottawa on April 20. (Justin Tang/Canadian Press)

Pot activists in Canada who took part in the annual “Global Marijuana March” on May 3 demanded the decriminalization of marijuana.

They might also have asked why it became illegal in the first place.

That happened in 1923, and if there was any kind of parliamentary debate, historians have been unable to find a record of it.

When Parliament decided to add marijuana to the schedule of proscribed drugs that year, Canada became one of the first countries to make smoking pot illegal. The U.S. didn’t accomplish that until 14 years later, in the midst of the Great Depression.

In 1923, then prime minister William Lyon Mackenzie King’s Liberal government introduced an Act to Prohibit the Improper Use of Opium and other Drugs. The federal health minister at the time, Henri Beland, said the bill was a consolidation of other legislation that had been passed over the previous few years, with some changes.

At the time, the only drugs on the schedule were opium, morphine, cocaine and eucaine (a local anesthetic first introduced as a substitute for cocaine).

The new bill added three drugs to the proscribed list: heroin, codeine and “cannabis indica (Indian hemp) or hasheesh.”

The only mention of the proposed changes to the schedule recorded in Hansard was on April 23, when Beland told the House of Commons, “There is a new drug in the schedule.”

In fact, there were actually three new drugs. Historian Catherine Carstairs says Beland was likely referring to cannabis when he said there was “a new drug,” because in the government’s view, “the other two are extensions of other products that had already been added to the schedule.”

Carstairs is the author of *Jailed for Possession: Illegal Drug Use, Regulation and Power in Canada, 1920-1961* and chair of the University of Guelph’s history department.

The next month, on May 3, when it was the Senate’s

## Heroin and codeine also proscribed

One reason that no one in Parliament asked about or challenged the addition of marijuana to the schedule may be because little was known about the drug in Canada at the time, and very few people were smoking it.

We could find no references to marijuana in either the Toronto Star or the Globe and Mail in 1923. And there were no police seizures of marijuana until 1932.

Murphy herself is best remembered as one of the Famous Five, from the celebrated “persons case” — that women qualify as persons for the purpose of being appointed to the Senate — a suit that eventually won the day in the British Privy Council.

With no parliamentary7wivy Council.

The *Black Candle* (published in 1922) was written by Canadian author, women's rights activist and judge, Emily Murphy. While the book is mostly about opium it also contains early 20th-century claims about cannabis and cocaine. In the preface, Murphy explains how she acquired her drug expertise – her official position (as Police Magistrate and Judge of the Juvenile Court at Edmonton) gave her access to unique information, addicts and dealers through which she learned the causes of people's downfall and potential rehabilitation strategies.

[Cannabis] is not really new but, as yet, is comparatively unknown in the United States and Canada, although three of the American States – California, Missouri and Wyoming – have legislated against its use, the authorities and police of cers generally being woefully ignorant of its nature or extraordinary menace.

Hashish or hasheesh is the Arabic name and means literally “dried herb.” It may be smoked, chewed or drunk. Our English word “assassin” comes from this word.

This Indian hemp is used chiefly in Asia Minor, India, Persia and Egypt, but is being increasingly used on this continent, particularly by the Mexicans, who smuggle it into the United States. Last year forty-four persons were convicted for using, or peddling it in Los Angeles, California.

According to Charles A. Jones, LA Chief of Police: “Addicts to this drug, while under its influence, are immune to pain, and could be severely injured without having any realization of their condition. While in this condition they become raving maniacs and are liable to kill or indulge in any form of violence to other persons, using the most savage methods of cruelty without, as said before, any sense of moral responsibility.”

“Dr. Warnock in *The Journal of Mental Sciences* for January 1912 this condition

curse to their families.”

The *Black Candle* ends with an apologia to “addicts” and, ultimately, a handful of lines from a Walt Whitman poem that Murphy claims reflects her own heart:

From all the rest I single you out,  
 Having a message for you  
 Softly I lay my hand upon you  
 I am more than nurse, more than parent or neighbour  
 I absolve you from all except yourself.