

ties against operators of motor cars, did not in the main have the effect of decreasing accidents on the highway. The main purpose of this legislation is to prevent such accidents.

I see there is a clause in the bill increasing the penalties for stealing motor cars. That is an excellent and necessary step. For leaving the scene of an accident the penalty is also increased. It appears to me, however, having studied some of the insurance records, that a great percentage of the highway accidents are caused by a very small percentage of drivers. It has been said that eighty per cent of the accidents are caused by some ten per cent of the drivers.

I suggest that some consideration should be given to preventing the drivers from operating motor vehicles after the third or fourth accident. I realize that it would be difficult to enact such a provision in a statute or in the criminal code, but a recent accident caused the tragic death of someone very close to a member of this house. Before the trial took place, the driver of the car was operating again and was actually involved in another accident. The jury in both cases brought in a verdict of not guilty. The evidence adduced was that this driver had actually caused four accidents, two of which had been fatal; yet no penalty was imposed on that driver and the jury in both cases failed to register a conviction.

I feel that increasing the penalties for infringements of the law in connection with motor cars is necessary, but some further study should be given to the case of the driver who repeatedly has accidents. A man is not guilty unless he has been found guilty by his peers, but in the bill we have the repeating criminal clause, and we also have the other problem of the driver who has repeated accidents. It is one of the most serious situations we have to face on the highway today.

To increase the penalties is probably a good thing, but you run into this psychological fact, that a very stiff penalty may result in juries not wishing to convict because to do so would be to impose a heavy mandatory penalty on the driver. I know that is so in a number of cases where the attitude of the jury frequently is, "That is the sort of thing I might have done myself." I have had jurymen tell me their decision was based on that sort of reasoning. As I say, I do not know what could be added to the criminal code to overcome that kind of thing, but we have a small number of drivers who habitually cause accidents. Perhaps they are psychopathic cases, the same as the habitual criminal, but apparently there are some people who are incapable of driving

[Mr. Adamson.]

a car without causing accidents. If some consideration could be given, after a driver has had three or four accidents, even though convictions may not have been registered, to preventing that man from continuing to drive I believe the accident rate would be greatly decreased.

Right Hon. J. L. ILSLEY (Minister of Justice): Before the motion is carried—

Mr. SPEAKER: If the minister speaks now, he will close the debate.

Mr. ILSLEY:—I should like to express my sense of indebtedness to the hon. members who have taken part in the debate for the suggestions they have offered and the interest they have shown in the improvement of the criminal law.

The bill before the house contains a fairly large number of important amendments proposed by the government, but a great many other suggestions have been made to the Department of Justice and, upon examination, have been rejected. I am not at all sure that if they had been brought before the house they would have been rejected by the membership of this house. Opinions would differ as to their efficacy, and as to the desirability of enacting them. In this field of legislation judgment plays a very large part. It is most difficult to know whether to embody certain suggestions in the form of amendments to the criminal code and propose them to the house; as I say, it is a matter of judgment as to whether or not they really would make an improvement in the code.

Some important matters have been mentioned in this debate. One is the question of whether imprisonment in default of payments of fines should be possible, where the person convicted is unable to pay a fine. As a matter of fact I had the officials of the Department of Justice prepare a series of amendments to the criminal code which would carry into effect roughly the provisions in that respect of the criminal justice administration act, 1914, of Great Britain; but I felt that we should not enact those provisions in this country until the whole criminal code is examined with a view to ascertaining whether changes should not be made in the penalty sections themselves. I listened to the hon. member for Lake Centre (Mr. Diefenbaker), and I gather that is what he suggests; that the penalty provisions of these sections themselves be changed. We have a great many sections where a fine is provided and imprisonment in default of payment of the fine. If we were to enact a provision that the person convicted