

Hon. Mr. DANIEL: But he is under the influence of liquor.

Hon. Mr. BELCOURT: One man may take five drinks and show no sign at all of having done so; another man who has taken two drinks may be intoxicated. It is a question of fact which must be determined by the court.

Hon. Mr. DANIEL: I used the expression, "under the influence." Those five drinks are going to influence him.

Hon. Mr. BELCOURT: But it must be an influence that does not permit him to use his intelligence and that renders him incapable of doing the sensible thing.

Hon. Mr. DANDURAND: The explanatory note seems to indicate that an improvement has been made by striking out the words "under the influence of intoxicating liquor" and replacing them by "intoxicated." About the time the Bill was presented by the Minister of Justice, I saw somewhere—in the newspapers, I think—the statement that it had been found very difficult to determine when a person is under the influence of intoxicating liquor, but much easier to determine when he is intoxicated.

Hon. Mr. DANIEL: That may be so if there is a legal interpretation of the word "intoxication," as stated by the honourable senator from Ottawa (Hon. Mr. Belcourt). I have never seen such a legal definition or interpretation, so far as I remember. As a matter of fact, when these cases come before the court the interpretation rests with the presiding judge or magistrate. I do not agree with the honourable leader of the Government (Hon. Mr. Dandurand) that the change is an improvement.

Hon. Mr. CALDER: I think my point could be met, if it is thought desirable to meet it, by the insertion after the word "automobile" in the fourth line, of the words "on a public highway or in any public place," or something to that effect. I want to protect the person who has no intention of using the automobile. If a man in a drunken condition is found in an automobile on the highway, he should be punished.

Hon. Mr. BELCOURT: That is the intention.

Hon. Mr. CALDER: There is no doubt about it.

Hon. Mr. GORDON: Would it not be better to leave out the words "on a highway or in a public place"? An accident may occur in a private place, between the garage and the gate.

Hon. Mr. BARNARD: Is not the evil that you are trying to overcome the driving of a car by a man while he is in an intoxicated condition?

Hon. Mr. CALDER: No. That is only part of it.

Hon. Mr. BARNARD: My honourable friend to my left (Hon. Mr. Taylor) points out that a gentleman who has been spending an evening out may find, when the time arrives for him to go home, that he is not in a condition to drive, and may go home in a friend's car, leaving his own on the street. He exercises a great deal of discretion, but the car is within his control. I suggest that the words "or has the care or control of a motor vehicle or automobile, whether it is in motion or not" be stricken out of the section.

Hon. Mr. DANDURAND: I think it is the intention to go somewhat further than my honourable friend suggests. The person in control may be just as dangerous when the car is not in motion as if he were driving. If he is sitting in a car with the lights out, even though away from the wheel, he may be the cause of an accident.

Hon. Mr. BARNARD: If the car is not in motion and is struck, it is the fault of the person who strikes it.

Hon. Mr. BELCOURT: A man may have put out his lights.

Hon. Mr. WILLOUGHBY: How would it be to have the section interpreted by the Department of Justice? I do not desire to block the passage of the Bill, but I think it could be clarified and improved by redrafting.

Hon. Mr. DANDURAND: If the honourable gentleman thinks it is of sufficient importance, that could be done. It might jeopardize the Bill.

Hon. Mr. WILLOUGHBY: We all have the same object in view, namely, to punish the fellow who drives when he is intoxicated.

Hon. Mr. DANDURAND: My honourable friend will realize that there is not very much danger of anyone being prosecuted because he happens to leave his car in a garage the owner of which may be intoxicated. The idea of the draftsman has been to reach the driver of the car, whether the car is in motion or not.

Hon. Mr. WILLOUGHBY: But it reaches somebody else, in a garage or in a home, who has the care or control.

Hon. Mr. DANDURAND: There may be a reason for putting the word "care" beside