

information intended to assist in, or intended for use in connection with book-making, pool-selling, betting or wagering upon any fight, game, sport or race, other than a horse-race.

That excepts horse-racing, does it not?

Hon. SMEATON WHITE: Oh, no.

Hon. Mr. BELCOURT: No, it does not.

In reference to what the honourable gentleman from Regina (Hon. Mr. Laird) said—the selection as well as the money prizes will be published by the papers outside of Canada.

Hon. Mr. WHITE: American papers can come in on the day of the race.

Hon. Mr. BELCOURT: Exactly. But Canadian papers are prohibited from doing what will be done by both English and American papers.

Hon. Mr. DANDURAND: American papers violating this clause could not be circulated in Canada.

Hon. Mr. BELCOURT: I wonder how my honourable friend is going to prevent that.

Some Hon. SENATORS: Question!

Section 7 was rejected on division: yeas, 6; nays, 21.

Hon. Mr. BELCOURT: May I say that my reason for abstaining from voting is that I am officially and personally interested, and therefore do not care to vote.

Right Hon. Sir GEORGE E. FOSTER: We will excuse you.

At six o'clock the Committee took recess.

The Committee resumed at 8 o'clock.

On section 8—driving while intoxicated or under the influence of any narcotics:

Hon. Mr. WILLOUGHBY: The new subsection 4 reads:

Everyone who, while intoxicated or under the influence of any narcotic—

There is a change there, and it is a good one.

—drives any motor vehicle or automobile, or has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence.

It seems to me that the words "or has the care or control of a motor vehicle or automobile" are too wide. If a person leaves his automobile outside of a friend's house while spending some time inside, he would not be actually in control of the motor vehicle.

Hon. Mr. DANDURAND: My honourable friend will notice that there is no change in that part of the subsection.

Hon. Mr. WILLOUGHBY: I grant that. My attention has been drawn to this language, and I think it is too wide. I think we all agree that no one should be allowed to operate a motor vehicle, that is, actually to drive a machine, while he is intoxicated.

Hon. Mr. BELCOURT: Would not this cover the case of negligent parking, for instance? If someone is the worse for liquor and parks his car in the middle of the street, for example, that would be a case contemplated in these words, I should think.

Hon. Mr. WILLOUGHBY: They would cover such a case, but I think the language is too wide.

Hon. Mr. BELCOURT: Is it not necessary that that kind of case should be covered?

Hon. Mr. WILLOUGHBY: Yes.

Hon. Mr. CALDER: Suppose I drive down to a little village and spend some time there, leaving my car in a garage. The garage man has the care or control of my car while it is standing in the garage, and if he becomes intoxicated during that time he would be liable, under this subsection. Just look at the wording:

Everyone who, while intoxicated or under the influence of any narcotic. . . has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence.

In other words, if for any reason an automobile is being cared for or controlled by a person who is intoxicated, regardless of whether he gets into the car or not, he would be liable under this section.

Hon. Mr. BELCOURT: Do you mean the owner of the car or the owner of the garage would be liable?

Hon. Mr. CALDER: The person who has the care or control of the automobile. As I read it, he is liable under this Bill, though he never gets into the car and never drives it.

Hon. Mr. BELCOURT: You mean that he might be intoxicated and in his own bed upstairs?

Hon. Mr. CALDER: If the car is under his care and control as described by this section.

Hon. Mr. DANIEL: If he is intoxicated, how are you to tell that he will not get into the car and set it in motion?