

*Criminal Code Amendment*

Mr. BROWN: A man loses his ability to come to a quick decision. We know that an accident may happen or be avoided within a few seconds of time. It is not a matter of minutes but of seconds, with the speed at which motor cars travel now. While I am perfectly satisfied that the intention of this legislation is good I do not think it will accomplish the desired end so long as many magistrates take the position they do, that a man is not drunk so long as he can stand up. I say again that scientific tests have proven that a man's ability to come to a quick decision is seriously affected from the time he takes his first drink.

Mr. COTNAM: Will you explain the scientific test?

Mr. BROWN: At the moment I have not got the information at hand.

Mr. LUCHKOVICH: May I ask the hon. member whether the first drink ever had that effect on him?

Mr. BROWN: I have not taken the first drink yet, if the hon. member wants to know.

Some hon. MEMBERS: Hear, hear.

Mr. BROWN: I did not intend to make that statement, but since it has been drawn from me, I do make it. I want to bring this to the attention of the committee, that it has been proven beyond question that a man's ability to come to a quick decision is affected the minute he takes a drink of alcoholic liquor.

Mr. MALONEY: My hon. friend has made a very serious statement, something that many of us never heard of before. We desire greatly to have the authority.

Mr. BROWN: I know the tests have been made again and again; just at the moment they are not under my hand but there is no question that as long as magistrates refuse to recognize a man as being under the influence of intoxicating liquor as long as he is able to walk, any statistics we have as to the connection between alcohol and motor accidents are absolutely valueless.

Mr. GUTHRIE: This section is drawn for the purpose of clearing up any difficulty which may have arisen in respect to penalties imposed under section 285, subsection 4 of the criminal code, which provides:

Everyone who while intoxicated or under the influence of narcotics 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 and liable upon summary conviction for the first offence to a term of imprisonment not exceeding—  
[Mr. W. W. Kennedy.]

ing thirty days and not less than seven days, for a second offence to a term of imprisonment not exceeding three months and not less than one month, and for each subsequent offence to a term of imprisonment not exceeding one year and not less than three months.

It has been held by magistrates in various parts of Canada that under the provisions of section 1035 of the act they are still permitted to impose a fine instead of the penalty of imprisonment, and fines have been imposed in some cases that have been brought to the attention of the department. In one part of Canada it has been decided by magistrates that under the provisions of section 1081 they are entitled to suspend sentence altogether in cases arising under section 285, which I have just quoted. I am satisfied that it was not the intention that these sections should apply to the offence mentioned in section 285, subsection 4, and in order to clear up the matter and make it definite this amendment to the criminal code is proposed. If the amendment is adopted it will not lie within the power of magistrates either to impose a pecuniary penalty or to impose what we call suspended sentence. There is no other amendment of the section contemplated.

Mr. MACKENZIE (Vancouver): May I ask who recommended this amendment?

Mr. GUTHRIE: I think it was the attorneys general of two provincial governments.

Mr. BROWN: Is there not just this possibility, however, that since a magistrate will be obliged to impose a gaol sentence he will be even a little more lenient in judging as to a man's condition while driving an automobile?

Mr. GUTHRIE: I think our magistrates will carry out the law without fear or favour. We do not appoint them; they are appointed by the provincial governments, but I think on the whole they try to do their duty.

Mr. CHURCH: On April 17 I gave notice of an amendment to this bill, which is reported in the votes and proceedings of that date, but in view of the amendment introduced by the minister I wish to withdraw my amendment. But I hope that during the recess something will be done in addition to what is proposed to-day with regard to these motor accidents. Two or three people are killed daily in the larger cities of the country, and I think public opinion demands some further legislation along these lines. I also hope