

province of Ontario the government spent nearly \$65,000 in the prosecution of a young man for murder on Toronto island; yet in this house we talk about secondary matters and we have not five minutes to devote to these casualties on our highways, whose number almost equals the number killed and wounded in the great war.

Then in addition we have the drowning accidents, of which there were fourteen on the front pages of the newspapers last week end. From 1938 to 1944 we had 149,000 people injured in traffic accidents, and last year some 9,028 were killed by motor cars. Over the same number of years the drowning fatalities numbered 5,097. Did you ever hear of such loss of life? Fatal accidents at level crossings numbered 727 last year, and some 2,264 were injured at level crossings. The number of persons who died from fires in homes was 1,221, while 22,000 people were killed in other accidents during the war. During the war we had a great opportunity to do something about the great loss of life in Canada through automobile accidents, but we failed to take any action. In my opinion, whenever a person is killed in a motor car accident there should be an inquiry before the county judge. At present there is a coroner's inquest, which sometimes does a little good, but it should be the duty of the county court to inquire into the death of every person killed in a highway accident in each county. That would be one way of trying to check these accidents.

In the bill I introduced this session I proposed an amendment in connection with the practice of withdrawing cases from the jury in connection with motor car accidents, which is done by many of our judges. As a result the accused person almost always escapes punishment. In my bill I proposed several amendments to bring the law up to date, following the law of New York state, which provides suitable penalties for those who drive while under the influence of alcohol, for instance. The bill also dealt with careless driving, culpable negligence and hit and run drivers. Why, we almost present a gold watch and illuminated address to anyone who kills a person on the highway and runs away. I think the most cowardly person in Canada is the man who leaves an injured person—man, woman, or little child—lying on the pavement, races away from the danger and does nothing about it. That is the most contemptible form of murder. I suggested extra and heavy penalties for these people, without the option of a fine. If the minister is considering amendments to the criminal code this year I hope he will also consider all the amendments I have suggested in this bill.

[Mr. Church.]

I also suggested an amendment dealing with persons who cause death in a criminally culpable and negligent way. Even though the person killed should be fifteen or twenty per cent to blame, the driver of the car still would be eighty to eighty-five per cent to blame, and he should not be allowed to escape punishment. A penalty should be provided, as is done in the state of New York. Another amendment provided that a jury should decide in these motor car cases. The explanatory note states:

On the trial with a jury of persons who cause death or serious injury, it is desirable that the functions of the jury should not be curtailed or abolished. There has been much criticism of many cases of gross negligence having been taken from the jury. The jury are required to take the law to be what the judge says it is, and, owing to the many cases withdrawn by order of the judge, trial by jury in those cases is negated, and there are so many loopholes that many persons guilty of gross negligence get off. The increased accidents require that the law should be brought up to date to meet the changing conditions, while preserving also the liberty of the subject.

The last matter dealt with in my proposed bill was the right of women to serve on juries. In the last election fifty-one per cent of the voters were women, and I proposed the following amendment:

On the trial of any female person by a jury under any provision of this act, one-third of the jurors chosen to try the issue shall be female persons duly qualified on the same basis as male jurors.

Unfortunately there is not the public opinion there should be in regard to this great national disaster, the loss of life in motor car and other fatal accidents, to which I have referred. We do not have the courage as a house to stop it. As I said here the other day, we have lost most of our functions. The decay of parliament and the decline of the House of Commons of late years are most appalling to the average ratepayer in this country. The press has now become the organ of public opinion; it has assumed that title, and the assumption is rendered legitimate by the decay of our Canadian parliamentary institutions. The power of the press is based upon the ruins of real representation. We spent days and days on a judicial bill which was passed last evening. Just look at the importance of that matter. It should have gone to a legal committee to be examined in detail. The periodical press has become the rival of the House of Commons, but it will remain a successful rival only as long as the house does not represent the people, and not one day longer. A few years ago we had in the House of Commons the great men I referred to last evening, and many others. When I think of