

6 of chapter 11 of the statutes of 1930. Professor Jocelyn Rodgers, medico-legal expert of Ontario and of the attorney general's department, a gentleman who has been giving evidence all over the province in connection with this section, says it is not the drunken driver who is the greatest menace—he is, as a rule, quite harmless—it is the man who drives in a state of slight conviviality with enough alcohol to give him a little exhilarated feeling and inspires him to take a chance at a time when that amount of alcohol will slow down the action of his brain and nerve cells so that when a crisis arises he cannot act quickly.

The railroads have a rule, known as rule G, which forbids any employee to touch alcoholic beverages while on duty. That rule states that a man driving a railroad engine should have no alcohol in his system. The same provision should certainly apply to the driver of a motor car, which is a more dangerous instrument of destruction. In some cases this has been provided by amendments to the law with regard to vendors.

I should like to quote from a letter which I received from the Reverend John Coburn, who has been writing to the government for many years in connection with this matter. In this letter he referred to the evidence which had been given by Professor Jocelyn Rodgers, to which I referred a moment ago. A decision was given by a police magistrate in Mimico and also by two or three other judges, which is referred to in the explanatory note to this section. This gentleman, the Reverend John Coburn of Toronto, goes on to say, in his letter to the minister and to members of the house, as follows:

I think you will recognize that the police officers are up against an immense task. Magistrates and judges often seem to think that unless a man is drunk he has not committed a violation of the law. This is entirely erroneous. Some states in the union have passed a law making a blood test compulsory. According to Doctor Rodger's estimate, liquor is killing 5 people and injuring 84 every week on the highways of Ontario alone.

I believe he gave that evidence recently. I am very doubtful if this law goes far enough. The public want some better law provisions.

Mr McMASTER: The minister is dealing with the case of a person occupying a certain seat in a motor vehicle. All the accused has to do is to establish that he did not enter the seat for the purpose of setting the vehicle in motion. He might have been sober when he entered the seat, and his excuse might be that someone gave him a little liquor and that it went to his head. I suggest that he

[Mr. Church.]

should establish, not that he did not "enter or mount the said vehicle" but, that he did not "occupy the seat." You are referring previously to his occupying the seat. Why go back to the time he entered it, which may have been an hour before?

Mr. ILSLEY: You would never convict. They would say that they changed their minds about driving the car any longer.

Mr. McMASTER: They must get behind the wheel.

Mr. ILSLEY: If he is behind the wheel and is drunk the car is under his control.

Mr. McMASTER: I suggest that the intention is to make the law stronger. Then why not use the appropriate words?

Mr. CROLL: I rather agree with the hon. member. The man not only must have the car under his care and control, but must actually be occupying the seat if he is behind the wheel. Those three things are necessary. It must be part and parcel of the offence.

Mr. FAIR: It seems strange that you should have one set of government officials selling liquor to a man and another set of government officials convicting him because he is drunk. Why not fix up the sales of liquor rather than arrest and convict and fine a man or hang him if he injures or kills anybody after drinking?

Mr. MILLER: In Manitoba they have watered the liquor down to about fifty per cent.

Mr. MANROSS: What clause protects us from the backseat driver?

Section agreed to.

Mr. ILSLEY: Mr. Chairman, an amendment was moved to clause 3, and the hon. member for Lake Centre wished to see a copy of the amendment.

On section 3—Causing a disturbance.

Mr. DIEFENBAKER: I think the amendment suggested by the minister covers the point that I raised this afternoon. It provides that you only commit the offence of creating a disturbance, in other words a clamour, if you are at or near any street, road or highway, or in any restaurant, railway station, public library, tavern, billiard hall, theatre, shop or other place to which members of the public are admitted whether as a matter of right or otherwise. I think that brings it strictly within the rule in the Benson case, and it does do one thing: it protects members