

Supply—Justice

general of the province of Manitoba to see if I had lost my memory. In order to bring this up to date, to take care of this modern development in perjury—perjury is not too harsh a word—to which the hon. member for Calgary West refers, I asked him to give me the figures for the last completed year in the province of Manitoba. I think I should read his full letter into the record because I do not want to make any misuse of the statistics, and I want the figures to have the explanation that he gives to them to support them. He says:

I think the figures which I will give demonstrate that in so far as we in Manitoba are concerned no difficulty has been experienced in prosecutions under section 285 (4) of the code.

As we do not keep statistics I had to secure these figures from the city police court and the Royal Canadian Mounted Police. They cannot, of course, be taken as covering the whole province as they will not include prosecutions by local police forces.

What I suggest, and I am sure my hon. friend will agree, is that the percentages of prosecutions and convictions for an offence of this kind will be on a higher rate in metropolitan Winnipeg—and those are from the provincial and city police courts in Winnipeg—than they are likely to be in the rest of the province.

Mr. Diefenbaker: I quoted from the chief justice of Manitoba. If the minister is going to read this letter he should also read the letter he wrote so we would know the circumstances connected with the letter.

Mr. Harris (Grey-Bruce): I never heard of a rule like that.

Mr. Garson: I continue:

However, they can be taken as covering the great majority of cases in this province and hence give a good indication of the situation which prevails. As the city police court keeps its records for the calendar year and the mounted police for the fiscal year, the periods covered by each are not the same.

I want to make that qualification.

Here are the records: in the city of Winnipeg police court for the year 1949—and I asked for the numbers to compare them with the statement of my hon. friend that there are a large number of acquittals on these offences—number of prosecutions, 88; convictions, 81; acquittals, 7; percentage of acquittals, 7.95.

Mr. Diefenbaker: That is all right.

Mr. Garson: Royal Canadian Mounted Police—

Mr. Smith (Calgary West): Is that the total number of those charged in one year in Winnipeg?

Mr. Garson: That is right.

Mr. Smith (Calgary West): They charge them with reckless driving.

Mr. Diefenbaker: That is what they do. That is the difficulty.

Mr. Smith (Calgary West): Only 100 men charged with being drunk while driving cars in a year in Winnipeg. There are that many in a week.

Mr. Garson: I am now referring to the number of prosecutions in the police court. Number of prosecutions, 64; acquittals, 5. In other words, out of all the police courts in the city of Winnipeg there were 12 acquittals in one year, and my hon. friend says that the law is full of loopholes and cannot be enforced.

I should also point out he says that the figures given cover not only drunken drivers but also persons accused of having care of cars while intoxicated.

Mr. Diefenbaker: That is the same thing.

Mr. Garson: Then, with regard to the question whether our present penalties are severe enough, in all fairness to my hon. friend, if I understood him correctly, and he will correct me if I am quoting him wrongly, I think he agreed himself that the present penalty of seven days in jail is quite severe and, if I understood him correctly, tends rather to prevent convictions than to secure them. But at any rate here is the information in the letter of the deputy attorney general:

The consequences which follow conviction under section 285 (4) have always seemed to me to be severe enough. In addition to the imprisonment which may be imposed our Highway Traffic Act calls for impoundment of the convicted person's car for a period of three months, and suspension of his driver's licence for a period not exceeding six months for a first offence.

And that, Mr. Chairman, is mandatory. The magistrate has no authority but to impose it. I continue:

Under subsection (7) of section 285, the court may make an order prohibiting the convicted person from driving for a period not exceeding three years.

If the procedure is by indictment the minimum term of imprisonment may be thirty days. One of the other statements that my hon. friend made—

Mr. Diefenbaker: Before the minister goes on I would like him to read the letter on which the one he just read was based, because I read from the letter of the chief of police of Winnipeg, and his view was different from that of the deputy attorney general. Would the minister read the letter he wrote?