

April 8

SEIZURE WILL BE AUTOMATIC ON CONVICTION

Penalty for Hit-and-Run
Driving Increased in
Ontario Bill

PASSED BY COMMITTEE

Toronto Member Wants
Lights Carried by Pedes-
trians on Highway

Motor vehicles will be impounded for three months automatically under first convictions of drunk driving, laid under the Criminal Code, or of driving after a permit is suspended or revoked, under amendments to the Highway Traffic Act, passed by the Committee of the Whole House at Queen's Park yesterday.

The amendments also viewed in sterner light the offense of failing to return to the scene of an accident and ruled that in event of a second conviction the motor vehicle shall be impounded. Previously, the impounding penalty applied only to the third offense.

Legislation applying to the impounding of cars was held over after the House, Wednesday, held that the bill in original form should have excepted automobiles which were driven by employees, and at the time of the offense beyond the control of the owner.

Protection in these particular cases is afforded in a clause which held that in event of conviction for the offenses named, the motor vehicle shall be seized "provided such motor vehicle is registered in the name of such person or husband, wife, parent or dependent child of such person."

William Duckworth (Cons., Dovercourt) emphasized strongly that the new act should make compulsory the carrying of a light or a reflector by persons walking on highways at night. Balked from making an amendment, the member declared that he would introduce such legislation at the next session.

LAW RESTORED TO DENY SUIT IN FATALITIES

Province Takes Retrograde
Step, Croll Tells
House

ACT NOT RETROACTIVE

Application to Ontario of the House of Lords decision—Rose and Ford—allowing recovery of damages for the death or loss of expectancy of life of any deceased person, was destroyed by the Legislature yesterday.

Restoration of the law to the position it enjoyed for 100 years prior to this famous English decision was provided for in a public bill—a Trustee Act amendment—sponsored by Ian T. Strachan, Chief Liberal Whip. Former Labor-Welfare Minister D. A. Croll tried desperately to have the House carry an amendment, providing that damages might go, under provisions of the Strachan bill to the wife, husband, parent or child of a deceased person. The House, however, disregarded his impassioned plea for recognition of "the poor people," and his contention that the Province would rue "the retrograde step it is taking" for many a day.

As the direct result of an amendment successfully proposed by Hon. William Finlayson, former Minister of Lands and Forests, the act as now passed will not apply to pending litigation.

This Strachan measure has had a hectic career during the session closing today, and provided more cross-purposed lawyer argument before the Legal Bills Committee to which it was referred, and which, on one occasion attempted to reverse a decision reached the previous day, than any bill in recent years. The Croll amendment was reported by this committee to the House proper, on Wednesday, but little hope for its future was subsequently entertained, in the face of rumors that Premier Hepburn and his Cabinet were insisting that the original Strachan bill should go through unaltered, and that the Liberal Party should vote solidly for it.

Held "Pretty Good Law."

Strong argument was advanced by Hon. Mr. Finlayson that the Strachan bill should be set aside, until such time as the Attorney-General's Department could make a thorough survey of the situation, and prepare adequate legislation for presentation next session. The Legislature, he argued, should not "rush in" to change a decision of the House of Lords. If that decision was "pretty good law" for England, it was, in his opinion, "pretty good law for Ontario." Nothing would be lost, he submitted, by allowing the Rose and Ford decision a year's trial. Surely, said he, the Legislature had sufficient confidence in the courts to leave them to deal fairly with people under the law. The driving force behind Mr. Strachan's legislation — "and we might as well be frank about it," said he—were the insurance companies which had, he said, to bear about 80 per cent of the burden accruing from the House of Lords' ruling.

Indignant denial was voiced by Attorney-General Conant that he or any one else on the Government side of the House, as far as he knew, was in any way connected with the insurance companies.

"I'm not suggesting for the moment that the Attorney-General is connected with the insurance companies," replied Mr. Finlayson, "but I do suggest there has been a determined lobby going on outside."

Ministers Back Measure.

Sponsor Strachan informed the Legislature that under no circumstances could he vote for the Croll modification amendment which he dubbed a "monstrosity." He preferred, he said, to accept the opinion of leading members of the bar and judiciary in preference to the views of Judith Robinson, columnist of The Globe and Mail. The Croll amendment, he said, had the effect of committing the Legislature to direct an unequivocal approval of the principle of the Rose and Ford decision. "Under no circumstances," said he, "can I condone such a situation as that."

Attorney-General Conant felt that the Strachan bill should pass, unchanged, although he considered the present scope of the Fatal Accidents Act too restricted, and that something should be done about it, if possible, between now and the 1939 session of the House.

"If that's your feeling," said Opposition Leader Macaulay, "why didn't you avoid all this trouble and argument by bringing down an amendment to the Fatal Accidents Act this session, so as to meet the general views of the committee?"

Highways Minister T. B. McQuesten announced his support of the Strachan legislation, claiming that while the Attorney-General would doubtless deal with the issues involved "in due course," something had to be done now. It was his view that the law for the time being should be left as it was prior to the Rose and Ford decision.