

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, April 1st, 1965

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

HON. STERLING R. LYON, Q. C. (Minister of Mines and Natural Resources) (Fort Garry): Madam Speaker, I beg to present the second report of The Standing Committee on Public Utilities and Natural Resources.

MR. CLERK: Your Standing Committee on Public Utilities and Natural Resources beg leave to present the following as their second report: Your Committee has examined the Thirteenth Annual Report of The Manitoba Hydro-Electric Board for the Year ending March 31, 1964.

Your Committee received all information desired by any member from the officers of The Manitoba Hydro and their staffs with respect to matters pertaining to the Report and Business of this Utility. The fullest opportunity was accorded to all members of the Committee to seek any information desired. All of which is respectfully submitted.

MR. LYON: Madam Speaker, I beg to move, seconded by the Honourable Minister of Welfare that the report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Notices of Motion

Introduction of Bills

Before the Orders of the Day, I would like to attract your attention to the gallery, where there are sixteen Grade 5 students from Laidlaw School, under the direction of their teacher, Mrs. Collard. This school is in the constituency of the Honourable Minister of Mines and Natural Resources. On behalf of all members of this Legislative Assembly, I welcome you. Orders of the Day.

HON. GEORGE JOHNSON (Minister of Education) (Gimli): Madam Speaker, before the Orders of the Day, I would like to lay on the Table of the House a Return to an Order of the House No. 22, on the motion of the Honourable Member from Rhineland. And while I'm on my feet now, before Orders of the Day, Madam Speaker, in reply to a question asked of me by the Leader of the Opposition yesterday. The Inter-Provincial Committee of representatives from various provinces, provincial Departments of Education have reached an agreement on a method of assessing Student Loan application forms and have agreed on a particular form, and the results of their deliberations have been passed to the Honourable Walter Gordon, the Minister of Finance, outlining the principles which they agreed upon.

MADAM SPEAKER: Adjourned . . .

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson): Madam Speaker, before the Orders of the Day, I would like to address a question to the Honourable the Minister of Labour, and I wish to apologize to him for not giving him prior notice. How many meetings have been held by the Minimum Wage Board of Manitoba since it's been re-constituted?

HON. OBIE BAIZLEY (Minister of Labour)(Osborne): Madam Speaker, I'll take the honourable member's question as notice. The reason I do that is I'm not able to answer his question. I'm not able to answer your question as to the number of meetings they've held . . .

MR. PAULLEY: A supplemental question then, Madam Speaker. As the Chairman of the Rural Construction Wage Board is the same individual as I understand it, namely Campbell McLean -- the Wage Board Commission that is going throughout the province at the present time, are they having joint representations or hearing joint recommendations or representations respecting the Rural Construction Wage Board and The Minimum Wage Act?

MR. BAIZLEY: Madam Speaker, they are not.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Madam Speaker, I would like to address a question to the Minister of Education. Does the Minister intend to introduce any legislation at this session regarding a three-year term for school trustees to go along with the proposed three-year term for municipal councillors?

MR. JOHNSON: Well, Madam Speaker, it's my understanding looking at this, this is spelled out in The Municipal Act. The various trustee associations have been informed of the

(MR. JOHNSON cont'd) measure being brought forward by the minister with respect to The Municipal Act which governs the period of terms of school trustees, and they all plan I believe in making representations to that committee.

MR. MOLGAT: Madam Speaker, is it the intention of the minister to recommend a three-year term for trustees as well?

MR. JOHNSON: I believe I would like the trustees to make their representations to the committee. I'm not recommending it at this time. We recommend it, but we would like them to discuss the matter at that time and present their viewpoint.

ORDERS OF THE DAY

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 67. The Honourable the Member for Assiniboia.

MR. GORDON E. JOHNSTON (Portage la Prairie): Madam Speaker, I beg to have this matter stand. The honourable member is away

MADAM SPEAKER: Agreed to have it stand? The adjourned debate on the second reading of Bill No. 68. The Honourable the Member for Ethelbert Plains.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Madam Speaker, the application of this Bill is pretty wide. It covers all the provincial trunk highways, provincial roads and highways in unorganized territory. From my interpretation of the definitions, it would appear that it covers all the roads in unorganized territories. Now there are quite a number of provisions in this Bill that I simply cannot agree with. There are some errors, and we are generally following the rule that we discuss the principle of the bill, Madam Speaker, but in this particular case, I do not think that that is possible, because the only principle that is in the bill is establishing a ministry of highways, so in order to deal with the bill, it will be necessary to look at some of the sections that I find objectionable and I intend to do so.

The first one is Section 5. Now, Section 5 provides that the Minister may delegate this power or authority to any person who is employed in his department. Well that provision is pretty farfetched, when you delegate authority to any person in the department whether he's qualified to carry out that power of authority or not. But that isn't the main objection. Subsection (2) of Section 5 provides "in exercising any power or authority so delegated to him, the person to whom it is delegated is bound by and shall observe and conform to, any limitations, restrictions, conditions and requirements so imposed by the minister, or to which the minister is subject in himself exercising the power of authority under the Act in which it is granted to or vested in him." Now my point Madam Speaker, is this. Supposing this person to whom the authority has been delegated exceeds that authority given to him. Does that mean that the government is then 'not bound' by the agreement which this person entered into it? If that is the meaning of that section then I say it is wrong, because surely the minister should not delegate himself out of responsibility. And interpreting this section it would appear that he is just trying to do that.

Now, Section 6 as it stands, Madam Speaker, makes no sense whatsoever. There evidently is either a word or a phrase or a whole sentence missing here. I think what it intends to do is to give the minister control over the subject matter that is referred to in this section. If it is the intention to do that, then that should be stated. There's nothing in the section to state what that section intends to do. I notice in subsection (2), the words, "the Minister shall direct and control". In subsection (1), no such words appear; and as I said, Madam Speaker, the sentence as it stands does not make sense.

Section 7 I believe is one of the good provisions of this particular bill in that it is going to co-ordinate the efforts of the Minister of Agriculture with those of the Minister of Highways insofar as construction of highways and drains are concerned. In the past we used to run into the difficulty where the Minister of Public Works would construct a highway and then interfere with some drainage or cause a drainage problem. I think that this provision will overcome that. Section 7, subsection 7, gives the minister the right to dispose of materials -- and I presume equipment, because there's nothing here that defines materials -- to a private individual, if in the opinion of the minister they are surplus to the requirements of or are not immediately required for the purposes of the department. I feel that if this particular provision includes equipment, it can cover a great deal of money, very valuable equipment that the minister can sell to a private individual, as long as that individual has been doing some work for the government, a municipality, a board or a commission, or a university, and I think it is wrong to give the minister this power. I believe that anything over a certain value

(MR. HRYHORCZUK cont'd) should be sold by way of highest tender. This provision is lost in this particular section, and he can sell direct to a private individual providing that individual is a contractor doing work for the persons and associations that I have mentioned.

Now, in Section 12, subsection 3, clause (a). This provision is where there's a highway under construction and you need a detour. It gives the minister the right to provide and keep in repair an alternative route or routes for traffic including a highway under the jurisdiction of a municipality. There is no provision that the minister should first obtain the consent or at least advise the municipality that they intend to take over any road for a detour road. I believe that the principle itself is wrong, because the municipality may have certain plans for that particular piece of road that is going to form the detour road and I think that the minister should consult the municipality before he does detour traffic or does anything to a road that is being used as a detour road for that particular case. There is a provision, 3 (b), about entering into agreement with the council for improving or keeping in repair an alternative route, but there's nothing so far as to providing the alternative route.

Section 13 gives the minister very very wide powers in that it gives him the right to acquire land without any consultation with the owner whatsoever; and it's not limited to any means of acquisition, it's just broad and wide to acquire land adjacent to departmental roads and he can just step in there and take anything he needs.

Then 14 and 15 Madam Speaker, deal with the structures and -- 14 deals with the erection of snow fences and this gives the Minister, also without any consultation with the owner or any notice to him whatsoever, power to erect snow fences within 300 feet of the departmental road. I think that in all these cases the owner should at least be notified and consulted before this is done. Fifteen covers the erection of hedges and various structures on private land that are adjacent to departmental roads and here also any person who owns a piece of land adjacent to a departmental road cannot erect any building of any kind or put up any hedge without a permit, because the definition of that kind of a road is so wide that it covers thousands of miles of roadway in the Province of Manitoba and the fact is Madam Speaker that the people living on these lands who built their buildings and premises adjacent to these roads will now find themselves in the position where they can't even put up a granary or any structure that they may need or any ornamental trees or anything of that nature without a permit from the minister. And where they fail to obtain such permit, it's considered a violation and the person is guilty to a fine of not less than \$5 and not more than \$50.00. Well I think this is going pretty far to do away with the rights of private individuals and private ownership.

Now section 16 is where the minister can enter onto private lands and destroy or ask that -- the whole section 16 deals, yes, with the destruction of any trees or shrubs or hedge that happens to be on private land that in any way causes drifting of snow and so forth on departmental roads. Now in this instance the minister may enter into an agreement, but it's not mandatory, he doesn't have to enter into an agreement, he can still walk onto the property and remove anything he so feels should be removed, which is absolutely at his own discretion. I would also like to point out here that under this particular section when you consider the fact that the minister has the right to delegate his authority to any person employed in the department the implication of this section becomes that much more undesirable.

Now in section 17 which reads in part: "where provincial trunk highway or portion thereof within a municipality is abandoned as a provincial trunk highway, and is not declared to be a provincial road then the control and possession goes over to the municipality and the expense of maintenance and repairs goes with it." But there's nothing in this section that covers access roads and I believe that they have a separate interpretation because the term access road appears elsewhere in this particular bill.

Now sections 19, 20 and 21 give the minister the right to give financial assistance in the construction of roads that are the responsibility of municipalities, towns, villages, etcetera. In these provisions the minister may have the Province of Manitoba pay the whole cost of construction or part of it or nothing. It's left entirely in the discretion of the minister. There's no formula here, Madam Speaker; which simply means that the minister could build a road wholly in one municipality and not make any provincial contribution to the road extended into another municipality; and I think this discretionary power is dangerous. There should be some formula whereby each and every municipality will know what contributions it can expect from the Province of Manitoba instead of leaving it to the minister altogether.

Now in section 22 the same provision applied to Metropolitan Winnipeg. But in regard to Metropolitan Winnipeg the minister can also make contributions to the repair and maintenance

(MR. HRYHORCZUK cont'd) of highways in the metropolitan street system. You will note Madam Speaker that the same provision doesn't apply to municipalities, towns and villages, and other cities. I'd like to know why there is discrimination here. Why should Metropolitan Winnipeg obtain assistance for repairs and maintenance whereas all other corporate bodies, municipalities, towns and villages and other cities do not receive the same privilege? And I believe they should have the same right.

Now I believe there is a conflict between section 23 and section 5, (1) (c) of the Act. Section 23 reads as follows: The Minister may make with any person or firm any contract that may be necessary or advisable in carrying out any provision of this Act or of any other Act of the Legislature; but no deeds, contracts, documents, or writings shall be binding upon the government or upon the Minister, pardon me, or shall be held to be acts of the Minister unless signed by him and sealed with the seal of the Department. Section 5 is the one that grants the power to delegate the Minister's authority. Now if he delegates that authority to another person then how is that other person going to enter into a binding contract without the signature and the seal of the Department? I think that should be looked at to make sure that there's no conflict in those two provisions.

Then we come again to the disposition of materials, tools and equipment. In section 24 it gives the Minister the right to purchase, rent, hire, lease and use any materials, supplies, tools or equipment required to carry out this Act. Well Madam Speaker, supposing the government should undertake a major operation say like the Assiniboine Diversion and decide to do it on its own. Would it be right that the Minister have the power to purchase all the equipment necessary to excavate and do the work required by that project? I think no. I think again this power should not be given to the Minister alone unless there is a limitation placed on the value. If there is a limitation placed on the value of course I would have no objection to the section but if it should involve hundreds of thousands of dollars then I think the Minister should not be allowed to purchase directly but should put the purchase out through the purchasing department and obtain whatever is required by way of tender or highest bid.

Section 29, (1) deals with arbitration in case there is some dispute between the department and the other person to the contract and it states in part, I believe -- I don't like to take up this much time of the House Madam Speaker but in order to make my point clear I guess I should read that particular section. Section 29, subsection (1) reads as follows: where a person has a claim that is not subject to the Expropriation Act arising out of or connected with the execution or non-execution of a work on or to be done on a departmental road or arising out of or connected with the fulfilment or on account of deductions made for the non-executions or non-fulfilment of any contract in respect of any work done or to be done on a departmental road made and entered into with the Minister or with any other person duly authorized to enter into it, either in the name of Her Majesty or in any other manner whatsoever, the person may give notice in writing of his claim to the Minister, stating the particulars thereof and how it has arisen; and the Minister may at any time within 30 days after receipt of the notice tender an amount that he considers a just satisfaction of the claim together with notice that unless the money so tendered is accepted within 10 days after the making of the tender, the claim may be submitted to arbitration. My point here Madam Speaker is this, that where a person files a claim the Minister 'may' at any time within 30 days tender an offer to this party and if the party accepts it within 10 days well and good. If not, then the claim may be submitted to arbitration. But supposing the Minister in his wisdom does not tender an offer to the other party and in his opinion the other party has no claim then there is no provision to go to arbitration. The only time that you go to arbitration is when the Minister in his opinion feels that there may be a claim and makes an offer. I think that this might have been an unintentional oversight but it will bear looking into and if that is correct then I think that it should be amended.

I would also like a clarification of subsection (5) of section 29. I don't think it's clear and I am not just able to gather the implication of that section. Now there's only one more Madam Speaker and that is section 32 where the Minister submits his annual report and it reads "that the report shall be laid before the Legislature within 15 days from the commencement of each session." Now we went into the matter of these annual reports, Madam Speaker, pretty fully, and the practice has been to give us these reports at an early date, preferably a month or two ahead of the beginning of the session so that each member would have the opportunity of studying the report. There was very strong objection to the "within 15 days after the session commenced" and in this particular department Madam Speaker, I think it's important

(MR. HRYHORCZUK cont'd) . . . that the members get this report because it is of vital importance to each member, the highways. I would suggest that this was either picked out of some old statute, I didn't have the opportunity to check back on the old statute, but I am quite sure that it wasn't intended that the annual report be laid before the Legislature within 15 days from the commencement; because these reports are compiled and ready a long time ahead of the meeting of the session, as has been evidenced by the reports that we have been receiving, I believe this year were received at the head of the session. But if at all possible I think that the report should be in the hands of the members considerably well in advance of the session so that they can get well acquainted with the report and be ready to discuss it when the estimates of this department are before the House.

MR. E. R. SCHREYER (Brokenhead): Madam Speaker, I wish to move, seconded by the Honourable Member for Sevan Oaks that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 69. The Honourable the Member for Ethelbert Plains.

MR. HRYHORCZUK: Madam Speaker, this is a companion bill to the other one and it sets up the Minister of Public Works, Department of Public Works. I have the same objections to this bill as I have to the former one No. 68. This bill doesn't cover as wide a field as 68 does, but there are some provisions in this bill that I have objection to that are very much the same, in fact worded almost identically with some of the sections in the other bill and I would only refer the Minister to some of the sections. I'm not going to read them or anything, I'll just give him the numbers so he can check back on them and the same objections apply. Section 6, Section 8, Section 12, Section 13 and Section 17. He'll find corresponding provisions in Bill No. 68 and the objections are the same as they would be in that other bill.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

HON. GURNEY EVANS (Minister of Industry & Commerce) (Fort Rouge): Madam Speaker, I understand that my honourable friend from Rhineland does not wish to proceed today with the budget debate although we would have been glad to hear him. Therefore, I would ask you if you would call the adjourned debate on the motion of the Honourable the Provincial Secretary.

MADAM SPEAKER: The adjourned debate on the proposed motion of the Honourable the Provincial Secretary. The Honourable the Member for Seven Oaks.

MR. ARTHUR E. WRIGHT (Seven Oaks): Madam Speaker, I want to make a few comments in regard to the first report of the special committee enquiring into highway safety in the province. I was very happy when the committee was set up because I think it's going to do a good job. I want to confine my remarks today to one aspect of the report which is very noticeable to me because of its absence, and that is any reference to the matter of night driving. I think that this is one of the most important aspects of highway safety and I'm at a loss to understand why it wasn't discussed at greater length because some of the more horrible accidents on our highways recently have been at night. I can recall last fall driving down No. 4 highway, seeing a white light in my right hand lane and as I was moving at fifty miles an hour, it appeared that this was coming toward me and I thought first it could be a motorcyclist. When I finally caught up with this vehicle I found out it was a farm tractor with a white light on the back and I'm convinced from my studies of safety over the last few years that this is a real hazard to highway safety.

Now I'm prompted to speak on this today because of an article taken from the Country Guide last fall. The heading is "Action on SV Emblem". This means slow moving vehicles Madam Speaker and I'll quote: "Back in November 1963 Country Guide featured a sign for safety. It introduced Canadian farmers to the slow vehicle emblem developed by Ohio State University. Since that time support for this effective and distinctive emblem has built up in North America; in United States legislation is being introduced in several states to ensure that the emblem is used exclusively for slow vehicles. The slow vehicle emblem has been endorsed by the American Society of Agricultural Engineers and by the National Institute for Farm Safety. The Farm Safety Committee of the Ontario Federation of Agriculture has endorsed it and recommended its promotion. The National Safety League of Canada has swung its support behind the emblem. Two out of every three highway accidents involving a slow moving vehicle are rear end collisions and by day the brilliant fluorescent orange triangle of the SV Emblem alerts overtaking vehicles while there is time to avoid a collision. At night the reflective red border

(MR. WRIGHT cont'd) of the emblem is equally effective. The slow vehicle emblem is beyond question the most practical solution to an increasingly serious problem. It must be widely used and universally accepted. It has to be immediately recognized by motorists from Chatham, Charlottetown or Calgary." I wouldn't burden the House Madam with any more but I was impressed by this coming from a farm paper because I believe that much is being done today, much thought is being given to the farm safety and while I deplore sometimes at night farm trucks that are not properly lit up as far as red lights and that are concerned, I must congratulate the agricultural people on their interest in this.

Now I have a letter from the Ohio State University explaining a new bill that they have presented before the general assembly of that state, and while I don't wish to read it all I would quote from Section 1 (b). It says, "all farm machinery and animal drawn vehicles or other machinery including all road construction machinery except when being used in actual construction and maintenance work in an area guarded by a flagman or where flares are used, or when operating or travelling within the limits of a construction area designated by the director of highways, a city engineer or the county engineer of the several counties and such construction area is marked in accordance with the requirements of the director of highways, and the manual of uniform traffic control devices as set forth in section so on and so forth, which is designed for operation at a speed of twenty-five miles an hour or less, shall display a triangular slow moving vehicle emblem "SMV" mounted so as to be visible day and night from a distance of not less than 500 feet to the rear. The emblem and its position of mounting on the vehicle shall meet the current recommendations established by the American Society of Agricultural Engineers." It is quite an extensive bill Madam Speaker and I wouldn't read it all because it's mostly legal. But I'm convinced that highway safety at night is the thing that we have neglected in the report.

Now I have one of these emblems. I think that this is going to catch on across Canada because anyone that drives the highway at night like I do cannot help but be impressed by the lack of sufficient illumination on many of our slow moving vehicles. And true there is a lot of high priced agricultural machinery on our highways at night. Not only that it's difficult for farmers because they do have to get around and they do pick I suppose the time of the day when traffic is at a minimum and they too are placing themselves in a considerable hazardous position. I wish to hold this up Madam Speaker, with your permission, to the House to see because I think that in the future in Canada you will see this displayed on all slow moving vehicles across the nation. You can imagine the tired travelling salesman who is driving at the speed limit at night of fifty miles an hour coming over a hill and suddenly catching up on a farm tractor going possibly six or seven or eight miles an hour and this is -- I thought it would be of interest to the House. The only thing I found to criticize really in the first report was this lack of mention of night safety.

I happen to work for a railway and we are very safety conscious and for a long long time it has been the rule that headlights burn on locomotives twenty-four hours a day and I think that the idea of having headlights on too is a good one even in the daytime because with the modern automobile with their alternators, it doesn't cost anything to burn these lights. And there are a lot of older people and many other people too who have limited vision. I know I find going home at night with my headlights on many many times somebody had decided to pull out into my lane when suddenly they do see the headlights. I think that that's all I really want to say, Madam Speaker, but I do think that the committee will have to give far more consideration to the question of night driving and the safety markings on our slow moving vehicles at night.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, if no one else wishes to speak, I move, seconded by the Honourable Member for Emerson that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. EVANS: Madam Speaker, I beg to move that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the supply to be granted to Her Majesty. The motion is seconded by the Attorney-General of Manitoba.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole with the Honourable Member from Winnipeg Centre in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: We're on Attorney-General.

MR. MOLGAT: Mr. Chairman, before we start on estimates as a whole, I wonder if I could ask the Deputy Leader of the Government what the intention is after we finish Attorney-General's Department. Which department will we then proceed to?

MR. EVANS: I have no information except -- I have no information on that subject. I'll try to get it for the House at the earliest opportunity.

MR. MOLGAT: I would appreciate if he could Mr. Chairman, because the change the other day from Agriculture to Attorney-General was done on very short notice and if it's at all possible we would like to know at least one department.

MR. EVANS: I'm informed now that the next department will be the Department of Health.

MR. MOLGAT: Health?

MR. EVANS: Yes.

MR. CHAIRMAN: The Honourable the Attorney-General.

HON. STEWART E. McLEAN (Attorney-General) (Dauphin): Mr. Chairman, when we adjourned last evening there were I think a number of items where questions had been raised and I would like to -- amongst other points, I would be glad to deal with them now as briefly as I can. I did make reference to the point made by the Honourable the Member for Selkirk concerning the importance of the magistrates court especially in view of the large number of cases that are dealt with in that court, and read a statement that I had made on the 10th of December which set out my own views in that regard; and indeed which expressed the views of the government of the province.

Reference was made by the Honourable Member for Selkirk to my reasons or my decline to provide him with a Brief or the members of the House with a brief which had been presented to the government by the magistrates or Magistrates Association. I would remind him of what I said on that occasion, that is on the occasion when he had asked me before, that I thought it would not be correct or proper for a Minister to provide to the members of the House documents which are presented to the government. These are not our documents, they are documents of the association or group of individuals concerned and that if it is his wish to secure a copy of that brief he would do so by communicating with the association. I would certainly have no objection to him doing so but I would not wish to create the precedent or start the practice of distributing generally in any way documents which are presented to the government. I may tell him however, that really he doesn't need the brief of the Magistrates Association because he would find that much of what he said himself yesterday, that is the ideas that he expressed, are contained in that brief. The magistrates asked for a very substantial increase in salary, indeed asked that they be, as had been suggested by that 1960 Canadian Bar Association Committee, suggested that they should be equated with county court judges, which I might tell the members of the committee now receive \$18,500 a year. I think -- (Interjections) -- Pardon? -- (Interjection) -- I am rather inclined to think that perhaps that is a little further than we will be able to go at the present time but the other principles which he enunciated are indeed -- would be in accordance with those expressed by magistrates themselves.

The Honourable the Member for Selkirk made an interesting suggestion that we should entrust the administration of justice to a Committee of the House. That is an interesting thought which I must confess had never occurred to me before. I am not too certain that in government affairs that one can ever transfer what must always be the responsibility of the government, whoever they may be, to a committee of the House or to some other group outside of the government. In other words, if the government is accountable it's accountable, and if it's accountable it must be responsible for carrying out the responsibilities. However it's an idea and it's well worth considering although I would not be too hopeful that it would be adopted at an early date.

The Honourable the Member for Selkirk asked me a series of questions respecting magistrates and I will endeavour to give him the information that he requested. This was with respect to full-time magistrates and part-time magistrates and certain other particulars. I may inform the members of the committee that we have in Manitoba at the present time seven full-time magistrates as follows: Isaac Rice, Q.C., appointed December 1, 1960, and he sits in the Winnipeg Magistrates Court; I. V. Dubiensi, Q.C., appointed February 1, 1962 and he also sits in the Winnipeg Magistrates Court; G. L. Cousley, Q.C., appointed November 16, 1962 and he sits in what is known as the Provincial Magistrates Court; W. M. Darichuk appointed full-time magistrate on January 1, 1965 and he holds sittings at Selkirk, Teulon, Ashern,

(MR. McLEAN cont'd) . . . Hodgson, Lundar, Arborg, Emerson, Steinbach and Morris; C. S. A. Rogers, Q. C., appointed July 3, 1963 and he sits at Dauphin, Roblin, Gilbert Plains, Winnipegosis, Ethelbert and Ste. Rose -- and here I might just interject to say that in the case of the Dauphin Judicial District and with respect to Magistrate Rogers we set up for the first time, this was back in 1963, a regular circuit of court sittings by the magistrate which are specified days in the month and the circuit operates on that basis at all times: B. P. McDonald, appointed January 17, 1962 and he sits at Portage la Prairie, Carberry, Trehern, Gladstone and Neepawa; Henri Lacerte, Q. C., appointed 1925, Magistrate Lacerte is the longest serving magistrate and sits in St. Boniface Magistrates Court. Then we have 10 part-time salary paid magistrates; Harold F. F. Gyles, appointed January 1, 1963 and he sits at Lac du Bonnet and Beausejour; C. W. Buckingham, appointed October 1, 1955 and he sits at Virden; George A. Lauman, Q. C., appointed June 1, 1937, sits at Minnedosa and Shoal Lake. I'm inclined to think that Magistrate Lauman holds court at perhaps one or two other points in that general area, Sandy Lake and probably Virden. I think we have perhaps omitted one or two here. H. W. Forrest, appointed January 1st, 1946 and he sits at Souris, Killarney and Boissevain; John C. Walker appointed June 21, 1962, sits at Swan River; Neil G. Macphee appointed May 9, 1952 and he holds court at The Pas, Thompson, Churchill, Grand Rapids and on occasion when necessary goes in to -- no I am in error I guess it's Magistrate Taylor, that's correct; Charles A. Taylor, appointed November 1, 1956, Flin Flon and Lynn Lake and I believe that Magistrate Taylor also holds court when required at Cranberry Portage and Snow Lake. William Stordy, Q. C., appointed January 1, 1945, holds court at Brandon; Durward A. Duncan appointed January 1, 1942, holds court at Morden, and Clarence N. Bedford, appointed December 1, 1958 at Carman.

Now with respect to the salaries that are paid I just have here the figures without a breakdown as to individual persons because I thought perhaps the committee wouldn't wish to go into that. But in 1957-58 the salaries paid ranged from \$1200 per annum to \$9,480.00. In '58-'59, \$1200 up to \$9930, a slight increase at the top end; '59-'60 \$1500 to \$10,380; 1960-61 \$1500 to \$10,740, another slight increase at the top end; 1961-62 \$1500 to \$11,000, again an increase at the maximum; 1962-63 \$1800 at the minimum, an increase there to \$11,640; in 1963-64, \$3,000 minimum to \$12,000; and the same in the year which ended yesterday, '64-65 \$3,000 minimum to \$12,000 at the top end. The salaries are under consideration at the present time as the result of the representations made by the magistrates. I would be inclined to think Mr. Chairman, by and large we have tried to be as fair as possible, bearing in mind all the responsibilities that we have and we try, and this is of course a difficult problem where magistrates are serving on a part-time basis, to determine what is a fair salary; the work tends to vary and it is not always easy to assure that one has the right figure. Of course, as we move, as indeed I'm sure we will, into larger numbers of full-time magistrates and fewer part-time magistrates that aspect of the problem becomes less and less, and we will have a system where all of the magistrates in the most part will be paid the same salary, and one would always naturally hope that it would be as generous as is convenient.

I should point out to the committee, Mr. Chairman, that we have in addition a few fee paid magistrates who are non-professional people who act in remote areas where there is neither trained lawyers available nor is it convenient for travelling magistrates to go, but these appointments are kept to a minimum and only in those cases where it appears to be necessary and in the public interest.

The Honourable Member for Selkirk asked that we look again at the location of the new Magistrates Court Building and he suggested that it should be in a more central location and that he didn't really favour the location that had been suggested. Well I can only say that it's certainly a matter that receives a great deal of attention and in matters of this nature there are many people who have opinions, some of them very strong opinions. I was myself anxious that of course it should be a centrally located place. It will have the advantage of very excellent parking and availability I believe to all those who will have occasion to use the court. I can only comment that I understand fully what he has suggested because indeed the very points that he has made were made by others as this point was considered and the decision arrived at.

And related to that, and I mention it now because he also mentioned it, was the matter of the location of the new Juvenile Detention Centre and the Juvenile and Family Court. These of course will be located while not necessarily all in one building -- I would rather anticipate the possibility that they will be two separate buildings, but obviously have to be located in close proximity to each other -- and I would be inclined to think that we are likely to have them

(MR. McLEAN cont'd) located in somewhat the same general area, not real close but in the same general area as the new Magistrates Court Building. And here again many of the points that the honourable member made could be made and indeed have been made. But I must point out that no decision as to the site of the Juvenile Detention Centre and the Juvenile and Family Court have been made. The two of them however will be located in close proximity.

I perhaps don't entirely share his view that the Land Titles Office is inadequate. It's certainly an older building and if I were to consult my own views of the matter I think we could very nicely provide the additional accommodation that is required for the Winnipeg Land Titles Office by providing an addition to the building that is already there. I'm not an architect and I am not able to suggest how that might be done, and it might not be able to be done; all I am saying is I don't really think that the Land Titles Office building, while it's old, is really that bad. It just needs a bit of modernization and of course they do and will need additional space which will have to be provided. However, that is not a matter which is under active consideration at this moment and we'll be glad to take into account the views which the honourable members have expressed.

Turning to the Honourable Member for St. John's, he asked concerning the "battered babies", which I must confess has always been a problem which I didn't thoroughly understand. However I want to tell him that since this matter was first drawn to our attention, and I think possibly by the Honourable Member for St. John's, although I'm not too certain of that, the matter has been under active consideration and in particular by the Department of Welfare and the Department of Health. We agreed that we would work with them and do whatever was necessary and just simply report that we have been requested, we've been advised rather, by the two departments concerned that they have worked out a satisfactory arrangement for dealing with the problem of the battered babies, and that they do not consider it essential and indeed they don't want at the present time any additional legislation. So we have not done anything in that general field.

I have just here a very brief report from the Assistant Deputy Attorney-General, who has been a member of the team that has been dealing with this, reporting on the most recent meeting that was held, in which he says that referrals of suspected child beatings are to be made to the welfare personnel rather than directly to the police or to the Attorney-General's Department, and where punitive action of a public nature appears to be warranted, the Department of Welfare will refer the particular cases to the Attorney-General's Department. And this as I understand it is in accordance with the wishes of the medical people and the welfare people and certainly satisfactory so far as we are concerned. The Assistant Deputy has also appended a note to the effect that in February 1964, just over a year ago, there was an assize case relating to child beating -- to the charge of manslaughter, there was a verdict of "Not Guilty".

The Honourable Member for St. John's also asked about the Limitations of Actions Act, and I'm sorry that we have not been successful in having our deliberations completed so that we might bring a new Limitations of Actions Act before the Legislature at this session. I assure him, however, that it has not been forgotten. As he indicated, Mr. Gordon Hall, now Mr. Justice Hall, was the Chairman of that committee, and he has been called to higher service and has left us temporarily without a chairman of the committee. I just say that the members of the committee had not reached the point where they were prepared to make a recommendation, but we are continuing our work and it is my hope that we will have a new statute. I'm very anxious to have it. I assure the members we're not endeavouring to hold it up. It's just that we want to be certain that it meets with the widest possible approval.

The Honourable Member for St. John's asked also that we look at the question of bail. I would remind him, of course, that I have sort of run up the flag or put my flag to the mast with respect to judicial independence or the independence of the judiciary, and I suppose that in that sense I am not in a position to question what people in the exercise of their judicial discretion do in this regard. May I just say this, however, that we mustn't lose sight of the purpose of bail. Persons are apprehended because it is felt that that is necessary to assure their appearance on the matter with which they are being charged. The idea of bail is that the accused person who might normally be held in custody to assure his appearance, is released into the custody of two, one or two persons, usually two persons, who become his custodian to ensure his appearance, and while I believe that the practice of accepting cash bail has had some currency, that's really not the idea. I don't believe that it would be sound to think that because a person is prepared to post a certain amount of cash that he should be released. I want to be

(MR. McLEAN cont'd) careful about this because I always took advantage of this possibility when I was practising law, and I'm not advocating its abolition, but I think we mustn't forget that the people into whose care the accused person is released become responsible for the person's appearance, and the reason for requiring property qualifications of the people into whose care one is given by way of a bail bond is, the qualification that they be property holders is simply the rough way in which we have of insuring that those persons are themselves people who are likely to remain -- in other words, they are people who are likely to be available, and people who if they don't produce the accused will themselves be available. Of course they don't have to answer the charge but they may have to forfeit the amount of the bond. There are occasions perhaps a reasonable number of occasions when accused persons who are released on bail do not turn up. It is a difficult field. I am conscious of the points which the Honourable the Member for St. John's had raised. The subject of bail of course is receiving attention in other places at the present time, and one is perhaps hesitant to make too many very strong comments about it, except other than to say that we always try to be as fair as possible. I believe this, that the members of the staff of the Attorney-General's Department do not throw up impediments that are impossible. In fact, I think the whole tendency has been to lower the requirements for persons to be released on bail.

The Honourable the Member for St. John's also asked me how many recommendations of the Community Welfare Planning Council Special Committee had been implemented or how we were making out on that report. I would like just to answer that, perhaps in a little detail, not too much, because that committee made a very large number of recommendations; but I have been surprised and encouraged -- although I am sure that the Honourable Member for St. John's won't share my encouragement -- by the number of recommendations upon which we have taken action. I didn't really realize that we'd gone as far as we had. The first recom. . . -- I'm looking at Page 41 of that report and under the heading of General Recommendations, beginning with general recommendations, and going on through the report. No. 1 recommendation was that legislation should be enacted to provide the principles for and the authority for the development of a comprehensive correctional system in the Province of Manitoba. On that particular point I would acknowledge that we have been handicapped by not having a Director of Corrections. We now have that post filled and it is my hope that a year from now, all being well, we will be able to present to the Legislature for consideration a Corrections Act, or whatever the appropriate name would be, that would have in it all the -- establish the philosophy and the principles upon which our correctional work in the province would be carried out. So that while that's not a report of something that has been done, it is an indication of what we hope to do with regard to that recommendation.

No. 4 -- I mention only those in which there is something to be reported. Members of the committee will understand that with regard to those not mentioned, it means that no action has been taken and we have nothing to report. No. 4. The facilities of the court should be separated from the police facilities or so organized as to ensure maximum disassociation of the judicial function from the police function. Well, I think a great deal has been said about that, and that is all of course very much involved in our decision to establish the separate magistrates court in other places in the province. There is, I believe, no problem with respect to that particular situation.

No. 5. Magistrates courts should be enabled and encouraged to avail themselves in supporting services and agencies. We do encourage them; that is, encourage the magistrates. We may be -- well I am sure we will be able to better do that when we are in a separate building and have greater space with which to provide the space and facilities for those who will be working with the magistrates court in Winnipeg, and to encourage in every way possible, and of course that's also involved in the comment I had to make about recommendation No. 1.

No. 6. Magistrates to be encouraged to achieve greater uniformity in sentencing. This is always a difficult problem. The Law School at the University of Toronto has interested itself in this problem, and last May convened a conference on the subject, and we were happy to be able to send Magistrate Doherty to that conference. The Chief Justice of Manitoba, the Honourable Mr. C. C. Miller, attended and His Lordship Mr. Justice Dixon, if I recall correctly. That same group is convening a further meeting in May or June this year, and we have already indicated that we are prepared to support that meeting and we'll have persons in attendance. In addition, Magistrate McDonald is on a committee, and we support it to the extent that his expenses for attending meetings in Toronto are paid. I think he has already attended two meetings and is shortly, within the next week or two to attend a third meeting. And we will

(MR. McLEAN cont'd) . . . be convening a conference of the Manitoba magistrates toward the end of May of this year, assuming that this House has completed its deliberations by that time.

No. 7. Adequate police station facilities should be provided, and in particular a new police station by the City of Winnipeg. Well, that's not a provincial function, but as members will know is coming into effect insofar as the City of Winnipeg is concerned, and new police station facilities were recently provided in the City of St. Boniface.

No. 8. New Provincial Detention Home for Juveniles. We've already mentioned that and that is in our plans.

No. 9 refers to a new Home for Boys, this referring to the Home at Portage la Prairie. I think there that it is unlikely that we will move the Home for Boys from Portage la Prairie. What we are doing, however, as I indicated yesterday, is to provide a "camp", for want of a better term at the moment, for boys which will be associated with the work that is done at the Manitoba Home for Boys and which will provide I believe a very satisfactory place of training and will assist by relieving the number of persons at the Home for Boys.

The No. 10 recommendation, the segregation of juvenile offenders, is a difficult problem. We have it constantly before us, and with regard to the additional wing at the Manitoba Home for Girls, we are not proceeding with that because at the present moment it does not appear to be required, although the basic plan of the building allows for it when the need is demonstrated.

14. More emphasis on the expansion of the juvenile probation services. I reported that we are continuing to increase that staff, again asking for a further increase this year.

15. Salaries of probation officers be increased. They have had two increases since the publication of this report. 12. The bursary program should be further developed and advance courses for graduate and undergraduate probation officers should be provided in co-operation with the university. Well as I reported yesterday, we will have six members of our probation staff taking university work in this connection during this coming year.

No. 18. The services of the halfway homes for juveniles to be better co-ordinated. That refers to co-ordination. We endeavour to do this and I believe the home at The Pas is working out quite satisfactorily. I would say as a matter of government policy, and certainly as a matter of my personal belief that halfway homes are a very great assistance and are very helpful.

We have under consideration No. 19 the matter of a separate inspector of jails to assist the Director of Corrections. We had delayed any formal action on that and indeed any formal decision on it until such time as we had our Director of Corrections on staff and we want to consider it with him. It's a recommendation, however, that will not be lost sight of.

No. 20 is easy for me to answer because of course it calls for the implementation of the Fauteaux Report. Well I'm all in favour of it. We don't seem to be making much progress or to be arousing much interest and it is indeed difficult to make any forecast as to whether or not anything will come of the recommendations of that report, particularly with regard to juvenile offenders but I just say that that's something that's always before us.

No. 25. The Law Society to provide legal assistance to accused persons. As members will know the amounts of money for this purpose for the plan which is now carried out has increased substantially twice now since the publication of this report and we have under consideration a resolution which will deal at this particular stage with this matter which we believe is now in need of some review. No. 28 refers to a matter for the Canadian Parliament by way of an amendment to the Criminal Code. I may say that this is a problem which has been brought to my attention by some of the magistrates and I'm aware of it and understand the advisability of something being done about it.

No. 35. Staff training program. As I reported yesterday, we have now completed the staff training of the people at Headingley Jail. Pretty well all of the men there have received the course of training and we are now beginning on those who are engaged in the jails outside of the metropolitan area of Winnipeg. I believe that we could be said to have carried out the spirit and intent of that recommendation.

No. 43 is to some extent, although it refers to adults -- probation services to be increased. Here again we have an increase that was announced and the salaries of adult probation officers as I have already said, there have been two increases since the publication of this report.

No. 45. Recommending the type of course used in Ontario for training and upgrading probation officers. There was a course I'm informed, there was a course carried out here

(MR. McLEAN cont'd) . . . under the direction of the chief probation officer which was quite successful and I believe was based on the Ontario course. As far as I am aware there was only the one course that was carried out. The tendency appears to be for these persons to receive their training through the university and by way of the bursary assistance program rather than by an in-training course, type of training that is indicated by that recommendation.

No. 49. Selected prisoners should be placed in ordinary employment outside the institution during the latter part of their sentence is a very interesting one and I want to say to the committee that we are going to be giving this idea most active consideration during the coming year. As a matter of fact, Mr. Chairman, the members of the committee will be interested to know that we already have four people, four persons who are on this, arranged by way of the interest of the warden in charge of the Vaughan Street Detention Centre for adults and I'm a little confused myself as to the legality of what's being done at the present time but in any event we might be said to have an experiment going. We'll be watching that with great interest and I do assure the members that we will be hoping that something worthwhile will come from that suggestion. This is a plan which is carried out in other jurisdictions, I think with some success, although one must not be overly enthusiastic. It has its limitations but certainly also has very great possibilities.

Then recommendation No. 50. Reopen negotiations concerning a federal correctional camp. I would have to say to the members that we have not reopened negotiations for that purpose. We of course ourselves lead in the rehabilitation camps and are extending our own by two camps this year for adults and would be most happy indeed if the federal authorities were interested in reopening that topic. Mr. Chairman, that's just very quickly an indication and I say nothing so as not to offend the Honourable Member from St. John's about the cost. We are going to do as much as we can with the money that we have available and will try and implement those things which appear to be in the public interest.

One final thing to which the Honourable the Member for St. John's made reference was, he was referring to the attitude of Crown Attorneys and Magistrates and had in mind a particular case of recent, he read from the transcript the remarks from a recent case. Well as I have already said I've nailed my colors to the mast -- it's independence for the magistrates and the judges and of course I can't have my cake and eat it both so that if I say that the magistrates are independent then I mustn't make any comment about what they do or try to influence them in their course of action. But may I say to him, because I had occasion to say it just the other day, in fact I might relate just a small incident to illustrate what I hope is considered to be the attitude of the Department of the Attorney-General and the persons who are working here. On Sunday I had a telephone call from a lady very distressed and very anxious to see me and she came over to the office and had a long talk. Her husband had been convicted of an offence and she felt that certain matters had not been properly dealt with, properly adjudicated upon in the court. I brought in the very first thing the next morning all of the crown attorneys who were associated with the case and went into it rather fully and I pointed out -- I mention this to indicate that this isn't just something I thought about today -- I pointed out to them the very high responsibility that there is upon the Attorney-General and the staff of the Attorney-General that transcends far above the simple responsibility, not simple, but the responsibility of conducting the prosecution of alleged offences. In other words, our responsibility goes much beyond that and it is to assure that in no case is there a miscarriage of justice. Now that's not always an easy, because opinions differ, perhaps would not be an easy idea to carry out but I would want everyone to understand that I at least, and I think I can speak for the department, understand our responsibilities in this regard. And in that context I have noted what the Honourable Member for St. John's said about the particular case from which he read the transcript and I may say that my views were communicated to those concerned.

Turning to the Honourable the Member for Inkster, he has again drawn my attention to his interest in not having crown attorneys called crown prosecutors, and I agree with him. In fact I think we've pretty well eliminated the use of the term crown prosecutor. I don't favour it; I favour the term crown attorney and I think that is the term that should be used and I think pretty generally is now used by all concerned.

He felt that the Crown ought not to try to win the case. Well that's a pretty difficult thing. One must present the facts and do so intelligently and accurately and with the -- that will be interpreted in some cases, certainly by an accused person as being overly active in presenting the case; on the other hand we couldn't possibly have a situation where the crown attorney would sit by and let things go for want of proper presentation. The point is that we must

(MR. McLEAN cont'd) . . . approach our work without any feeling of vindictiveness and that is what I hope. I cannot assure him that we will not be taking appeals from sentences. I think there may be cases where the Crown must do so in the public interest and we will do so, always as I say without any vindictiveness, but only because in our opinion it is in the public interest that that be done.

The Honourable Member for Gladstone-Neepawa referred to delay in judgments in the courts. He is referring here I would think almost wholly to delay in judgments in civil cases, and I cannot give him any consolation. That is a matter which is in the jurisdiction of Her Majesty's justices and we have no right to interfere in any way. He asked or referred to the ombudsman dealing with judgments and I read the same article that he read, to which he referred in his remarks. I would point out however, that there's obviously quite a difference between the way things are done in Sweden and the way they are done under our system, and if we had -- I emphasize the word "if" -- if we had an ombudsman in Manitoba, he would not I would think be dealing with judgments at all. In other words, matters coming before the courts our laws and our legal procedure is such that there is ample protection for those who are concerned in those matters, and that an ombudsman, it would not be part of his duty or responsibility to deal with the courts. If that were the case he would become a super court that would seem to make all other courts quite unnecessary and I hardly think we're going to get into that situation.

He asked me to give him in some detail the qualifications of the Justice of the Peace. This is not an easy question to answer by words. If I pointed at the Honourable Member for Neepawa-Gladstone and said you present the qualifications of a justice of the peace he, and I would hope all the members of the committee, would understand what I mean. In other words, the appointment of a justice of the peace is the appointment of a person, a lay person in the legal sense, who is considered to be a person of good judgment, of good reputation, a person of compassion and understanding, and one who is able to act judicially. And one doesn't have to be a lawyer in order to act judicially. Justice of the Peace are appointed to deal with minor matters which do not seem to warrant the time or the expense involved in coming before one of the more formal courts. It would ideally, if we had the ideal situation of course one wouldn't be in favour of the appointment of justices of the peace but in a province like Manitoba I am certain that they are required; and indeed if we didn't have them the Honourable Member for Neepawa-Gladstone would be one of the first who would be coming to ask that they be appointed because there are many people who desire to have a ready means of disposing of these minor matters. Now the great problem of course comes in that it is not the justice of the peace who is at fault but sometimes it is the accused person who doesn't perhaps take as careful a note of his situation as he ought; who doesn't consult his solicitor when he should do so; and who may, without advice, act in something that is not in his own best interests. But the fact that he does it before the justice of the peace doesn't make the justice of the peace wrong, the error -- because he might make the same error before a magistrate -- the error is in perhaps not paying that careful attention to his own best interests.

I can say no more about justices of the peace. We require them. I'm sure if we didn't have them I know that the members of this committee would be asking for them. I believe that all things considered they perform a most useful and helpful function in the administration of justice. I can understand that there are many aspects of the law that they don't know. Indeed there are many aspects of the law that magistrates don't know, or judges, or lawyers. That is an unfortunate fact. But on the other hand we can't condemn them all because of one. There are many of them who are very knowledgeable and who perform a very useful and a very worthwhile function.

I dealt Mr. Chairman with the remarks of the Honourable Member for Ethelbert Plains. I think I covered pretty well the points that he had made in his remarks.

MR. HILLHOUSE: Mr. Chairman, I wish to thank the Honourable Minister for the answers that he has given to me in respect to the several questions which I raised. I want to point out to him however that when I made the suggestion that we should have a non-partisan group from this House to deal with matters respecting the policy to be followed in the administration of justice I was fully aware of the fact that in making that suggestion the responsibility of justifying that policy would still be his. But the reason why I did make that suggestion was just recently there has been a great deal of controversy going on between certain welfare agencies and certain members of the judiciary; and I don't think that the members of this House are fully aware of the role that is being played in our judicial system by certain agencies. Take for instance the John Howard and Elizabeth Fry Society, the Greater Winnipeg Welfare Council. Now I thought if we had a committee of this House which could hear representations from these various groups in the same way as you have your Law Reform Committee which reports to you on matters respecting amendments in our law, if we had a committee of that nature I think that this House would have an opportunity of becoming better informed on some of the various problems which confront the administration of justice and those social agencies which are doing their utmost to assist in the administration of justice and in the rehabilitation of those people who are unfortunate enough to run afoul of the law. That was my reason for making that suggestion.

Now it is true that the Honourable the Attorney-General told me that I could write to Magistrate McDonald, I believe it was, at Portage, and get a copy of the brief that was submitted by the Magistrates Association, but I did not do that for the simple reason that I felt that I didn't want to drag Magistrate McDonald or any other magistrate into what might become a political discussion. And the reason why I asked the Attorney-General to get permission to release it to us was I thought that it would have less political impact if he got the consent of the Association to let the House have these copies. But it's neither here nor there. The Honourable the Attorney-General says that in my reference to the recommendations of the Canadian Bar Association pretty well covered what they made, and I'll take it that that is so.

Now, I appreciate the statement made by the Attorney-General that bail is a matter which has to be fixed by the court and in respect of which he feels that he should not interfere because it would be interfering with the administration of justice. But I make this suggestion to him and that is this, that although bail is fixed by the court, bail is always fixed by the court on the recommendation of the crown attorney; and I believe that the principal reason for bail is to ensure the presence of an accused when he's charged with offence to answer to that offence. Now I have had a case recently where this juvenile was before the juvenile court and there was some lapse of a month or six weeks or two months, I just forget exactly, for the disposition of his case. Then the court decided, at least it was decided that he was to be treated as an adult; and when he appeared in adult court the crown attorney then asked that he be admitted and bailed. Now my argument was that bail was only fixed and set for the purpose of ensuring that person's appearance; that this boy had appeared week after week in juvenile court, without being on bail, on his own, and that there was no reason in the world why the court could not take that boy's, his own recognizance to appear, but the crown attorney thought otherwise and in exercising this question, which he had a right to do, he suggested that the mother enter into recognizance in the amount of \$500.00. Well it was purely a form. But I mention that to show that although the judge does fix the amount of bail he usually fixes it on the recommendation of the crown attorney.

Regarding the central criminal court, I'm sorry that there is no possibility of the decision of the government being changed; but I do suggest what I suggested yesterday, that in the building of that building it be planned not in relation to what our needs are today but what our needs are in the future because I can see that the day is not very far distant when our law courts over here will be used exclusively for civil actions. We're getting to that point now. It's true that we still have one or two offices there --the Municipal Board, and we still have the law school which perhaps one of these days will go out to the university-- but at the same time I can see the day is not far distant when the law courts here will simply be used for civil actions. And what I would like to see and what I recommended to this House or committee of this House some seven or eight years ago when the Minister of Utilities was the Attorney-General, was that we establish a central criminal court for Winnipeg at which all criminal cases would be tried, even the assizes. At that time the then Attorney-General suggested that that was a matter for Metro, but I see that the suggestion is being acted upon now and I think it's a good idea. I would like to see that building large enough to take care of all criminal cases whether they be by way of the assizes or the county court judges criminal courts, but be used

(MR. HILLHOUSE cont'd).....exclusively for criminal matters.

There is one matter that I haven't dealt with at all, and that is the question of bailiffs. Now I am not referring to bailiffs of the county court or sherriff's officers, but I am referring to people who advertise themselves as bailiffs to do extra judicial work. I believe that in the City of Winnipeg they do license bailiffs; and I do believe too in the City of Winnipeg that that bailiff is bonded; but my understanding is that the bond is only to protect the City of Winnipeg against any action of the bailiff by reason of the fact that that bailiff has been licensed by the city. But in the Province of Manitoba we have no law dealing with bailiffs at all and in this day and age there's a tremendous number of extra-judicial seizures. There's distresses for rent, there are seizures under conditional sales contract and everything else. Now we are at the mercy of these people today and I think that it would be time and opportune for the government to look into the question of enacting some Act to deal with bailiffs, setting out their power, setting out their duties and setting out their obligations. I think too that bailiffs should be licensed and I think it should be a provincial license.

There's another matter too Mr. Chairman, which I think is worthy of mention and that is the number of private investigators that are doing business now in the City of Winnipeg. I believe too that these private investigators are licensed by the city and whether or no they are bonded I don't know; but I think it would be worthwhile for the Attorney-General's department to look into the question of these investigators. These investigators are mostly used in divorce actions. I think too that it would be a good idea to set up a code or rules to govern their conduct and that they be licensed provincially and bonded provincially.

MR. HRYHORCZUK: Mr. Chairman, the Minister in answering my plea yesterday for a program for the prevention of juvenile delinquency said more or less that he didn't think it was his responsibility or the responsibility of his department to start such a program. He didn't say, or he admitted it was probably the responsibility of the government. Well I don't consider that answer sufficient, Mr. Chairman. In fact, I think it's only a half answer if it is even that much. Simply because he's already involved whether he likes it or not; and all I have to do is refer to an article or two out of many that have appeared in the press in the last year to show how he is involved. I have before me here Mr. Chairman a clipping from the Free Press for March 5 of '65 which is very recent and the heading is: "Is Detention Only Answer", and I'm going to quote certain excerpts from this particular article because I think it shows how the Honourable Minister becomes involved in the prevention. And I quote.

MR. McLEAN:member identify the author of the article if it is given.

MR. HRYHORCZUK: Yes, the author is given. It's by Wally Dennison and I quote Mr. Chairman, "The juvenile detention home is serving as a substitute for many youth facilities this province should but does not have. The home is a catch-all for boys and girls of all descriptions and circumstances. There are boys from other cities picked up by the police as transients, escapees from the Manitoba Home for Boys who require much greater security measures than those provided, and youths awaiting transfer to adult court and probably sentenced to Headingley Jail.

"There are mentally and emotionally disturbed children, some so severely handicapped as to require long-term treatment in the Childrens' Psychiatric Hospital which Manitoba does not have. Thrown together all these children make an explosive mixture, danger which high Manitoba government officials apparently feel little inclined to consider, despite the fact the government announced plans for a new centre. Detention, even if it is only for overnight, may contribute to delinquency by confining some children unnecessarily. Placed with others who have violated the law, such youngsters who have already played a delinquent role are given additional delinquency status so there's always the chance that the more naive youth soon will learn from the more worldlywise the ladder to delinquent stature, how to shoplift, how to steal an auto and any number of other schemes. The young boys, ridiculous as it was, had to be placed in an isolated setting in the girls' section because of lack of facilities."

Then in an article that appeared in the Winnipeg Tribune on February 23rd of this year, I quote the following, and this article refers to the Vaughan Street Detention Home: "They are classified as neglected children, not as juvenile delinquents," and here the article speaks about boys and girls that are not picked up as delinquents but are wards I believe of the Childrens Aid Society. "They are classified as neglected children, not as juvenile delinquents, yet for more than a week they have been sharing meals, recreation and sleeping accommodation with delinquent children. These cases are not exceptional. Detention Home Superintendent Douglas

(MR. HRYHORCZUK cont'd). Duffy says there are always three or four neglected children living in the home with the delinquents."

Now Mr. Chairman, whether the Honourable the Attorney-General wants to take the responsibility for these children or not is entirely his -- up to him whether he wants to but I want to but I want to say this to him, here is a situation that if it was brought about by any private individual he would be found guilty of a crime, by keeping these kind of children together in confined quarters, and if for no other reason than that it comes within the orbit of his department. Whether it is in his department or not, there are other jurisdictions in the Dominion of Canada and elsewhere where these type of children and this type of work, of looking after juvenile delinquency and probation and parole and so forth fall within the Department of Welfare. There may be some conflict within his own department as to the responsibilities of the various branches but I say to him if he feels that the children do not fall within his responsibility then I say to him that he use every effort he can to have the government realize the responsibility and no matter what department it is put into or no matter what combination of departments, that something be done about it.

Now Mr. Chairman, here is an opinion expressed in an article in the Free Press of August 23rd, 1964, made by Magistrate Rice and I want to say Mr. Chairman that I have the highest of regard in respect for this gentleman's opinions. And what has he got to say? And I'm going to quote from this article because I think it is to the point and very important and I quote: "The soft approach that has been practised during the last ten years has failed, he said citing statistics to show that the incidence of juvenile offenders has tripled in ten years, pointing out that 80 percent of criminals who have served jail terms return to penal institutions. The magistrate said, 'the community has gone overboard to make life as comfortable and pleasant for the criminal with expensive recreation and other facilities in prison at a rising cost that has been estimated at \$2,500 per year per inmate'."

Now the next quotation is the one that applies directly to the question that we are discussing, and I quote: "The result has been an increase in the inmates of penal institutions he added. The time to reach the offender or potential offender was before he ever appeared in court for punishment." And that is the point I have been trying to make in this House over the years and I do hope that the Honourable the Attorney-General, whether he considers this a part of his departmental responsibilities or not, take the matter into consideration seriously, gives the idea his support and makes the government realize that they are responsible immaterial of what particular department it happens to be.

MR. KEITH ALEXANDER (Roblin): . . . Honourable Member from Ethelbert Plains is trying to give a little too much responsibility to government for conditions of society as a whole, and trying to make the government just a little too much responsible in this particular field, particularly when he's trying to say that we should be responsible for those conditions in society which will prevent crimes from taking place and particularly in the field of juvenile delinquency, because these crimes and juvenile delinquency I feel represent an attitude and an approach to life on the part of these people, of these young people. It's an unfortunate situation, but I don't think it should be something that should be the concern of the government to prevent. I think the challenge should be far broader than that. I don't even think that government action in this situation will bring about the results that would ameliorate this situation. It is a social sickness today. It's a complete social problem across all social spectrums and I don't think that the ex-minister can properly say that this should be the responsibility of government. I don't think this can be cured from the top, it has to be cured from the bottom, it has to be cured from society itself. I think that this is a challenge to society, it's a challenge to our social institutions, it's a great challenge I feel to our churches particularly to work with these people to try and give them values in life, to try and make counselling services available to them which can try and help them out, to try and give them worthwhile lives and values where they can build worthwhile lives upon, and this is the place I feel that a permanent solution can be made.

Now the honourable member made a point when he talked about the conditions that are available after these people have run afoul of the law, laws that have been legislated to protect society from the irresponsible actions of these people and I will agree with him that these first offenders and these youthful offenders are a special problem because of their outlook on life, because of the fact that they are still in the moulding stage so to speak and therefore they are more susceptible to counselling, they are more susceptible to the treatment they get after the very symptoms of their disease have brought them into contact with the criminal element, so to speak.

(MR. ALEXANDER cont'd)

And this is where I'd like to compliment the present government for finally putting more money into this situation of trying to provide more planned facilities available to segregate these young people, to keep them away from the very senior and habitual criminal, keep them away from this atmosphere, get them into an atmosphere whereby they can learn a trade, where they can be worked with, where they can be counselled, where they can be approached, where they can feel that somebody is concerned with them, somebody is trying to work with them. And I think that this government is realizing this and is prepared and is providing more money in the estimates, this year's estimates, to provide these type of facility. It might not be as much as the honourable member wants, but unfortunately we still have to get this money to use it for this purpose. And I think it's a very worthwhile purpose. But I feel the government should be commended to be providing facilities whereby these people can be kept separate from the more hardened criminal and can be given the type of treatment that is needed to make them worthwhile citizens of the province, but the basic problem for prevention, the basic problem for the conditions which are bringing about this disease of juvenile delinquency, rests in society itself; it doesn't rest in the government.

MR. HRYHORCZUK: Mr. Chairman, it's quite easy to say that the society is to blame for the situation that we find ourselves in today. The point is that our organizations such as churches, service clubs, our big brother movement in Ontario --which hasn't been established in Manitoba as far as I know-- and many others, realize this problem and are doing something to combat it but there has to be an agency that would co-ordinate all this effort. There has to be someone, somebody that could go out and take the leadership. As I said the other day, all these clubs and organizations and the churches would give wholehearted support in every respect to an attempt to co-ordinate these services and the only body that could do this is this government, immaterial of which department undertakes it. There is no question the government itself will not be able to solve the problem, but with the assistance of all the service clubs and all the church organizations and many others that are interested in this problem, I think with the leadership provided by this government would make a big difference, and that is what we're asking for.

MR. CHAIRMAN: The Honourable Member for St. Boniface.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Chairman, there is a matter that I consider quite important. I'd like to bring it up at this time. For a number of years now many people have asked themselves if the public confidence enjoyed by members of the law profession was justified. If this doubt is allowed to remain or to increase I think that it certainly will not create a healthy situation. I think that it is imperative that under this democratic form of government all the lawyers, and I repeat all lawyers, should enjoy the full confidence of the public.

Mr. Chairman, I need not apologize for bringing in this matter today and I don't intend to. The greatest majority of lawyers, I'm sure, are very honest and conscientious, and I'm sure that they will agree with me at least in principle. This is not a blanket accusation, of course, that I am making against the law profession, but I think that the Law Society should take proper steps to assure public protection. The recent prosecutions, convictions, of certain lawyers, as well as the findings of the Tallin Commission would seem to indicate that the Law Society would do well to review many of its policies. It seems to me that the Attorney-General could make the Law Society aware of the anxiety of the members of this committee. The law makers of this province owe it to the public to see that the unscrupulous and dishonest people, be they businessmen, salesmen, professionals, what-have-you, that they not be allowed to take an unfair advantage of the citizens of this province. I would expect that the Attorney-General would assure this committee that this matter will be looked into immediately, and that proposed legislation will be brought in at the next session if not this session. I for one would prefer that the Law Society, in conjunction with the Department of the Attorney-General, would houseclean, but if this isn't done, I can promise this committee that I will bring this matter back next year, probably in the form of resolution or bill.

Mr. Chairman, to give you an example of what I'm driving at, what I'm talking about, I would like to quote from the report of the Tallin Commission, just read a few paragraphs here: "That the evidence in several cases was the attendance at the solicitor's office lasted approximately half an hour, during which time all the documents and the necessary supporting affidavits were signed and executed. In some instances, the attendance was in late afternoon or evening with a solicitor according to the borrower's evidence, appeared to be in a hurry to go home,

(MR. DESJARDINS cont'd)..... though in some cases the borrower stated either that he had read or had had read to him portions of the documents he signed, it appeared to the commission that in almost all cases, if not in every case investigated, the borrower signed the documents with only the vaguest understanding of their meaning and in the belief that the lender and his solicitor were acting in accordance with normally accepted business procedure in such transaction and in accordance what he understood he had agreed to. Indeed in one instance where the borrower did suggest that he would get independent advice, the counter suggestion was at once made that the cost would be increased. Whenever a solicitor acts for both the borrower and the lender, and it happens, it often would be the case that their interests are in conflict. The solicitor is at once in the position that he cannot properly advise one of his so-called clients without adversely affecting the other. It is certainly not sufficient for him to say that in a few minutes he explained to the borrower the nature of his transactions."

I could read some more. I think that the committee knows what I have in mind and what I mean. There are --an example of some of the complaints that we hear the public saying lately-- that the same lawyer should not act for both the borrower and the lender in the same transaction, and the Tallin Commission also advise that --this is one of their recommendations: No solicitor should act for both the lender and the borrower in any mortgage transaction in which the real cost of the loan to the borrower is in the excess of 10 percent. Then I think that the same should apply that lawyers should not act for both parties in any controversial cases, and this is being done quite often. Now, some lawyers --this is another complaint-- I think that some lawyers are too active as real estate agents, it would seem. I feel --another thing-- that they should not be allowed to transfer a client's money to their own personal account or use the money for personal purposes. Now I know that the Law Society frowns on this but I think it was one of the reports that I read, the lawyer was accused of doing this, and his own solicitor felt that this was not a criminal case anyway.

I think that the lawyer should be required to accept a little more responsibility. They should be held responsible if the clients are injured because of their negligence. It seems that in nearly every other field this is the case, but there's no such thing, there's no guarantee, there's nobody that's liable if a lawyer makes a mistake. And mind you I think that often the fees for the legal services certainly warrant that this should be done. For instance, on the sale of a property or something, if it's a small property --I think it's all on a percentage, and the answer is that, "Well, the reason for this is that it's a bigger responsibility", but it seems that in many cases the lawyers don't take any responsibilities at all. And the ordinary persons don't know all the forms that are required. They go out there, they'll have to sign their names three or four times or ten times, and that's it, and if something goes wrong, they're the ones that are responsible. Maybe this is something that might happen, but I think that they should be a little more protection for the people. I think that, another thing also Mr. Chairman, that the lawyer should be bonded. I think that we have an example of what happened in the Gingera case. For one thing, I think that the people certainly should have some kind of a protection.

And another case, it seems to me that it should be compulsory for lawyers to report any of their colleagues who are obviously involved in dishonest and unethical practices. I know, in the same case, this Gingera, that some lawyer told me himself that probably it's our fault, practically everybody knew what was going on. Now, it is true I admire the lawyers who are formed in such a closely knit organization, but I think that sometimes they should remember that their loyalty also should be towards their clients and not just towards their own colleagues.

By my remarks today, Mr. Chairman, I only would like to see the members of the Law Society be aware that they can not be complacent any more. I think that it's unfortunate --it's a very small percentage of lawyers who are guilty, I would say. I think that some of the ethics of the profession should be changed. I think that it is wrong. There's enough lawyers, my gosh, not to have them represent both sides of the story; I'll never go for that, and I think that certain things-- I think it is time that we do, the Law Society, and the Attorney-General's Department, look into this and replace the confidence --I shouldn't say replace-- most of the people will still have an awful lot of confidence in their solicitors, but there are some that are giving the profession a bad name. I think we've had more examples of that this last year, and this is the only thing that I want to bring out, that I think that they should tighten up a bit and make sure that this confidence is returned.

Now there's another thing that might be --it might sound quite trivial-- but I think that the poor people that are caught in this certainly don't feel that it's such a minor thing. I'm going to read just a very short report, or a write-up that appeared in the Free Press of January

(MR. DESJARDINS cont'd). 28, '65: "Accident Report Corrected. Mrs. Erika Surenhagen 27, of 243 Ruby Street, who was killed Tuesday in a traffic accident at Ellice Avenue and Arlington Street, was the wife of Fred Surenhagen of the same address. Dieter Freese of 494 Furby Street, who was killed in the same accident, was a friend of the family. The Free Press regrets any embarrassment caused to Mr. Surenhagen in the early report published Wednesday, which erroneously described Mrs. Surenhagen as Mr. Freese's girl friend." Now, I know that this wasn't done purposely, but one night you read big headings on the first page, that such and such a man was killed and he was accompanied by his girl friend; and this is an example, there might be a wife at home, there might be some children --this stays with the people, it's on the first page, and three nights after you'll see on page 52:-- if it's a Saturday, I think there are that many pages-- and there's a little correction. Now, I am not blaming anybody. I know that we must have the freedom of the press, but I think that too often there's over-eager reporters who might find a story and they don't check their facts. I think that they get carried away sometimes with this freedom of the press, and I think that in all common decency something should be done. I don't know --the Attorney-General probably will tell me this is none of his business, but I think that anything that might improve conditions here, I think it's his business, and I would like to see him at least to have some kind of a discussion, or talk or meeting with the publishers of the newspapers to see if anything could be done on this. I'm sure that he would receive complete co-operation from the publishers. These things are accidents, no doubt, but these people are already suffering enough without adding this to their sufferings, and this is something that they might never live down, something that might be difficult to explain.

Now, while I'm on my feet, I'd like to leave th's question with the Attorney-General. Would he settle this business of Remembrance Day, November 11th, where the beer parlors and the beverage rooms and so on are closed, except the Legions get --they'll get permits and beer, and every year there's contention-- beer is being sold. I think that the officers of the union themselves agree that this is wrong, and I think that something should be done soon. I couldn't care less what happens on that day --I'm talking about the beer parlors remaining open or closed-- but I think that we should make up our mind. If they're going to be closed, there's a reason for that, it's out of respect, and I think you might as well close everything. I'm not advocating this, I would like to see done-- I think Ontario it's not a civic holiday, and everybody is open, but I don't think that it's fair for a group to ask for a civic holiday to see that the beer parlors and beverage rooms are closed, and then to peddle beer themselves; so I hope the Attorney-General will look into this and to arrive at some solution for this coming year.

Now there's another thing, talking about Land Titles Office, I would like to leave this thought with them, a slight reminder. I think it's important enough. I wonder if it would be possible to have at least one person that understands or speaks the French language. I have no experience with the Land Titles Office, but some lawyers have told me that if there's a will, the will is accepted, the will is registered, but then they have it sent back to them for translation, and I wonder, and I imagine there's a lot of other times when there's certain information being asked, but I wonder --at one time apparently, this was done but these people now, people that understood enough French to get by, apparently this is done by some other people now. I think they've gone up to higher positions. And the same case happens also in the Surrogate court. This has been transferred lately, and all the French towns in the Red River Valley, I might say around 75, all on this side of the river, St. Jean Baptiste and Letellier and all those places. I think it's the same thing that again there's nobody that understands in those courts, nobody that understands the French, and they have a lot of trouble with these Wills, so I wonder if the Attorney-General could look into that, and if at all possible, remedy the situation.

MR. SCHREYER: Mr. Chairman, the last comment made by the member for St. Boniface raises an interesting question. The Honourable Member for St. Boniface tells us that the Surrogate Court which used to have, through the county court, have a centre out at St. Pierre I believe, has now been transferred to Winnipeg and that this raises a problem having to do with language. On that very point Mr. Chairman, I would like to ask the Attorney-General whether he has concluded his investigation which I understand he undertook regarding the possibility of restoring to the three or four centres in the province, the county court centres that were removed last January. I believe that the Attorney-General is well aware that the report of the Judicial Boundaries Commission recommended that the number of county courts,

(MR. SCHREYER cont'd).....and therefore I presume surrogate courts, should be reduced from 63 to 22 and it is my understanding that they reduced it much beyond and reduced it in fact to 14. So then it means that the Attorney-General's department and the cabinet in effect have over-reduced by eight. That is to say they have reduced eight more centres than was recommended by the Judicial Boundaries Commission.

It is my understanding from what is told me by the Honourable Member for Springfield that the Attorney-General has agreed to investigate this thoroughly. He did so presumably some few weeks ago. Does the Attorney-General have anything to report on that score? If he is not yet ready to report on that I would ask him at least this --what were the eight centres that were removed, over and above what the Judicial Boundaries Commission recommended? I know that Beausejour is one. I believe St. Pierre centre is another. Now there must be six more. I would ask the Attorney-General for that information at least.

I would also like to bring to the attention of the Attorney-General some information I have regarding the bail system as it operates at least here in the Metropolitan area. I speak from personal involvement, not that I had to be bailed out but that I did go to attempt to bail someone out and I discovered to my surprise that if someone is apprehended and brought into custody sometime after midnight that no court officer will, J. P. I presume, will come down to magistrates court or to the law courts to set bail. And this struck me rather strange. I am informed by my colleague who knows much about these things that he always took it for granted that there was someone on 24-hour call. That is to say that they worked in shifts or however, so that at any time of day bail could be arranged for. Apparently this is not so and I speak from personal experience.

Secondly, in connection with bail and the bail system, it is my understanding, and I have some experience in this regard as well, that in the rural centres a justice of the peace will conduct his duties, his functions, without setting any kind of fee for what he does -- at least some of them do-- whereas here in the Metropolitan area an officer who has the authority to set bail charges a ten dollar fee, it doesn't matter if it's five, ten, or fifteen and I'm wondering if this is strictly in accordance with what is proper. It's my understanding that his function or his service is paid for and he does not make any extra money by way of assessing a \$10 or \$5 fee for setting bail, etcetera.

I was also interested to hear the remarks of the Honourable Member for Roblin talking about the grave social problems that are confronting not just us in Manitoba but all of Canadian and North American society and I just want to say in that regard that if he is very grateful and very much impressed with this government's record in terms of providing for better and bigger detention home facilities, etcetera then he is very easily pleased because thus far there has been very little improvement. I know that the Attorney-General has made some announcement to the effect that a new detention home facility will be built sometime hence, sometime in the future but it's being given relatively little or low priority but that's not really the point that I wanted to make Mr. Chairman. The point I wanted to make is that not only are we providing inadequate care and detention facilities for the young offenders and the first offenders; more than that we are keeping in detention homes along with offenders sub-teen non-offenders. I know that this aspect of it, the non-offencer aspect does not come properly under the Attorney-General's Department but I would like him to explain how is it possible for young sub-teen or young teen non-offenders, boys awaiting foster home placement, how is it possible for them to be placed in Vaughan Street which I happen to know is a fact? It may not happen relatively frequently but it does happen, not infrequently. Surely there must be some explanation. Is it that we are so miserably short of receiving home facilities where these young boys and girls awaiting foster home placement could be accommodated? If this is the fact Mr. Chairman, it certainly is something that we should be ashamed of.

MR. SAUL CHERNIACK, Q.C. (St. John's): Mr. Chairman, before the Honourable Minister deals with what has been said I would like to add something on the question of bail. But first I would like to thank the Honourable Minister for his fairly full answer this afternoon to what was said before and also I would like to express a note of agreement and appreciation for the speech where he quoted himself, I think from December tenth, I think it was, address. I think it was well put then and it was well worth repeating and I certainly welcome what was said and compliment the Minister on it. However, I do want to suggest to him that the attitude expressed today on the question of bail is still somewhat backward in terms of the realities of today. He stated rightly that the purpose --and we agreed with this, I think he almost quoted me in saying that the purpose of bail is to ensure the return of the accused to trial at the proper

(MR. CHERNIACK cont'd)..... time and place but he seems to accept the idea, or may I say the outdated idea, that the way to be sure that a person will come back is to put him into the custody of sureties. Well that day is long gone by, the time when two neighbours would stand surety for a person accused and observe his daily attendances at home and elsewhere, would know exactly where he is every day so that at a moment's notice they will be able to find him. That day is gone, and today the purpose of bail is to make sure that he has a feeling of loyalty to the people who have gone surety for him to make sure that he will not jeopardize their material security by skipping out, and to that extent as the Honourable Minister said their material security is in this case usually looked for in terms of real property and as he said, well they are not made to stand trial in place of the disappearing accused but their property is available to be taken by the Crown. Well I don't know now that there's much difference between property and cash bail because it's still money and it's still somebody's money and it is still in jeopardy and therefore I see no sense really in distinguishing between real property bail and cash bail or bonds or any other form of security.

The Honourable Minister referred to the fact that elsewhere in this country they are looking at this question and I sometimes wonder whether it wouldn't have been a good deal to release a man on \$25,000 bail and look for him later than to just look for him without getting the money to finance the search. However, the point made earlier by the Honourable Minister relating to his desire not to interfere with the judiciary, and one with which I agree, did not I think actually cover the subject. It is true that the judiciary fixes the bail but I think it is equally true that recommendations are made to the judiciary on the amount of bail and these recommendations are made either by Crown Attorneys or I think in some cases by the police. And I think too that there is a sort of a loose scale which is followed where people around the courthouse generally know the type of bail that is likely to be set for a type of offence and I think that that is not justice really to apply a loose form of tariff or to say now, as the Honourable Minister said he doesn't want to interfere with the magistrate. I'm not suggesting that the Attorney-General instruct a magistrate or even advise a magistrate on what bail ought to be but I do think that the Attorney-General has to make sure that the people in his department have a conscious review in their own mind of the type of bail that's needed in any particular case, not related necessarily to the charge but rather related to the person, the involvement of the person, and the likelihood of that person's returning to the trial. I would like to know whether experience has shown that lessening the obligations imposed by bail requirements have really created a problem as far as persons returning to their trial. But not only this question concerns me but the attitude of the Crown Attorneys and what I dealt with earlier, the pre-trial preparation insofar as the accused is concerned. I mentioned that there are occasions apparently when police are given the responsibility of setting a matter down for hearing, of informing the justice of the peace or the magistrate as to the nature of the offence and the surrounding circumstances and I think that if that is the case and if it is necessary in the outlying areas that this be so; that the Attorney-General should make clear just what it is that the police function ends and the Crown Attorney's function starts in the prosecution of a trial. I think it is important that it be clearly demonstrated what the rights of the accused are and just what he is entitled to do in relation to charges into investigations.

Recently I read that in California there is a great deal of consternation in the Attorney-General's department there because of the fact that the court of appeal, I think it was, of the Supreme Court of California said that every accused should be told that he is entitled to have a lawyer and the Attorney-General's department there thought that he'd rather not have to tell him that, let him know it himself but if he were told that then he was afraid that many confessions that are now obtained could not be obtained quite so easily. Well I do think that the accused is entitled to know things like what bail he is entitled to have. I don't think he has to make demands to find out; I think he should be told bail requirements, I think he should certainly be told what the charge is, what the possible penalties are and asked directly whether or not he wishes to have a lawyer and whether or not he has one he wishes to call. And I'm saying that because I have grave doubts as to whether this is done. I think it's just assumed that a person accused probably knows that he doesn't have to answer questions and probably knows that he is entitled to have a lawyer, but I think great consideration ought to be given as to whether or not he ought to be told that.

I think too that what the Honourable Attorney-General said earlier today in relation to the one specific case I mentioned where I quoted from a transcript, that he had expressed his point of view in that respect and I don't want him to express it out loud, but I think too the Attorney-

(MR. CHERNIACK cont'd).....General ought to assure us that there is a sort of an in-service training going on in his department where Crown counsel are taught what their point of view is. And since I'm about to close and since I can't help but try to end with a succinct statement of the problem that I'm discussing, I would like to quote from an article written by a Winnipeg lawyer, Keith Turner, when he wrote his Master's thesis at Harvard, dealing with the subject of the role of the Crown counsel and he quoted there from Chief Justice Kerwin in a recent Canadian case that Crown counsel exceeds his duty when he expresses by inflammatory or vindictive language his own personal opinion that the accused is guilty and he later quotes the former Attorney-General of the United States, Robert H. Jackson, when he says that in the truest sense of the term the Crown never wins or loses a criminal case and Attorney-General Jackson said, "Although the government technically loses its case it has really won, if justice has been done. It would be more accurate to say that the government in criminal prosecutions neither wins nor loses technically, really or otherwise." And I think that this ought to be repeated every so often both to Crown Attorneys and to the people who are brought in contact with the courts and especially the police courts, so that they are aware of the fact that it is the Crown's duty to present all the facts but it is also the Crown's duty to see to it that justice is done regardless of who actually wins or loses a trial.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. J. M. FROESE (Rhineland): Mr. Chairman, I have just a few remarks to make at this point. I happened to miss some of the answers given on yesterday's questions. However some of the matters that I would like to touch on are --one has to do with the matter of bankruptcies. I know this is a federal statute and that this involves federal law, but recently I attended a meeting in Ontario and there the people were quite concerned about the number of personal bankruptcies that were happening in their province. I don't know just what the case is here in Manitoba, but from what I gathered we should have stronger deterrents for people who declare these personal bankruptcies and this could well be done and make it more difficult for people to get their discharges and I think people would think twice before they did go into receivership because too many people are losing money and also confidence in this way.

The Honourable Member for St. Boniface brought in this Gingera case. Well here a large amount of money was involved and people are losing money in this way. Are these --the lawyers that handle these funds in this case, don't they have to be bonded? And I think this is something that we should consider. While I know most lawyers are very conscientious and I have full confidence in them, some of these are my very best friends, yet I feel that this is a matter that should be looked into.

Yesterday the point was raised by the Honourable Member for St. John's I think in connection with car accidents and so on. Would it not be wise to have some kind of manual put out by the government as to procedures, in case people run into accidents, the procedure they should follow? I think this could be very helpful and would be appreciated by the public.

MR. DOUGLAS L. CAMPBELL (Lakeside): Mr. Chairman, it's been my experience in the House through the years that the discussion on the Attorney-General's estimates usually attracts the majority of the discussion from those members of the House who are legally trained and I suppose that's as it would be expected. But I think it is a good idea that once in a while some of we lay people should give our point of view as well, and it's probably interesting to note that the opinions of the lay people differ just as greatly I think as the opinions expressed by the lawyers and they are notorious of course for having differing opinions. Yes, that's right. That's part of their stock-in-trade. And I must say that I for one am in disagreement with the approach that has been taken by some of the lay people who have spoken here and some of the lawyers as well. I suppose the most conspicuous example would be the differing point of view from which the Honourable Member for Inkster and I usually approach a subject of this kind, but he's not alone in this because I think his colleague from St. John's seems to me to take very much the same view, and indeed I think I must say that it seems to me that most of the ones who have spoken including my own colleagues, seem to argue from the position that you must be doing more and more and more to protect and understand and consider the position of the accused. And I always feel that we should --somebody should say something here for the position of the victims of the accused because I think that a thing that we need to remember in this House is that one of the high penalties that we're paying these times is the cost of crime, not only to the ones who are the criminals, but the cost of crime to society in general. And it's all very well to talk about the accused, and I'm all for seeing to it that he gets a fair deal in every way, but when doing that let's not forget about the position of the other folks as well and I have been

(MR. CAMPBELL cont'd)..... critical in this House as well, and I still am, of the fact that a good many of our sentences in my opinion are very inadequate. I brought to the attention of the House a couple of years ago a series of cases where I thought that the sentences that were meted out simply didn't come close to meeting the situation. I don't intend to review those now, but I do call to the attention of the Attorney-General the fact that fairly recently we have had the spectacle of the Mayor of this city criticizing sentences that were handed out and in this case naming the magistrate.

Now when I had some remarks to make about the same magistrate a couple of years ago, maybe it was a year ago, I didn't name the particular individual but I'm sure that the most of people realized the man about whom I was talking. My criticism at that time was against the fact that he was a part-time magistrate or, in other words, that he was allowed to engage in private practice, and I have previously in this House corrected a report that appeared in the papers because the papers said that my criticism on that occasion was that being allowed to engage in private practice and being a magistrate that it gave him the opportunity, gave him an advantage in the securing of clients. I said no such thing at all. I had no intention of saying that. I intended to say, tried to say, that what I objected to was the principle, I don't think a man should be both a practitioner and magistrate because in certain circumstances he could be both judge and jury and defendant and prosecutor. That's what I said that I felt was wrong and of course at the time I made some criticism of the leniency of his sentences.

Now I observe that the most of the learned gentlemen who speak here are very careful to not name names and to not discuss the particular cases that they're talking about. I don't see any reason why we shouldn't name names and especially when the press have already given full coverage to these stories. I observed -- I gathered when my honourable friend from St. John's was speaking, that he was dealing with the Carver case. The Carver case has just recently had its appeal and I suppose that there's no objection at all to discussing it in this House now. It's not before the courts. The decision has been given and I think the Carver case is an example of the kind of thing that I was talking about a little while ago where the attention that was focused upon the position of the accused, and the fact that the accused must get every consideration, entirely diverted attention, or diverted it to the extent that it shouldn't have been diverted from the crime which had been committed as I read the papers on this particular case. There was so much attention, especially when the retrial came up, so much attention paid to the fact that someone was arguing that the accused hadn't had the opportunity to consider the plea that had been put in -- in this case of course there were two accused -- and the type of criticism that the Honourable Member for St. John's was giving in the House here, -- if that's the case he was talking about, I assume it was -- that attention was diverted at that time I think to the detriment of the administration of justice from what had been done; and I think the public should be reminded that a group, a big group of children, one of them a baby and very ill, had been left alone, or left in -- a great many of the children -- they weren't alone, but they'd been left without the care of an adult for hours and hours and hours by both parents, and in the case of the mother for a week or thereabouts, and this, this is something that in my opinion is deserving of mighty serious censure.

As far as I could read the papers, I could not find it in my heart to criticize the very stringent remarks that were made by the magistrate in that case, or for that matter the Crown Attorney either, because here was the situation: they had before them a pair of people that had done this terrible thing; they had gone bar-hopping and appeared to have little or no concern about the crime that they had committed; and when people are talking about strict independence of the courts and the judiciary, and when the honourable members of this House -- and I think we have a perfect right to talk about them -- but when the Honourable Member for St. John's uses the terms that he does of criticizing what the magistrate has said on that occasion, and to some extent the Crown Attorney as well, then perhaps he is interfering with the position of the magistrate, because this is the prerogative of the magistrate or the judge in his court to follow the dictates of his conscience.

But I come back to this matter of sentences, and I've previously mentioned that the press reports -- and I'm reading from the Free Press of December 8, 1964 -- big headline: "Juba Openly Says Dubiensi Erred in Court". In this particular article the story is told, and I'm more than happy to read it if somebody wants me to do so, of how Alderman Lloyd Stinson is very critical of the Attorney-General for not, as he says, defending the independence of the court. But the point I wanted to make particularly was this, and I'm reading from the body of this report, "On Monday night's debate, the Mayor blasted the sentences the magistrate

(MR. CAMPBELL cont'd).....had given in the case of a man who sexually molested his own daughter. He claimed that Magistrate Dubiensi's verdict was that the father 'is not a menace to the public, only to his own family'."

There's much more that could be read here, but I mention that only as an instance of where I think that somebody has a right to be critical of the sentences that are handed out, and for people to be all the time arguing about the accused not being given proper consideration, my personal view is that there are many cases where the accused is given more than enough consideration and where the victims of the accused are not given the consideration that they deserve.

Now who are the victims in the Carver case? That whole bunch of children, the big group of them there with no-one to look after them except a fifteen year old boy in charge, and a sick baby, and I think it is commendable that the --I don't know what branch you call it of the General Hospital-- the Home Care or some such branch of the General Hospital was giving attention there, was going there, sending a nurse there, sometimes daily and frequently or for some time twice a week or something of that kind. I think that's very commendable, and I think it's commendable of the action that the police were taking in keeping in touch, in keeping in touch throughout a day or two with the family following reports that the parents were away. I wouldn't be the least bit surprised at the fact that the Crown Attorney and the magistrate were critical of some of the welfare agencies or any of the welfare agencies if they had not, having known of that case, been giving some such assistance as both the Winnipeg General Hospital and the Winnipeg City Police were doing.

That brings me again to the re-trial of the Carver case, and may I mention in passing, Mr. Chairman, that I think it's worthy of note for all of we folk who are talking about the accused in cases of this kind --it's worthy of note that an item appeared in the Tribune of March 13, 1965, pointing out that Mr. and Mrs. Clifford Carver of 39 St. Andrew Street were arrested Friday and charged with being drunk on the street, and this was while they were awaiting their re-trial after having been released from jail after the appeal had gone in.

If there was ever a case of where in my opinion the administration of justice was interfered with and where the independence of the court was prejudiced, it was in both the newspaper handling and the Attorney-General's handling of this particular case, because look at the newspaper heading of --this one from the Winnipeg Tribune of Monday, January 11, 1965. Look at the headline: "Public Blamed for Carvers". Big headline. And then the next heading: "Welfare Minister and the CAS head Hit Out". And here's what was said --this was at the time of the trial of which my honourable friend from St. John's had spoken --just after the trial, I gather by the press clipping. Here's what it says: "A tight-fisted and careless society is primarily to blame for the imprisonment of Mr. and Mrs. Clifford Carver for neglect of their twelve children, both the Children's Aid Society and the Provincial Welfare Department charged today." "A tight-fisted and careless society. They're the ones that are to blame, not these people that were out bar-hopping along Main Street. They weren't to blame --no sir. "A tight-fisted and careless society is primarily to blame for the imprisonment of Mr. and Mrs. Clifford Carver for neglect of their twelve children, both the Children's Aid Society and the Provincial Welfare Department charged today."

And what does it say? " 'We are living in a sick society' said Welfare Minister J.B. Carroll." And then again in quotes, "A situation like the Carvers is not the responsibility of the CAS." For anyone who doesn't get the initials, that's Children's Aid Society. "What happens to any man with a Grade 3 education who can't get employment? He gets demoralized. We desperately need resources', claimed CAS Executive Director, Asta Eggertson." All of this kind --all of this kind of propaganda was being fed out to the public ready for the re-trial that was coming up, and when we're told by the Children's Aid Society that we desperately need resources, and by the Minister that we're living in a sick society, I just took the trouble to look up what has been the record of the resources that have been furnished here in recent years. If you go back to 1949, and that's a long time ago, on social assistance alone, what was listed as social assistance at that time and which I think would cover the various Children's Aid Societies, there was \$240,000.00. By 1959, the estimates of 1959, that had grown to \$1,305,000.00.

Now I'd like to be able to tell you exactly what it is now, but I can't tell you exactly because it is now grouped with Mother's Allowances, and so to get any kind of an accurate estimate at all I would have to go back and group the two. In 1949 Social Assistance was getting \$240,000 and Mother's Allowances were \$585,000.00. That would be approximately \$825,000

(MR. CAMPBELL cont'd).for the two --and I group them only because they're grouped now in the estimates. I don't think they should be, and I would like to ask the honourable minister when the time comes to give us the breakdown of those figures, because my guess is that the major part of the increase is in the Social Allowance figures rather than in the Mother's Allowance figures. But grouping them, where the Social Allowance was \$1,305,000 in 1959, the Mother's Allowance had gone to \$1,110,000, making a total for the two of \$2,415,000; and now, seven years later, now the figure is \$11,418,555, and the story is here that we desperately need resources. We've been getting the resources, Mr. Chairman, we've been getting the resources, and where's the record? What's the improvement?

The situation is as it is, and the minister is reported as saying, "we're living in a sick society", and the director is reported as saying, "we desperately need resources". Where are we getting value for these resources that have been supplied? I'm just as willing here to compare the figures of 1958-59, or 1949 if you want to, as my honourable friends from the other side are, because the resources have been provided; they are going on; and we got exactly the same arguments in 1949 that are being made here now, and my guess is --someone quoted the figures here this afternoon that there are-- what's the --ten times as many? I forget, but a great many more of these cases than there were in those days.

Oh yes, I suppose my honourable friends can still say that the trouble is that there wasn't enough done then and that that's the root of all this evil, but surely, surely a few years would have started to make a dent on this sort of thing. I must say, Mr. Chairman, that it makes me very sorry to hear people continuing to say now under these circumstances that it's because of the fact that you're not getting these resources that these conditions continue. The resources have been supplied for some years; it's the results in my opinion that are lacking.

Then I must say, and I regret to be too critical of my honourable friend the Attorney-General, but I must say that his performance in action is not on the high standard with the principles that he has enunciated. He was justly complimented by the Honourable the Member for St. John's on the spirit of the address that he gave to --was it the executive of the Bar Association -- a portion of which he read to us the other day, where he defended completely the independence of the judiciary; where he said that they must be completely independent and as far as he was concerned they would be. Those were fine sentiments. He repeated them again today and he said that he had nailed that flag to his masthead and he was going to continue to abide by it.

But my honourable friend didn't abide by it. Those were noble sentiments; that's the right principle; but he didn't abide by it in this particular case, because after the Carver case had been heard and after the sentence had been pronounced, and it was a stiff sentence of course, but don't mistake, I've made it a point to look up the act and if I caught the words right of the Honourable Member for St. John's he mentioned the same thing, there is a penalty, a maximum penalty of five years that could have been given for the neglect of children in a case of this kind.

But admitting that the one year sentence is severe, after the public outcry and after the fact that a lot of attention had been paid to this and there was newspaper publicity regarding it, did my honourable friend the Attorney-General stand up for the independence of the judiciary? Not if the press reports are correct. Not if they're correct. I'm reading now from a press article of January 19th, 1965, in the Tribune --Tribune, January 19th, 1965, and the heading here again in blazed letters, "' Don't want trial like last one,' A. G. Attorney-General Stewart McLean has directed Manitoba's chief probation officer to make certain that any pre-sentence material in the case of Mr. and Mrs. Clifford Carver be presented to county court when the appeal is heard." Mr. Chairman, that's interfering with the magistrate, or in this case the county court. It's entirely up to him whether or not he has a pre-sentence report. This is his prerogative. Nobody --nobody should tell him whether he's to have one or not.

But I go on. It tells about the Carvers being jailed, and then we come to this in quotes, "' We don't want another trial like the last one', Mr. McLean said." --and that's in quotes-- "We don't want another trial like the last one". Yes, my honourable friend is rather famous for saying that he didn't say that, but once again, once again this is in quotes. "' We don't want another trial like the last one,' Mr. McLean said, referring to his instructions to the probation officer."

Now with all respect, as the lawyers say, I say to the Attorney-General that it's none of his business whether the magistrate or the county court judge gets a pre-sentence report

(MR. CAMPBELL cont'd).....or whether he doesn't . That is part of his general discretion. If he wants one, of course he should have it; if he doesn't, he doesn't need to have it. I would suggest to my honourable friend that that is not living up to the principle that he enunciated so clearly both by word in here and by his address to the executive of the Bar Association. He doesn't live up to that when he himself criticizes, by these words, the conduct of the case that was held.

Well I wouldn't blame him, I wouldn't blame him too greatly for that because I'm a believer in the fact that we should stand up in this House and say what we think about these things; but I do blame him if he says on the one hand that he's an upholder of the principle of no interference whatever with the courts, and then gives instructions which lie entirely within their prerogative, and at the same time casts a reflection upon the conduct of the last case by saying we don't want one of that kind.

Well now, I have simply returned to my usual theme, Mr. Chairman, of saying that I think that once in a while somebody should speak out at the time that so many are speaking out for the accused, that somebody should speak up for the victims of the accused. I recognize the justice of the position that the Honourable the Attorney-General takes when he says that of course there will be mistakes made at times. Magistrates are human; judges are human; attorney-generals are human; we're all human; we can all make mistakes at times. Yes I, with all the unkind things that I sometimes say about my honourable friend, I still say that he's human, and of course the point I was making here was that they could make mistakes and I would not want to exempt him from that general charge.

This isn't an easy position to handle and I know that my honourable friend has difficult problems facing him once in a while. These magistrates and these judges have difficult cases facing them once in a while, and I must say that I was not impressed by the way the press of this city, particularly the Tribune, dealt with this particular case. I think there was evidence of flamboyance in the way the arrangements were made for the re-trial, and that a lot of the publicity that was achieved through the arguing in the paper with itself and with the Clerk of the Magistrates Court and with various other people as to whether or not the transcript of the evidence should be produced in that case was unnecessary, and was not helpful toward the general administration of justice.

I think the Attorney-General might perform a useful service for this committee if he reviewed now while we're in committee the matter of availability of the transcript of evidence. I am a believer in the greatest possible publicity on all matters, and personally I can't see why it shouldn't be available to people who want it, including newspapers, but I would have thought that there could have been better ways of going about it than the Tribune took on that occasion.

Now, Mr. Chairman, I had a couple of other matters that I was going to mention, but I see that it's practically 5:30 and I wouldn't be able to complete them at that time, so perhaps I shall serve the committee best by simply mentioning them and then if I get an opportunity to bring them up later I will, and if I don't, I won't. I apologize for this question coming up at this time because I was quite determined to wait until the proper place in the estimates. I wanted to wait for the item Administration of Justice before I brought this up, but so much had been said, so many points had been raised in connection with the conduct of cases and with other matters, that I felt that if I was going to contribute my own modest little contribution to the discussion that I'd better do it now.

In the remaining two minutes, perhaps I should give my brief comment on the question of the new building that the Honourable the Attorney-General --the magistrates court that he's going to establish on the east side of Main Street. It seems to me that there again the Honourable the Attorney-General could have been much more co-operative than the press reports would indicate he was in connection with the dealing with the City of Winnipeg. I got the impression, which he may deny, and if he denies it then I'll be prepared to accept his statement on it, but I got the impression that the city had been rather encouraged to believe that either there would be some joint action taken by the city and the province or that the provincial building would be established in another place that was more suitable to the plans of the City of Winnipeg.

(MR. CAMPBELL cont'd).....

That apparently was not done and there seemed to me to be a misunderstanding, because among this group of clippings that I have here there is one that's headed something about the City Council blasts the Arts site for magistrates court or something of that purport, and it seems to me that the Honourable the Attorney-General did not extend as full co-operation to the City of Winnipeg as could have been expected under those circumstances. I thought also that the arrangement whereby it appears that the province is going to pay \$165,000, and I am sure whether that's for the total period or whether it is \$165,000 per year, was not a very prudent one. If the Honourable the Minister would set me right on those at his convenience I'd greatly appreciate it.

MR. CHAIRMAN: It is now 5:30. I will leave the Chair until 8:00 o'clock.