

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Thursday, April 1st, 1965.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. McLEAN: Mr. Chairman, perhaps I'd better cover as many points as I can that were raised this afternoon by the members, and I'll take them in the order in which the matters were raised.

The Honourable Member for Selkirk suggested, and very properly so, that the Magistrates Court building that is being planned ought to be planned for the future and I am happy to inform him that that is what we are going to try our very best to do. The plan is that the new building will be sufficiently large to provide adequate accommodation for the courts, the magistrates, the crown attorneys and everyone else who is normally associated with the work of the magistrates courts; and also planned on the basis of future expansion so that we will not find ourselves some two or three years hence with the necessity of providing additional accommodation or find ourselves short of space. It is the proposal to have conducted there all of the magistrate court matters from the Metropolitan area of Winnipeg except the City of St. Boniface. It is my hope that it will be large enough so that we may have the bulk of our staff of crown attorneys there, and indeed this is one of the things which I am looking forward to, in effect doing away with the distinction between what are now called city magistrates and city crown attorneys. We'll have a group of magistrates and a group of crown attorneys whose job will be to look after the cases and we think that that will make for a more even work load for all of the men concerned and will expedite matters and all in all make for the kind of arrangement which will fit in with our modern requirements.

I was interested in what he said about having the, in effect the assize courts and the criminal assize courts and I presume he also meant the county court criminal courts carried on there. I would have to say that we had not thought of that and it would be in my opinion doubtful that we would go that far at the present stage, but certainly all of the magistrate court matters were to be there with ample provision for adequate accommodation including libraries and interviewing rooms and places for the various police officers who have to attend, rooms for witnesses and all of the related accommodation that will be required. This, I would point out to the Honourable Member for Selkirk and the committee, Mr. Chairman, will enable us to make some important and helpful changes in the law courts building which will under those circumstances become the centre for the civil cases plus of course the assize, criminal assize and county court criminal courts. It will give us additional courtroom space and additional space for offices and other requirements of the courts. And while it does not fall within my particular sphere I can say that we plan to move from the Law Courts Building, the Municipal Board people and their offices and the Public Utilities Board -- I am not too certain whether there is still some of their folks there -- so that it will become in fact solely a court house for the purposes of the courts. It may well be because of other considerations that the Law School may be moved although I express no opinion on that, I'm not directly associated with that, but these other moves will certainly give us additional accommodation in the Law Courts Building which we will hope to make full use of. And may I say because I know that some at least of the members are interested because of their work and association that I think that the time is approaching if it hasn't already arrived when we must begin a planned renovation of the Law Courts Building. It needs to be brightened up and perhaps renovated. It's an excellent building. It has a nice location and I think that to preserve the benefit that we have from it we ought to plan as soon as we have sufficient funds and can do so the complete renovation of that building.

I noted what the honourable member said concerning bailiffs and private investigators. I think he's made a good point. I do not know whether that particular sphere comes within the area of the Department of the Attorney-General but in any event what he has suggested will certainly be taken into consideration.

I was interested, Mr. Chairman, in what the Honourable Member for St. Boniface had to say about lawyers and the Law Society. I know he didn't mean to indicate anything in the way of unkindness toward those of us who belong to the most ancient and most honourable profession, but I would remind him that the Law Society already has various protective devices both within the provisions of the Law Society Act and the Discipline Committee of the Law Society and the Benchers to protect society in general from those among the legal profession. They are very few I am happy to say who do not observe, who do not obey the laws, and those

(MR. McLEAN cont'd) who do not observe the ethical standards which the public have the right to expect, and I would not think that in that regard that any additional legislation to that which is already in existence would be required.

The members of the committee may remember that a few years ago this House approved legislation which places I think quite firm rules with regard to the keeping of trust accounts and the accounting for them and the necessity of filing an annual certificate to certify and show that the trust accounts are properly kept and the regular audits that are performed by an accountant on behalf of the law society to ensure that the rules in that regard are observed. There is the fund which protects trust accounts. There can be occasions and the Honourable the Member for St. Boniface referred to a case this afternoon in which not all of those who have suffered losses will have their losses covered by the Indemnity Fund of the Law Society simply because, I believe, they were not funds that were left in trust. That's going to be a difference of opinion in that regard on certain matters. All I want to say, however, is that those funds which are specifically left with a lawyer in trust are protected by the arrangements which are in effect through the indemnity bonding that is done and to which all of the members of the legal profession make an annual contribution.

There are some matters referred to in the Tallin Report and I may say to the honourable the member that there will be legislation proposed at this session that arises from the recommendations of the Tallin Report and in one or two respects legislation will not be possible because a certain matter has to be dealt with first, but to assure him that it is the intention to take as much action now as is possible and later as may become possible when particular matters have been considered to implement the five recommendations that have been made by the Tallin Report. I was interested in his comment that a lawyer should not act for the lender and borrower and of course that point is developed in the recommendations and in the Tallin Report. This is, of course, very sound advice and indeed is the best possible advice that one can give to a borrower under any circumstances that the borrower should always retain his or her own solicitor in order to ensure that he or she has been properly advised. On the other hand, it's a rule to which there must be important exception because it is not always possible that one can, particularly in the rural parts of the province where a second solicitor is readily available and where in most instances the solicitor who even though acting for the lender acts in a very proper way insofar as advising the borrower is concerned. I think perhaps that would be the comment with regard to lawyers and the Law Society. I think that the steps taken by the Law Society, they have shown a very real interest and concern in protecting the public and I would certainly be more than prepared to indicate to the Benchers the matters that have been discussed here today, although as I have indicated I think that most of them already can be provided for within the framework of present legislation.

He asked about Remembrance Day and I have to confess that that's always a difficulty. I share his bewilderment at what one should do and we do try, or at least the Liquor Commission endeavours as far as possible to ensure that the law is not broken with regard to Remembrance Day. I had thought and had carefully considered an amendment to The Liquor Act which would I think have removed the problem with regard to Remembrance Day but for practical reasons it wasn't possible to bring it forward for consideration at this time. I want him, however, to know that I have been aware of this problem and I'm not too certain what the solution is other than endeavouring to ensure that the law is observed and that places that are not supposed to be selling beer or liquor on Remembrance Day do not do so.

I have noted what he has said with regard to someone in the Land Titles Office who is able to speak in the French language. I'm not too certain that just having someone of that capacity in the Land Titles Office would necessarily avoid the necessity of having an official translation of documents. I suppose that it would depend somewhat on the academic qualifications because when one comes to an official interpretation it's very essential that it be completely accurate and it may quite well be that a person who is able to speak in the French language might not necessarily be able to provide the type of translation that would be required. However, I have noted it.

I want to just conclude with regard to what the Honourable Member for St. Boniface said concerning the newspapers. This is a difficult problem and I have had some experiences myself in this regard to which I will make reference in a moment or two. I would point out to him, of course, that in cases where there is a case before the courts, and some error is made, the matter may be brought, the reporter or the newspaper or the proprietor or all of them may be brought before the court and may be fined or dealt with as the court sees fit. Indeed there

(MR. McLEAN cont'd) was a recent case of that nature arriving at the time of an assize trial which had to be traversed to another court because of a report made in a newspaper. Now that isn't exactly the point that was made by the Honourable Member for St. Boniface and I recognize that but to say that it is a difficult problem. But I was interested because this ties in with something that the Honourable the Member for Ethelbert Plains was saying earlier this afternoon when he read, and you may have noticed that I asked him who the writer of the article was and he identified it as a Mr. Dennison. The report from which the Honourable Member for Ethelbert Plains read was a report or a series of reports written by a Wally Dennison who I understand is associated with the Winnipeg Free Press. I received on March 17th a copy of a letter addressed to Mr. Dennison by Mr. Duffy, the Superintendent of the Detention Centre, registering a complaint with Mr. Dennison that the articles that he had written were taken out of context and that he had incorrectly reported certain things that were said. I thought it was a good opportunity to mention it because Mr. Duffy apparently felt quite strongly that Mr. Dennison had misunderstood the information and had not written the article or articles correctly. I make no complaint about it. I thought it was interesting that what the Honourable Member for St. Boniface said gave me an opportunity just to make that comment about the articles that the Honourable Member for Ethelbert Plains had, in which he had placed some reliance.

Mr. Chairman, the Honourable the Member for Brokenhead mentioned some matters concerning the courts, that is the reorganization of courts and I would just like to make one comment. I think that he is under a misunderstanding in thinking that the surrogate courts and the county courts are the same. The district of the surrogate court is the judicial district so that we only have now six surrogate courts. The confusion arises no doubt because of the fact that county court judges are always the surrogate court judges. We do not have surrogate court districts corresponding to the county court districts.

Now the honourable member asked how many centres had been removed from the original report or what was the difference from the original report of the committee headed by the Honourable Mr. Justice Miller, Chief Justice of Manitoba, and the difference is seven. The original recommendation or report recommended 22 county court districts, whereas in actual fact we have 15, a difference of seven. Those eliminated in that change are as follows: 4 in the Eastern Judicial District, the Judicial District being the larger district; 4 county court districts were eliminated in that judicial district, Jolie, Morris, Beausejour, and Ashern. In the Central Judicial District two were not carried out, Neepawa and Carman; and in the Western Judicial District, one, Boissevain. Now it's a matter of judgment and we might have, for example, in our reorganization we might have established 22 county court districts as recommended by the committee. The decision to have 15 arose as the result of a series of hearings held throughout the Province of Manitoba by my predecessor, now the Minister of Mines and Natural Resources, at which solicitors, Chambers of Commerce, municipal councils and other interested citizens were asked to appear and the suggestion of there being 15 and their location was placed before them, and the reports indicate that this proposal met with general acceptance and it was decided to proceed on that basis. In addition, the proposal to have 15 county court districts was in keeping with the general principle, not the same number but the general principle that had been followed and in effect enunciated by the committee, namely, that courts should be established only where it could be shown that they could be efficiently operated, economically operated, and operated so as to give the best possible service to the general public and to the solicitors and those who have direct and frequent reason to be associated with the courts. Now it's a matter of judgment, one may say that there ought to have been 22, or 15, or there may -- there are even those who have suggested to me that there could even be fewer than 15. I can only say that applying the principles that were sort of laid down we thought that this would be satisfactory.

I have noted as I have said earlier what the Honourable the Member for Brokenhead has said concerning Beausejour and as he knows have undertaken to give that matter consideration. I can't avoid, Mr. Chairman, having maybe just a little, what would you say -- a little fun at the expense of the Honourable Member for Brokenhead over this matter -- because I remember that when I held that other portfolio he was always after me because perhaps I was inclined to be too sensitive about the wishes and desires of small communities with respect to the matter of high schools, and now here in this case, where obviously from the standpoint of efficiency and the standpoint of the work to be done, there is really not much argument that there needs to be no county court district at Beausejour, I find the Honourable Member for Brokenhead

(MR. McLEAN cont'd) explaining to the members of this House the importance of maintaining the small communities and of their interest and their pride and their concern about not losing those things which are part and parcel of the community. Well as I say there's a certain irony in it. But I understand that, Mr. Chairman, I've always understood that interest of the small communities of Manitoba and I'm glad to welcome the Honourable Member from Brokenhead to the circle because obviously he and I are now talking the same language and because of that conversion, if I might refer to it, if he has been converted, I want to assure him that even more careful consideration will be given to his concern for the Town of Beausejour.

He spoke about the matter of bail at night and this is not an easy problem. It is true that, I guess, if you get arrested at 1 o'clock in the morning, barring being able to arrange with the Justice of the Peace to come down to accept a bail bond, you're there until morning. We do not have any arrangements in Winnipeg or elsewhere for 24-hour Justice of the Peace arrangements. I doubt even in Winnipeg whether the number of cases would justify having that service available. It would have to be arranged in many instances, certainly in the smaller communities, if there seems to be a justifiable case, oftentimes a Justice of the Peace will be quite prepared to accommodate a person even during the night, but of course those would be on infrequent occasions.

He spoke of the fees on bail and these are established by the schedule of fees. There is a fee payable to the Justice of the Peace on bail. If the charge is anything more he doesn't have to be paid it, although I suppose there may be some instances where -- maybe there are Justices of the Peace that ask for extra fees, but if they do they are not entitled to it according to the rules. There is a fee, my recollection is that it is \$3.00, but I would have to confess I haven't been directly associated with that for some time.

He asked how it is possible to have non-offenders, referring to juveniles, places in the Vaughan Street detention home. That's a good question and that's a question I asked myself when I found that they were there. The explanation, however, given to me is that we have rather good facilities, and I use the word "good" perhaps depending on one's point of view, but facilities which are suitable for placing people who at the particular moment have no alternative accommodation and while they are not apprehended as offenders something has to be done for them. What I find is that the Department of the Attorney-General and Vaughan Street have been, at the request of the Children's Aid people, I would think largely the Winnipeg Children's Aid Society have been accommodating these folks as a matter of convenience and to accommodate them. Now if there is any strong feeling that we ought not to do it, of course, I have no objection because I'm really not anxious to have them there. But on the other hand, there are relatively few of these folks and it might seem perhaps not too good an idea to put someone else to the expense of constructing alternative facilities if the facility which we have is adequate for the particular purpose at the time.

This will, I think, that is the possibility that we might be able to look after these folks under these rather particular circumstances would be even greater when we have our new Juvenile Detention Centre, because I visualize that as being a very fine place and it will be as far removed from what one might think of in terms of a custodial institution as we are likely to get. And while it will be a custodial institution it will, I think, have facilities that will be quite proper for such persons but here again we have no desire to do it, although we're willing to co-operate if that seems to be in the public interest to do so.

Maybe as the Honourable the Member for St. John's says we are backward in our approach to the problem of bail. I see the force of the argument which he has made and it is true that our society has changed since our rules and our laws respecting bail were originally developed. I don't take any serious quarrel with him and perhaps this whole matter of bail ought to be very seriously looked at to insure that it is satisfactory in the light of present-day circumstances.

He asked about this matter of the police setting down cases for hearing and this whole problem of the inter-relationship of the police and the Crown Attorneys, and I here again confess to him that this is a difficult field. If we had all of the money that we would like to have, of course all cases, even the minor ones, ought to be under the direct administration of a Crown Attorney. That would be the ideal situation. It isn't practical, or it isn't possible, and so you do have that shading over and you have police performing what would appear to be duties that should be done by the Attorney-General's Department, and I have no ready solution except to say that as we add to our staff of Crown Attorneys as we add to the number of full-

(MR. McLEAN cont'd)time Crown Attorneys, it would be my expectation that this area of activity by the police officers, which is really not their responsibility, would be eliminated. This is one of the things that I hope very much that we will be able to accomplish with these new arrangements with the Magistrates Court Building in the Metropolitan area of Winnipeg, and we've had talks on that matter, and the members of the department I think concur in my own view in this regard, and we are hopeful that we will be able to do it. But there is a sort of a gray area in there where sometimes it's a little difficult to tell who is doing what, and sometimes problems develop, as the Honourable the Member for St. John's knows, because of that fact. I was interested in his comment about the thesis by Mr. Keith Turner and the point made by Mr. Turner is, of course, entirely correct, and I would hope it would be the policy of the Department of the Attorney-General. It would certainly be mine, and I would hope that that would always be in the forefront of our work there.

I can't be of much help to the Honourable Member for Rhineland concerning bankruptcies, because this is a federal statute and we have no -- other than the fact that it's administered in one of our courts, it's not -- the legislation concerning it, or the deterrents, are not anything over which we have any control or any influence.

I am under the impression that there is a manual for car drivers which is published by the Motor Vehicle Branch and that has some information about what to do in case of accidents, but that is something to be looked at. But I think that if the honourable member would secure one of those booklets from the Motor Vehicles Branch he would find there some suggestions as to what ought to be done in the event of accidents.

Turning to the Honourable the Member for Lakeside. He has raised an important point, namely, with all the concern that is sometimes expressed about accused persons and their rights and the way in which they ought to be dealt with, what about those who are the victims of the offence that has been committed? And this is something that is well that we should keep in mind. This is one of the things that makes the position of an Attorney-General rather interesting because, of course, more often than one might think, particularly by people who have been perhaps either injured themselves -- that is have been the recipients of some criminal act, or who are acquainted with someone who has been -- they will come to me and make the most strong protests about some lenient sentence which they claim is not sufficient. I recall one particular case of an accused person who, according to the information, had while intoxicated, had broken into a home at night and he had been stopped before he took anything, but he had actually broken into the home. It was his first offence. He had had too much to drink. And the court, after hearing all of the circumstances, found him guilty but suspended the sentence. Well, the man into whose home this person had broken, he was quite incensed. He thought that was most improper and expressed himself in rather strong language to me. On the other hand, here was a case where I would feel reasonably certain that it will never happen insofar as this individual accused person is concerned. I'm certain he'll never do anything of that sort or even approaching it again in his life. And he learned a real lesson and a suspended sentence was adequate, from his point of view. But I mention it only, and it's not an easy -- this is one of the great problems of society; where is the proper balance between these two things?

He did refer to the Carver case and for a few minutes had me quite worried, Mr. Chairman, because I thought that I was probably going to be in real trouble. The honourable member pointed out, as the members of the committee will say, that I had made a statement about the independence of the judges, or magistrates, and here I was, according to the Winnipeg Tribune, apparently casting some reflection or at least interfering with this independence about which I had expressed myself. Well, I'm not going to say, Mr. Chairman, that I was misquoted because nobody would believe me. I can, however, explain it and that's why I lost my nervousness after, when I realized what the problem was. And I give this explanation simply to illustrate what we were trying to do. Members of the committee will remember that when the Carver case first came to the public notice there were reported remarks by the presiding magistrate that well nobody had brought any information to him. No one who normally might be expected to provide him with the background information had done so. And there was some suggestion of that immediately after the case. So when I knew that the case was going to be appealed, I called in the chief probation officer and I said, "Now this case is going to appeal and I ask you, Mr. Probation Officer, to ensure that all of the information that ought to be available, is available. So that if you are asked by the appeal court judge for this information, you will have it available." I wasn't making any comment about what the magistrate had

(MR. McLEAN cont'd) done; he did what he did in the light of the information he had before him at the time. And I make no comment about that and have nothing really to say. But I was -- I might be quite frank and say I was going to be very certain that there wasn't going to be any other judge say in that particular case, "Well, nobody was there to give me the information I required." So I was simply alerting the probation officer to be ready with his information if he was asked to provide it, by the appeal judge. And that part was all right probably, but I made one mistake. A reporter telephoned me and he said had I -- he was referring to this lack of information before the magistrate -- was I doing anything to ensure that the information was available on the appeal case. And very foolishly I answered him, and I said, yes, I was, and from what I said to him he made what was a rather stronger report that I thought was warranted, although he didn't -- I don't say he misquoted me, but he was reporting and I want to say here if it's of an assistance, that I had no intention of casting any reflections on the magistrate, but I was wanting to make certain -- I can't use the right word -- but I was wanting to make certain that if there was any information required when the case came up again that it would be ready and available.

The Honourable the Member for Lakeside also referred to the problem of the transcript of the evidence in the Carver case. And I must say that I think there was a great deal of unnecessary publicity to that angle and some publicity that I unwittingly and very foolishly got involved in again. Actually the situation is quite clear and there's no problem. We take the view that court proceedings that are courts, except in those instances where they are closed to the public, are public proceedings. And for that reason the transcript of any evidence that is given before a court is available to anyone who will pay the court reporter's fee for transcribing it. And the payment of the fee is on the Crown, just as it is on anyone else; there's no one who enjoys any particular position or advantage in this regard. And so there never has been any problem and there is no problem so far as we are concerned. At the time of the Carver case, however, the evidence, and because of the arrangement that exists at the Winnipeg Magistrates Court, the court reporters are employees of the City of Winnipeg. They're paid by the City of Winnipeg. They are under the direction of the clerk of the court who is an employee and officer of the City of Winnipeg. And I understand, and I only understand this in the press, that somehow or other someone was refused the evidence when they requested it. I want to make it clear that if that had been over in the Law Courts Building, there would have been no problem. It would have been made available, and there would have been no questions asked. It would have been there. I only know by the press report that evidently it was refused when it was requested from the City of Winnipeg. And I was asked whether or not I would instruct the Clerk of the Winnipeg Magistrates Court to make the evidence available and I declined to do so, and I would decline to do so again, if it's of any interest to anyone, because I would not consider it proper for me to give instructions to a person employed by some other government body. But, the whole problem really was not as serious as it appeared because I am now advised that a Mr. Williams is the chief, or the senior court reporter at the City of Winnipeg Magistrates Court, and that he would have been glad to have provided the evidence if he had been asked for it. But that no one ever asked him. So, this doesn't add anything but that the man who had the evidence available would have been more than prepared to provide it, on the same basis as we would have provided it ourselves if it had been before one of our courts. So that that's the situation and I think there will be no further problems in that regard in the future.

One final point. The Honourable the Member for Lakeside asked about the \$165,000 arrangement with the City of Winnipeg. This arrangement was made by, or at least looked after by my colleague the Honourable the Provincial Secretary, because of it being part of his negotiations with the City of Winnipeg concerning cultural centre matters. But perhaps I can just give a very brief explanation. The situation with which we are going to be met is that when the Winnipeg Police Safety Building is constructed they will be moving out of their present police building in which our magistrates courts are located at the present time. We, for our part, will be proceeding with the construction of the new Magistrates Court Building but it may not be -- and I think I can say will not be -- finished as soon as the Safety Building, with the result that we may not be able to use, indeed we are on notice that we will not be able to use the Magistrate Courtrooms that are presently in the Winnipeg Police Building. So it was necessary to make some arrangements for the interim period between the time that the police move out of the Police Building and the time that we are able to move into our own building and it was on that basis that the Honourable the Provincial Secretary, as part of his discussions with the

(MR. McLEAN cont'd) City of Winnipeg concerning the acquiring of the present City Police Building, made this arrangement and they are to provide what in effect will be the courtrooms for that interim period. It is difficult to say how long that period will be and it's only speculation at this moment but I should point out that it is a once only payment for whatever period is required and does not have any continuing obligation of any sort attached to it.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): ask the Honourable the Attorney-General one or two questions. How many magistrates do you intend to retain at the new central court in Winnipeg as and when it is established and is your intention at the present time to have these magistrates go out on circuit within a reasonable radius of Winnipeg and alternate?

And another question I'd like to ask in connection with the Carver case. Was there a transcript of evidence made?

MR. McLEAN: On second, the transcript of evidence was made because I think probably at the request of counsel for the defence when he filed his appeal. I think there was no transcript made -- now I'm just -- pardon?

MR. HILLHOUSE: Was the trial de novo on appeal?

MR. McLEAN: Yes, but the transcript was prepared, the transcript of the first trial was prepared and filed because that was part of counsel's case to have the plea of guilty withdrawn and a new plea substituted and he filed that transcript I'm sure to establish the circumstances of the original plea of guilty and it would be my understanding that that transcript was not prepared until it was ordered by the counsel for the appellant in that particular case.

Going back to the question of the number of magistrates -- this is, of course, not perhaps too certain at the moment but there will be, obviously there will be three because it will be the two city magistrates and the magistrate at the Provincial Magistrates Court. I think it's not unreasonable to expect that that number would be four and I am inclined to think will probably go to five but from that five certain circuit sittings that can be properly handled, and indeed are being handled at the present time from Winnipeg, would be handled by that group of magistrates be it four or five as the case might be. I would say that it would almost certain to be four -- it could easily be five and the idea will be to have as great a flexibility as possible within the group of magistrates so that they may be -- by that I'm not saying that they will all necessarily go on circuit but there might be two or three that would take circuit sittings from time to time and there will be as much flexibility within that group of magistrates as possible.

MR. CHAIRMAN: The Honourable Member for Seven Oaks.

MR. WRIGHT: Thank you, Mr. Chairman. I'll try to be brief and I'm prompted to say what I'm about to say now. I intended to hold this to the item on Detention Homes. Inasmuch as this involves administration on a high level and priorities, I think I should say it now. Three years ago in a speech that I made here in the Throne Speech I questioned the government about their priorities at the time when \$700,000 had been appropriated for the park across the street. I made it clear then that I thought it was a wonderful thing that the province was acquiring this property and they were going to make it a park. But this was about the time, Mr. Chairman, when we had paid a visit to the Vaughan Street Detention Home. This bothered me because while I agreed with the First Minister when he said that while he agreed with us that all the many social things we wanted to see done were really necessary, he said, "You can't do them all at once; you must have a list of priorities." This made sense. But I want to challenge his list of priorities because I believe it was 1961 when we paid a visit to that institution we were horrified because at that time there were juveniles there that day when we visited it. So I just say as far as I'm concerned the priorities are certainly out of gear.

Now the Honourable the Attorney-General cleared up something in my mind. I'm very happy that he did because I abhor sensationalism and I have been disturbed by this article on Tuesday, March 2nd in the Free Press by Wally Dennison whom the Attorney-General mentioned and because he said that Mr. Duffy had been quoted out of context I will omit any reference to the superintendent of the Vaughan Street out of respect to Mr. Duffy, because if the article had been true there was the most frustrated civil servant of all time. So I'm very happy to know that Mr. Duffy said that he wasn't quoted properly. But Warner Troyer, who is a very respected journalist, in 1961 did say, and he called the Vaughan Street Juvenile facility probably the most primitive place of its kind in Western Canada. Now in view of the fact that the Community Welfare Planning Council's report recommended early start on a new detention home for juveniles and now again in the list of priorities it's playing second fiddle, as the article says, to the Magistrates Court. And perhaps there's a good reason for this, and I don't

(MR. WRIGHT cont'd). want to be too critical but I do think that the Minister owes an explanation to the people of Manitoba as to why this much needed juvenile detention home has been shelved from time to time and even again it's placed second to the Magistrates Court. If there's a good reason I'd like to hear what it is.

Now I have a certain amount of sympathy for the argument of the Honourable Member for Lakeside today when he put the case, as he said, of us laymen who were arguing about the victims of certain criminal actions. We're always talking about the offenders but I want to say to him and to the House that we can't afford to ignore proper facilities for these people who are costing society so much money. We have no choice. We must spend money on our juvenile problem. When I look at this beautiful park across the street that we expropriated this money for as far back as I believe 1961, and I remember the day we visited the Vaughan Street Detention Home and we saw the juveniles looking out from barred windows, then I am concerned. And I would like to hear the Attorney-General give us some reason as to why the government has placed this so far down on its list of priorities.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Chairman, I want to refer first of all to some of the statements that the Minister made yesterday on introducing his Estimates and to say that I'm very pleased with one aspect that he announced to us and that was the development of a camp insofar as the Boys' Home in Portage la Prairie is concerned. I think it is high time that we do have facilities other than strictly the Boys' Home in Portage. I think that one is overcrowded, it does not provide for proper segregation and is not the type of facility that will bring the results that we hope to get out of that institution. This should really be a preventative type of home. It's not one where we expect to keep hardened criminals. We are hopeful that anyone who is sent there would be deterred from a criminal path. I think that a number of cases, not the fault of the people who are running the Home, but because of the problems that they have with segregation, the numbers that they have in there and their difficulties, that they have not been able to do the job which we expected, and I'm very hopeful that the camp that the Minister proposes will be a major forward step in this regard. I certainly know that insofar as the regular camps for adults that this has been a worthwhile investment for the province. I have personally been to the one at Falcon Lake and while it's not luxurious by any means, it is comparable to what we might find normally in a construction camp or a bush camp and I think has served its purpose well so I would encourage the government to extend this. I am highly concerned, Mr. Chairman, about the lack of segregation still in a number of our institutions and this applies, in my opinion, to Headingley Jail as it presently stands. I hope that the Minister can give us some figures in that regard as to what they are doing with some of the juveniles that have been sent to Headingley Jail. Are they kept separately from other prisoners? How many have been sent to Headingley in the past year in the category under age 15? How many in the category 15 to 16, and so on? These I think are important figures for the committee to have in order to judge what we are doing and where we are heading in this most important field.

I'm concerned too, Mr. Chairman, about some of the sentences that are meted out and I realize that the Attorney-General is not responsible for the sentences but we frequently see in the newspapers something like this, for example, and this is from the Winnipeg Tribune, on the 11th of February, 1965, and this is, "Extra Time in Jail to Learn a Trade". This is a case of someone who is being sentenced who requests that he be sentenced for a longer period than what the judge apparently, or the magistrate, would be prepared to sentence him for, in order that he can go to Stony Mountain rather than be sent to Headingley. Well surely, Mr. Chairman, this is not a proper status, not a proper arrangement. We, I appreciate, cannot where we have a short-term institution give exactly the same courses possibly as are given in a long-term one, but to have a situation where someone who is before a judge requests a longer sentence in order to be sent to another institution, I don't think is the proper management of justice. I don't think that this leads to the type of judicial decisions that we expect and I would urge the Minister to make the necessary changes at Headingley so that proper courses can be given, tie this in with his camps outside of Headingley and make it so that the sentences are handed out according to what the offence was and not according to whether you can get a better course at another institution than you can at Headingley Jail.

Now I'm very concerned, Mr. Chairman, while I commend the Minister for his development of the camp for the Boys' Home at Portage, I must agree that I'm deeply disappointed that the Juvenile Detention Home has once again been shifted back in the government's program. This is one that we have discussed here in the committee over many years. Back in 1961, as

(MR. MOLGAT cont'd). has just been indicated, there was some talk then about a new institution. In fact at that time the Attorney-General of the day stated that "plans are afoot to replace the primitive detention facilities with more decent living accommodation." That was the then Minister speaking in July of 1961 as reported in the Winnipeg Free Press. Well, things have gone on since then and the facilities have not been changed, Mr. Chairman. It's true that there have been some additions of staff. In this regard I commend the Minister but we are still faced with exactly the same problem as we were in 1961. Those facilities are roughly the same as they were then. They are certainly the same size as they were in 1961 and by and large we are dealing with a larger number of inmates. The government themselves have stated at various times that the accommodation there -- well here for example in 1963, the Attorney-General speaking then said that the average daily population was 17 for a 5-day stay. I point out to you, Mr. Chairman, that was the average, an average of 17, which obviously means that at certain periods it was substantially above 17. Mr. Chairman, the facilities there have barely more space in them than the suite of offices occupied by the Attorney-General in this building. You take his office and his waiting room is roughly the same size or possibly larger than the whole detention facilities that we have here on Vaughan Street where we are accommodating, according to his own figures, an average of 17 people daily. Now how can we expect under those circumstances, Mr. Chairman, to provide any type of segregation? This goes on then, Mr. Chairman, to the other needs in that particular institution. At the moment as I understand it, the same area has to be used for sleeping, for eating, for recreation, for school; whatever needs to be done, must be done within that very restricted space. Now one of the obvious needs in an institution of that type is for some schooling. The Minister may say well the inmates are there for a very short time. Well the average again was a 5-day, but again if you take that and take the extremes you'll find that some have been there very much longer obviously that five days because there are a fair number who go in there just overnight in a number of cases. So we have youngsters who are of school age, who are kept in this particular institution and who simply have no facilities for education. Last year when I discussed this the Attorney-General indicated that he would probably be providing some textbooks. Well I'd be very interested to know from him as to what is being done specifically to provide the youngsters at the detention home with actual classes, so that they can continue to a certain extent their education while they are there.

So, Mr. Chairman, to have this building once again shunted back, as the Minister has indicated, further down the line is a deep disappointment to me, particularly when you consider that it had originally been promised back in 1961, that the then Attorney-General said that he had plans afoot to replace these facilities and here we are in 1965 and presumably nothing will be done in 1965 and no indication as to whether something will be done in 1966. Now surely, Mr. Chairman, this is the basic place to start. We should be doing everything that we can to prevent these youngsters from becoming criminals. We cannot do this properly if we do not have the facilities for them. Here we are -- the very group who should be deterred at this point. Once they become hardened criminals, possibly it's too late to do anything about it, but surely at that very age, that juvenile group, the one that seems to be growing in number, the one where there appears to be the greatest problem, and the Minister indicates that he is not going to do anything about it, that he has other plans and that the detention home will be left for later on. Mr. Chairman, I think that this is a very serious decision that the government has taken. I object to it. I think that they have got their priorities out of order and that the detention home should be carried on, as it was originally indicated some years ago, and that the Minister should review exactly his plans for the next year, and announce to the House that he will be providing this most needed facility.

MR. MORRIS A. GRAY (Inkster): Mr. Chairman, outside of the pains I have being of this old age, I also suffer from an inferiority complex but I think that it was answered just a minute ago by one of my colleagues that the Attorney-General answered my questions of yesterday, so I apologize. I intend to suggest to him that I have raised, in my opinion, very important questions and I'm very happy now that the Leader of the Opposition has mentioned this, particularly those questions and complaints I had yesterday. But now I have a few questions to ask and probably it will take some time to do it under the different headings, seeing that everybody wants to get off his chest everything that he has under the Estimates.

While we are dealing with the Minister's salary, because I would like to know why there is an increase of \$45,000 on the Minister's Estimates, but I want to repeat again in general is that saving a human life and the human future of his life, the Bible says it is just like saving a

(MR. GRAY cont'd).....nation and when we see, and I mentioned it yesterday, and I'm not going to repeat it, when we see that there is about 60 or 65 percent of those in Headingley Jail now are under 31 years of age, I think this is something which the department should take into very serious consideration.

The next question which I am saving to ask later on is the cost of policing the Province of Manitoba by the present system. Is it more expensive or less expensive or it's better or it's worse? In other words, they have to do other work as well. They are looking after the federal policing and whether they have the time to look after the provincial police activities.

Thirdly, I'd like to ask and I'll do it now, is whether any consideration will be given or is being considered allowing the press or the radio advertising liquor. I am not suggesting to increase, I'm always opposed to it. I always said as far as I am personally concerned you can't cure me, but we have to do something for the youngsters, even if it takes 25 years to cut down the profits of this province from the liquor profits which are now about \$20 million and the consumption of the province for a population of 1,000 including the babies being born every day who spent \$60 million by the province for liquor. This is something that we should take cognizance of. It is entirely too much money for such a small population to spend on liquor over \$60 million according to the report presented and then we come and we give the organizations who are doing the work to try and prevent those who are not allowed and those who cannot afford to spend on liquor, giving them \$100,000 out of a profit of \$20 million is something which also the Attorney-General's Department or the government should give serious consideration. As far as I intend to mention a few points more, but the Leader of the Opposition very ably called your attention to those items which is very very important and I intend to mention it myself.

MR. CHAIRMAN:later on when we perhaps get along in the resolutions a bit.

.....continued on next page

MR. HRYHORCZUK: Mr. Chairman, I'm only going to take two minutes on something that we have discussed and I think it needs little more light. The Honourable Minister threw some doubt on the validity of the statements that I quoted here in an article written by Wally Dennison in the Free Press of March 5, 1965, by producing a letter, and I would have let it go at that if the Honourable Member for Seven Oaks hadn't taken the bait. He was evidently satisfied with that explanation. Well I'm not as easily appeased as the Honourable Member for Seven Oaks because in corroboration of that article by Wally Dennison which appeared in the Free Press on March 5th, I have here one which appeared in the Tribune on February 23rd, which is approximately two weeks earlier, and it corroborates the statements in the other article, and I want to read just part of this to keep the records straight, and I quote from this article which reads: "Held in Detention Home, There's Nowhere Else to Go" and it's by Heather Robertson, Tribune Staff writer, and I quote: "Three children have been behind bars this week in the Vaughan Street Detention Home, because the Childrens Aid Society had nowhere else to put them. Two of the children a boy and a girl are innocent. They have committed no offence and are not regarded as delinquents because they have not been charged with a crime; they do not appear in court. The third child a girl, has been charged with illegal possession of liquor but the charge was only laid after she ran away from the Detention Home last Wednesday after being there for four days. The boy left the home Monday, the two girls are still there. 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." And here is a paragraph that is attributed to Mr. Duffy, or the contents of it are, "These cases are not exceptional. Detention Home Superintendent Douglas Duffy says there are always three or four neglected children living in the home with the delinquents." And I'm only quoting this Mr. Chairman to show that there is corroboration for what Wally Dennison had to say in the report made in the Free Press.

MR. SCHREYER: Mr. Chairman, normally I would heed your admonition to reserve comment until we get to the appropriate item but I have already raised the matter of the county courts and the county court centres and the Honourable the Attorney-General has not given me any answer. He has expressed some sort of vague solicitude and concern for the towns and regional centres throughout the province, but he hasn't really answered me and so therefore I want to put to him once again the problem as I see it.

The problem that has arisen with regard to the re-organization of county court districts in this province, and I want to begin by saying to the Honourable Minister that he may have been somewhat amusing when he suggests it's ironic I should be expressing concern for the larger towns now, when a few years ago he said I was concerned about the villages and about over-centralization. I want to say to the Honourable Minister that that's one albatross that I refuse to have wrung around my neck, because if he recalls at all clearly, he will remember that at no time did I express opposition to the reorganization of high schools along the divisional line. I did suggest to him that where geographic patterns made it not practical to build larger schools that special cases could be made for giving the full grants to smaller schools, providing it were justified to an outside commission. Now, I'm not going to defend hamlets as opposed to towns, but I am going to defend the case that can be made for a good healthy program of regional development -- and you can't have regional development unless you have towns, growing towns. Now the effect of the reorganization of the county court districts in this province has been that there are some towns in this province who are now worse off than they were before in that a very important legal and judicial service has been withdrawn from those towns and centres.

This government has been deliberately leaving the impression that it is very concerned with regional development. That's fine. No one argues with that. But if they want us to believe that this is their policy, they should be more consistent. Why over-centralize the judicial service? Why over-centralize the judiciaries? It is not as though the Judicial Boundaries Commission recommended that these eight particular county court centres or districts be abolished. The Judicial Boundaries Commission which put study and effort into the matter was of the opinion that these county court centres and districts should be left. This government took it upon itself to ignore the Judicial Boundaries Commission recommendations and to over-centralize to the extent that eight, at least eight -- pardon me, seven -- county court districts have been abolished now in spite of, and over the head of, the Judicial Boundaries Commission recommendations.

The Honourable the Attorney-General is good at exercises in logic and I suggest that one

(MR. SCHREYER cont'd) . . . very simple exercise is this. Either this government is in favour of a policy of regional development, or it is not. If it is, it's a very strange and illogical thing to do to remove from these regions, what I consider to be, what many people consider to be, essential public and judicial services.

Furthermore, Mr. Chairman, this policy conflicts with some of the recommendations of the Michener Commission. Among other things, the Michener Commission has recommended that certain municipal services, etcetera, should be reorganized along broader regional lines, rather than along existing smaller municipal lines.

And I believe that if we are to make for growth in the rural areas of the province, we will have to go over to a policy of supporting sound regional development. It will involve some changes but this is the only way in which we can stimulate growth in Manitoba outside the metropolitan area. Now, what is this constant, it seems almost inevitable, tendency or trend towards putting everything into the Metropolitan Winnipeg area. If we keep this up, we will be trending towards something that is called in Latin American, "The Banana Republic." Well, we won't be a Banana Republic, but we may well turn out to be a Banana Province in the sense that three-quarters of our population, three-quarters of the wealth, will be produced in one big metropolitan area, and the rest of the province will be some sort of hinterland. Now we have to arrest this trend and we have to reverse it. And one of the worst things we can do is to pull out of fairly important towns and centres, county court districts, and other kinds of allied services.

Now in case the Honourable Minister is under the impression that I am making some sort of political attack here, or some sort of political spiel, I would remind him that his own colleague, the Member for Springfield, has risen in this House and has let the Minister know in no uncertain terms that this withdrawal of county court services from Beausejour is something that is not appreciated at all. And it's not just a case of not being appreciated, it's a case of the residents in the area and the lawyers in the area, and in the whole region of north-eastern Manitoba, being quite annoyed for the simple reason that great inconvenience is involved here. It's not as though they're being required to go to some other town; they are being required to come into a metropolitan area and to put up with the problems of parking, and rush hour traffic, and everything else, when there is no real need for it. It's not as though it's unavoidable. The Honourable Minister or Attorney-General must know surely that the county court centre, or seat in Beausejour did handle a substantial case load in the past many years, and a large number of legal documents were registered and processed there. It's not as though it was such a small county court centre that there was insufficient or inadequate work or load to be done, to be carried out.

So, Mr. Chairman, I would hope to get from the Minister at this time some sort of answer as to what he intends, or the government intends to do with regard to this problem of county court districts. Beausejour is not the only centre involved. Neepawa is, and I'm sure if the Honourable Member for Neepawa, for Gladstone will have something to say about it this evening. And if I know my honourable friend, he will have a good deal to say. And I would even invite my honourable friend to say something and if honourable members opposite don't appreciate it, I suggest that's the fate they deserve. They've brought it on themselves by allowing their Minister, their cabinet, to take this decision to over-centralize above and beyond what the Judicial Boundaries Commission recommended.

I have here in the Beausejour Beaver -- I don't want to read it all, but it does contain some pretty pungent and penetrating commentary in analysis by some of the local residents, some of the lawyers practising out there, commenting on the effects of this court removal on the community and on the whole region. And then too, I have here the Beausejour Beaver of March 16th which contains an article quoting the Honourable Member for Springfield quite extensively. And I don't want to offend my honourable friend and neighbour, but since he has made a public statement on this issue, I don't suppose he minds in the least my quoting one or two paragraphs from what he has said, inasmuch as he has made a public statement. And among other things, he suggests that the removal causes great inconvenience to the people of the community and of the region.

He cites an actual case where two farmers after they did their morning chores hurriedly drove over a 100 miles into Winnipeg to take care of some small item of business before the county court. They couldn't find parking space. After driving around and using up valuable time they finally found a parking place, quite a distance from the Law Courts Building. When they got there, it was past four and the place was closed for business. -- (Interjection) -- They

(MR. SCHREYER cont'd) did not, Mr. Chairman, have purple gas, I can assure my honourable friend. It is not a joke; it is a tragedy, to quote my honourable colleague, neighbour rather, from Springfield. And he suggests, or intimates that the Attorney-General is certainly investigating this policy error -- those are my words, "policy error" -- or this problem and that possibly some remedial action will be taken. And my honourable friend the Member for Springfield concludes by saying that he is going to fight this policy because he feels it is altogether wrong -- (Interjection) -- Well, the exact quote is that, "I certainly am not going to take this. We are going to fight this centralization policy. In the face of our professed policy of decentralization," -- and I digress to say the honourable member is absolutely right. This government does profess a policy of decentralization. And I return, "In the face of our professed policy of decentralization, it is altogether wrong." Now then, Mr. Chairman, -- (Interjection) -- the title is captioned: "Klym Attacks A-G for Court Removal." This proves, Mr. Chairman, that the days of the independent minded member of parliament are not dead, are not gone. No, seriously, Mr. Chairman, I feel that the Honourable Member for Springfield is so right; which makes me then so right, because I have said more or less -- I've made the same point.

Now, in addition to all of these arguments of the practicability and necessity, I would conclude by urging the Honourable Attorney-General to bear in mind that it is not good to remove justice, and the administration of justice too far from people at the local level. And if the Attorney-General can make a good case to show that there is some gross inefficiency of operation or some gross financial cost involved with maintaining that county court, I would say, well then it is only reasonable to accept the action. But without proof in that direction I would think that the Attorney-General can only do one thing that would be right and that is to restore that particular county court district and centre, and possibly the one at St. Pierre. I don't know about Neepawa, the honourable member can speak for himself. But with regard to northeastern Manitoba, I am aware of the problem and I want to say finally that it seems to me -- I get the impression, it's only an impression -- that eastern Manitoba has been in some way and somehow ignored by the government of this province in that there is not one single land titles office east of the Red River, between the Red River and the Ontario boundary; there is now not one county court centre; there are, to my knowledge, only one or two small community pastures; and things of that nature, which seem to proliferate in the rest of the province, or at least exist in the rest of the province; in eastern Manitoba you don't find them. And so, Mr. Chairman, I hope that the Attorney-General will indicate what he intends to do about this.

They made this change by way of regulation. I suppose they had the statutory authority to remove these county courts by regulation, but I think that's taking quite a bit on one's shoulders by way of regulation. I'm interested to hear some comments.

MR. FROESE: Mr. Chairman, I'm glad to get some support in trying to arrest the centralization that is going on in Manitoba. I have one other matter that I briefly want to touch on and I think it has already been mentioned here in the House during the discussion on this item. It has to do with the matter of bail. During the last regular session, one evening I received a call from the Vaughan Street Centre there that they had apprehended a certain man and he required bail, and asked whether I would put up bail for him. Well this was around 5:30 and it was the very night that we went out to the Tec-Voc School, so when we came back I went over and I was going to put up the necessary money. However, I didn't have sufficient funds on me so I offered to give them a cheque, but the people out there said they could not accept cheques.

Now I would like to know from the Minister, is this a practice? Do they not accept cheques at all? When people are willing to put up bail, certainly I think there should be some leeway. In this case particularly I had no access to cash at that hour, and as a result the man had to be transferred over to Headingley and brought back the next morning. Had they accepted the cheque he could have been free that night.

MR. GUTTORMSON: Mr. Chairman, I listened with considerable interest this afternoon to the remarks of the Attorney-General when he told us that he couldn't take part -- didn't want to comment on the controversy that existed between the Winnipeg magistrate and that of the Police Commission because he wanted to respect the independence of the judiciary. It's a far cry from the attitude he took a year ago, isn't it? Last year he took great pains to involve the judiciary and get them -- involve them in what was going on in this Legislature. We had a debate in this House on what was going on in the Attorney-General's Department and he took

(MR. GUTTORMSON cont'd) the trouble to write the Chief Justice of the Court of Queen's Bench and of the Court of Appeal and asked them to take part in the debate in this House by replying to what was going on in here. Now he tells us he doesn't want to involve the magistrate and comment on the activities that are going on. Could the Minister explain why this change of heart since last year?

MR. DESJARDINS: Mr. Chairman, I guess I should start by thanking the Honourable Minister for -- well not for his answers, but at least he discussed some of the points that I brought in this afternoon. I can't see that the answers were very satisfactory. He tells us that he understands the position -- he agrees with me on this question of Remembrance Day but nothing can be done. I don't know why. I think he said personal reasons -- I don't know what he means by that.

MR. McLEAN: Practical reasons.

MR. DESJARDINS: Practical? Well would it be practical to let the committee know what these practical reasons are? Then he couldn't resist -- and I don't blame him for this, it's not too often that he has a chance, I think -- he couldn't resist using something that I said to go after the former Attorney-General, but by doing this, this is all right, but then he should backtrack and read what I said because I wasn't talking about people being misquoted like that at all. I had said at the time that I knew maybe that it wasn't his business or wasn't his responsibility, but I think that it is his responsibility, but I think that it is his responsibility if he can help, if he can do nothing else, to try to have some kind of meeting with the publishers of these papers because this is no laughing matter. I'd like each and every one of us to imagine what would happen if we would be in these people's places. All of a sudden we are in an accident -- or our wife in an accident -- and it says she's with her boy friend. I don't think we'd think it was a laughing matter, especially at this time.

Now the Honourable Minister also smiled at me and in his patronizing way says that he didn't think that I wanted to say too much about the Law Society. I didn't need that. I'm not pussyfooting around. I think that it is -- I think that there's something wrong. I think that the people deserve more protection than that. I think this is very very important and I'm not satisfied with this smile and then being told that everything is fine because the Law Society is looking after things. I'm not satisfied, Mr. Chairman, and I'll read something that'll maybe give you my reason anyway why these things should be corrected. Something has to be done soon because the people are losing faith in some of the lawyers. It's unfortunate, as I said, and I mentioned that this wasn't a blanket accusation, but something has to be done. We do it in every other field and there is no reason why we can't do it in this field. I know it's a tough thing to bring up -- you don't want to bring this up because it is a very honourable profession, but some people are spoiling it and the public are demanding more protection.

I would like to read this. "The following is written without prejudice." This is what it says here -- I didn't write it. "Now in January, 1961, Norbert and Antoine Guertin purchased each a one-third interest in the building in Port Arthur known as the B. F. Goodrich Building on Van Norman Street. The money, \$17,000, was given to our lawyer, Mr. Michael Gingera, who acknowledged it by a letter, a copy of which is enclosed." I'll read that after, Mr. Chairman. "We received statements at the end of '61, '62 and '63. In 1962 repairs were needed on the building to the extent of \$5,000.00. At this time we got suspicious and pressed for legal claim. However, we were assured there was nothing to worry about, as after all the money had been in trust and that after all we were guaranteed our money.

"At a later date, in early 1963 I believe, on making a trip to the area, I checked the tax roll and also the Land Titles Office and found that the property was in the name of Gordon Morris Pullan, a barrister-at-law also from Winnipeg. On return we approached Gingera who had given me two cheques, one for \$1,000 and one for \$2,000.00. Both of them were returned N. S. F.

"We approached Mr. R. A. Gallagher, a barrister-at-law, to represent us and we asked him to pursue the Law Society. At this point we were told that this letter did not mean a thing and that we did not have a case against the Law Society. Knowing well that there was fraud and breach of trust, we wonder why Mr. Gallagher did not contact the police. However, at Gallagher's recommendation, Gingera was forced into bankruptcy and automatically we were responsible for the Trustee's fee, Canadian Credit Men's Association." Apparently they had to pay that but they didn't get anything back.

"Further to this we have received a bill from Mr. Gallagher's office for \$600 for fees with disbursements of over \$100.00. After Gingera had gone into bankruptcy I had spoken to

(MR. DESJARDINS cont'd) our banker, Mr. Don Loewen who writes a letter and tells very strongly that we did have a claim against the Law Society. After this meeting we again got in touch with Gallagher who then said that we possibly had a case but that he would not represent us against the Law Society. It was at this point that he informed us that the Law Society was not obligated to reimburse any money for breach of trust by its members. This was quite surprising to us as we were always led to believe that when money was entrusted to a lawyer, it was guaranteed by the Law Society.

"I am 40 years of age, by brother 49. We have been in business on our own for approximately 20 years and this is the first we have heard of this, and since, I've enquired and this is definitely not common knowledge. In fact we haven't spoken to one individual who was conscious of this. With this information it is apparent that lawyers have been misleading the public in general. In fact over short periods we had in lawyers' hands \$115,000 from the sale of the building, \$150,000 for the purchase of a building, and \$46,000 for a mortgage on 343 Sherbrook Street, for a total of \$311,000.00. This money we were responsible for, and should a lawyer have absconded with these funds we would be repaying for the rest of our lives. This not only affects the individual but the bank that loans us money is really not secure. In our case, the Royal Bank of Canada had advanced us \$150,000 for a short term until we received payment of \$115,000 on the sale of the building.

"None of this is beyond reality because actually there is before the court at present a case where it seems a million and a half dollars cannot be accounted for by a lawyer. In some cases this is the life savings of many people. This should not be allowed to continue. People as a whole should be protected. Why should these lawyers handle public funds and use them as they please? These people should be bonded, or better yet it should be held in escrow or given to the bank whose managers are bonded. At least this way some protection could be given to the public.

"It was asked the lawyer why they were not bonded. The answer was you can't do this. Why some poor lawyers couldn't be bonded. Well, if they can't be bonded we feel they should not be practising law, a profession that should command trust and integrity and assurance. We feel very strongly that the Law Society, the lawyers in general should have tried to clean their own backyard, and these moves should have been pressed by the lawyers and the Law Society so as to make law the profession that it should be and one to look up with great respect, honour, trust and assurance. How do you think this case where a million and a half seems to have been stolen could have happened if people had not trusted and felt assured that the money was safe because it was in the hands of a man hiding behind the name of barrister-at-law. A layman would never have been able to deceive people to that extent."

This is the copy of the letter. "Mr. Norbert Antoine Guertin, c/o Guertin Brothers Limited, 343 Sherbrook. Dear Sirs: Re: B. F. Goodrich and Port Arthur Property. Relative to the above, this will confirm that I have received from each of you the sum of \$5,000 previously and from Guertin Brothers Limited the sum of \$7,000.00 today. The said moneys were received in connection with your purchasing an undivided one-third interest in the property which is presently leased to B. F. Goodrich in accordance with the terms as set out in the lease you perused. It is further understood that when the final solicitor's report is received from Mr. Young of Port Arthur, I will then provide to you complete copies of all the relative documents in connection therewith as well as a final statement of adjustments, and at such time the specific amounts required for your one-third interest shall be determined. In the meantime, subject to the preceding paragraph, the writer, although the registered owner of the property in question subject to the mortgage in favour of Investors Syndicate of Canada Limited, holds same as trustee for both of you as well as himself and shall, as soon as the land problem is finalized, cause to be registered the broker's documents which shall vest title and record thereon the interest which we individually process."

Well I tried to make my point clear this afternoon, Mr. Chairman. I did repeat that this certainly was not a blanket accusation, but we are dealing with human beings and it doesn't matter if they are doctors or professionals. There are always some that might be a little too greedy and if the Law Society is entrusted with the discipline of the lawyers, I think that something should be done. I am sure that many lawyers knew what was going on with Mr. Gingera. That's been a known fact for years and nothing was done. As I said this afternoon, I admire the loyalty that the lawyers have for themselves, for each other, but I think that they owe a little loyalty to the people of the province.

Now there's another thing. The Attorney-General, Mr. Chairman, went out of his way

(MR. DESJARDINS cont'd) to tell us and to repeat how much he wanted to be independent as far as the judges were concerned, he wanted to make sure that this was above reproach that these people had an independent mind. Well how can the Honourable Minister say this when for years and years we've been telling him that we shouldn't have part-time magistrates. I remember bringing that point in '59, the first year that I was here, and he was told not only by the people from this side -- I know that he hasn't got too much confidence in these people -- but let me read here from this -- this was a meeting of the Bar Association in Brandon I think, where they were saying that part-time prosecutors and magistrates should be replaced by full-time men, and the salaries of magistrates should be increased.

And a little further here, "Meanwhile, Winnipeg's George Parkin, a magistrate himself and Clerk of Court for City Magistrates Court, said today he knows of several incidents in Manitoba History where there have been conflicts of interests when a part-time magistrate has later defended a man he earlier sentenced. 'This has happened many times', he said. 'I'm definitely against part-time magistrates and part-time prosecutors'."

Now if this is wrong, if the Honourable the Attorney-General is sincere when he's saying that we have to be very careful and that the judges and magistrates must be independent, I think it's no longer a question of money, I think it's a question that this should be done and be done soon. I don't care how he does it, but I think that the government has had ample time to look into this since 1959, or '58 anyway. Now it's true that the Attorney-General, I think we have to give him credit, he's saying that more and more you'll see, as the years go you'll see less of these people, but this is still not satisfactory. I think that this is not a department that should be making money. This is a department that has to do with justice in this province and I think that this is why this should be done soon.

This is one of the reasons why I mentioned the lawyers. I know it's a delicate thing to mention in this House, but I know that any honest and straightforward lawyer will not take any exception to this. They are the ones that tell us, well go ahead and sign an agreement. They tell you to sign and if you make a deal to insist to have a signature. They say this is the best way. Well all right, they understand these things and they definitely understand, and I'm sure they might not admit it but I'm sure that all of them admit that something should have been done on this case of Gingera before. I know for a fact that many of them knew this was going on but they felt -- well am I going to turn a fellow lawyer in, you don't do those things -- but in the meantime this man had stole a million and a half dollars and some of it, as has been mentioned here, has been the lifetime savings of some of these people.

Well these people here that gave me this letter, I'm sure they wouldn't be satisfied with what the Attorney-General said today. With a big smile he said, "Well I'm sure that the Minister" -- not Minister yet, but "the Member from St. Boniface does not intend to imply anything." I don't pussyfoot around. I say that there's something wrong and I'm saying that the Law Society is not doing its duty right now if it's policing these lawyers, and I think that something should be done soon.

MR. NELSON SHOEMAKER (Gladstone): Mr. Chairman, the Honourable Member for Brokenhead suggested that the House was going to have to suffer when I got up, and I will try and speak as lowly as I can because I understand that some of the Ministers opposite are having quite a time keeping awake and I'll try not to disturb them too much.

Now I failed, Mr. Chairman, to get some answers to a couple of questions that I put. I would mention right at the moment the one regarding the deferring of justice, and I specifically asked the question, is there no time limit upon a judge when he defers judgment? Is there no time limit placed on the time in which he must render a decision? I cited a case that was two years old, two years from the time it went to court before a judgment had been handed down, and the cost to the people -- to the one party involved was substantial just because it was deferred. I maintain that if this is not so, if there is no time limit, then something should be done to implement one.

Several times during the Minister's reply he said the ideal situation would be so and so. Several times he made this comment, and I think one of them was made relative to the other matter I enquired about, and that was the appointing of J. P. 's. I think he said the ideal situation would be to have a lawyer handle them or something of this nature. Well if this is the ideal situation, and I claim that it is, the ideal situation would be to appoint a lawyer a J. P., someone who is qualified -- qualified other than being a poll captain and of the Conservative Party or something of that kind. I understand that that's the first qualification, and I would like to know what other qualifications he must have.

(MR. SHOEMAKER cont'd.)

Now I have no complaint at all. Mr. Chairman, it reminds me of the cartoon that you must have seen in the papers two or three years ago when a sign painter was putting Q. C. after a number of lawyers' names on their doors and the fellow -- I think it was a Kuch cartoon -- the fellow, an innocent-by-stander standing there asked the question, what does Q. C. stand for? He said well everybody would know that, it was Qualified Conservative. And I'm saying here, is this the only qualification you have to have to be a J. P. ? If the ideal situation is otherwise, well let's have the ideal situation.

Now, Mr. Chairman, I know that it is a fact that two or three people in the province have refused to pay their heat tax, their fuel tax, their hydro tax, and their telephone tax. That is, they have remitted a cheque for the amount of the services rendered less the tax. I know that's a fact, and I also know that they got receipted bills back for the services, that is from the Manitoba Telephone System and the Manitoba Hydro. Now I want to know how prevalent this is. I know when we were discussing this heat tax the members opposite played it down and said, oh it was so trivial a thing that just everybody would go along with it, surely to goodness nobody would object to paying a little trivial thing like this, but there are a few -- there are a few who have refused to pay and I wonder just how prevalent it is. I know you and I don't feel like paying it if there are people that are escaping it. You can't drive up to a gas pump today and say, I'll just buy my gas less the 17 cents tax. You can't do that, or I haven't been able to do it anyway.

I'm also told that the telephone system and the hydro cannot suspend the service if you refuse to pay the tax because they, that is the Crown corporations, have all of the money that is due them for the services rendered, therefore they are not in a position to suspend the service. All they are doing, these Crown corporations, is acting as a collection agency for the government for the five percent tax, and I think that this deserves some kind of an explanation. If my honourable friends want me to table the proof of this, I have it right here and I'd be pleased to do it.

Now my honourable friend the member for Brokenhead has prompted me to say something about this whole matter of centralization versus decentralization. It seems to me that it depends a lot on who you are and where you live whether it is centralization or decentralization, and it looks to we folks in Gladstone and Neepawa that they are not centralizing regional offices in these areas. In fact they are taking them away from these areas, and it is the wrong practice.

Now I know, you can walk up and down Main Street in either one of the towns -- either Gladstone or Neepawa -- and you will find the people who will say, well if you had voted right you'd have had all of these offices in your town, and I've got a foggy notion, Mr. Chairman, who prompted them to make statements of this kind, because there were plenty of them made at election time. If you vote the right way, you'll get all the regional offices and so on and so forth that you want. Well I'm going to make a prediction right now that this kind of thing is going to backfire. It's going to backfire on them.

Mr. Chairman, I thought that the Honourable Member for Brokenhead would certainly prompt the member for -- Springfield, is it -- to get up and make some comment about the statement in the -- Beaver, is it? Surely he wasn't misquoted. I know my honourable friend the Attorney-General is the greatest guy in this House to be misquoted of any man I ever saw, but surely the Honourable Member for Springfield does not fall into that category of being misquoted by his own local paper in the lengthy statement that he made there. I believe he made the statement in his own constituency and kind of tied into the Attorney-General. I think just for a change, Mr. Chairman, I would like to see a fight on that side of the House with their own members and prove that they've got gumption -- that's a good word.

Now, Mr. Chairman, I sent out to the library for a couple of issues of the Neepawa Press. The first one is dated February 5th, this year, and what do you think the headlines on it are? "Prosecutions are on the Increase over Last Year." And it goes on, to quote a story there -- "A Substantial Increase. Why they're up 35 percent over last year." That is dated February 5th, 1965 and the police are reporting to council and saying further that there's no hope for a decline, that it looks like this is the trend. Now, the next issue of the Press, because we have the only press in Manitoba I think that is twice weekly, twice weekly -- Swan River got one -- (Interjection) -- You're going to have one; you're going to have one every two weeks, you tell me. Well this is two every week, this one. But, Mr. Chairman, the next issue was February 9th. What's the big story? "County Court Ends 84 Years of Service." This

(MR. SHOEMAKER cont'd.) one telling us that crime and everything else is on the increase. The next one says in spite of all that county court will end 84 years of service. The final sitting of the county court at Neepawa was held Tuesday, January 26th in the Municipal Building.

Now, Mr. Chairman, there are few towns in this province -- I want my honourable friend the Attorney-General to answer me if I am wrong -- there are few towns in this province that have had a county court longer than 84 years. They certainly didn't have them prior to 1871 anyway. -- (Interjection) -- Longer than Dauphin, my honourable friend says. Well, probably so. Probably so. And this seems to me -- I don't know what the cost has been. I don't know what the cost has been -- my honourable friend has the figures, no doubt -- but what has been the cost, say of operating the county court at Neepawa in the last, say 10 years? What's the average cost? Heavens above, Mr. Chairman, this government throws money away as if it has gone out of style anyway, to quote Steve Juba. If it only costs a thousand bucks or so to keep it open, and just everybody, just everybody is being -- somebody is playing tricks on me, Mr. Chairman -- and if everybody is being inconvenienced, everybody in the whole area -- the shopping area of Neepawa I think according to the Minister of Industry and Commerce, the shopping area takes in an area that serves around 25,000 people or something like that -- that's what he says. And Neepawa is the central point. And here they've taken a service away that's been there for 84 years. And I say it is absolutely wrong. And I hope my honourable friend the Member for Beausejour, or Springfield, will get up and say in this House exactly what he said down at Beausejour, and a whale of a lot more. And that's what I want him to do.

MR. CHAIRMAN: 1 (a) passed -- (Interjection) -- Couldn't you leave your item until we get to the

MR. JOHN P. TANCHAK (Emerson): I was going to comply, Mr. Chairman, but due to circumstances I'll not be here tomorrow night. We're going to try and form a division in my area, one that's not fragmented, but a good one, and I have to attend the meeting. Therefore I would like to say -- this has been mentioned anyway. I'd like to say a few words on this -- not on the division but on the thing before us.

MR. McLEAN: Can I go with you tomorrow night and talk?

MR. TANCHAK: You're very welcome, Sir.

There has been quite a lot of complaints in Canada that our prisons are not adequate; that our prisons in Canada as a whole are, some of them, not very clean and in fact even that some of the prisoners are being more or less treated like animals. I do not condone that and I would say that our prisoners should have proper care. Only one thing I would like to observe or draw the attention to here, as long as we do not make it better inside than outside.

It seems to me, after listening to quite a few members here that the policy of this department as far as the offenders are concerned, is to be very very lenient, and I'm speaking now of the repeaters mostly. It seems to me that the tendency is to lean backwards so as to appease these offenders, and quite a few members like to refer to these offenders as poor unfortunates. I don't subscribe to all of these attributes at any time, and I've spoken on that once before. The psychiatrists tell us that we're living in a society -- that society is to blame; that our society is sick now. And I wonder why is it sick. It may be that our society is sick because of this leaning backwards as far as the worst offenders are concerned. Are we trying to cure this sickness by simply pouring more and more money into the society, just like trying to treat a patient with a loose sick stomach by pouring more castor oil into him? I don't know. Spending more money in order that our good citizens live a life free of fear and anxiety is quite commendable. But pouring more money into this cause just simply playing the tune of the offender, is against my grain. And I have a reason to say this.

I would say that as far as the first offender is concerned, I'll go along that. I am concerned with his behaviour because he still has a chance. But as far as the repeater is concerned, I cannot see that we should be so lenient to him. I would go as far even as to agree with some of our police who lately have expressed their opinion that stiffer punishment is quite in order. I know that the psychiatrists will not agree with me -- and my honourable friend the Minister of Education is shaking his head -- but I would agree with them, as far as the repeater offenders. We poured more money into this department, more money to solve this problem but instead of the situation improving, we've got evidence here tonight that the situation seems to be getting worse. There must be something wrong with the policies that have been followed here.

(MR. TANCHAK cont'd.)

I had occasion to speak to one offender who was a repeater. I wanted to know what motivates him; what makes him tick. I asked him about it. And he told me that he enjoys the publicity and that he is tickled with the concern expressed on his behalf by officials, by psychiatrists, by social workers, and he said, even MLAs. We read in the paper and we hear what they have to say. He said, "I like to be referred to as the poor, misunderstood, unfortunate." I hear that quite often.

I spoke to another individual who seemed to have the very bad habit of stealing cars. He would be caught, apprehended, put in jail for a while, then released. He'd go out and steal another car. And then -- I suppose the Honourable the Attorney-General probably could even pin-point this case -- he'd steal another one; and then again he is apprehended. And what did he tell me? He told me that it was a lot of fun to know that some silly, and this is his exact words, "some silly jackass actually feels sorry for me." That's his exact expression. He wasn't even in my constituency. He happened to come from the City of Winnipeg. In my opinion he wouldn't have as much fun as he thinks he is having, if our punishment was a little more severe. I would like to suggest that the government look into some of its policy.

I don't think that you can always buy peace and security with money alone. I think that the government should insist on segregation and classification of offenders. I don't think that enough of this is being done at the present time. First offenders possibly could be rehabilitated. And spending money on their behalf is quite proper. But, even after the second offence, I think that the person should still have a chance, he may have a chance. But the habitual offender should have the book thrown at him. That's the way I feel about it. It may be costly to keep him locked up. Sure it costs the society a lot of money, but I would say that it would be less costly to keep him locked up than to let him loose so that he could molest the honest citizens, the good citizens of our province.

MR. GUTTORMSON: the Minister going to reply.

MR. SCHREYER: Mr. Chairman, I won't want to be unreasonable but I think that the least the Minister can do is explain the rationale for the removal of these county courts, and to explain what he intends to do about it.

MR. McLEAN: Mr. Chairman, I have been deeply shocked this evening by the revelation made by the Honourable the Member for Brokenhead concerning the statements made by my colleague the Member for Springfield. Who was it said, something about protecting us from our friends, we could look after our enemies. However, I'm afraid the Honourable the Member for Brokenhead is going to have to continue in that general vagueness because it would require an Order-in-Council to make any change in the present arrangements and I am unable to disclose to him what advice I propose to give to the Lieutenant-Governor-in-Council in this regard.

But I would point out a couple of matters to him which might be of interest. I mentioned I believe this afternoon that my colleague, now the Minister of Mines and Natural Resources, has held a series of public meetings on his proposal for 15 county court districts in Manitoba. And he reports to me that not one person, not one person attended the meeting that dealt with the subject concerning Beausejour. None of the lawyers that are now concerned; none of the Chamber of Commerce people; none of the municipal people, felt any concern to come. Now, that's fine. I report that and indicate that they were apparently not particularly concerned at that time. But it might also be of interest to the honourable member to know that while there is no country court centre there, county court sittings, that is sittings of the county court can be held there, and indeed in February of this year since this new arrangement has taken place, a sitting of the county court was held in Beausejour by his Honour Judge Solomon, so that it does not mean that the actual hearing of cases cannot be proceeded with in Beausejour, or indeed in any other place in the Province of Manitoba outside of the county court centre.

The rationale is very simple. Under the old system with a very large number of county court districts we had only part time county court clerks, part time bailiff -- that was all that was justified, there is very little work in most of them; they were fee paid; they were not trained, indeed couldn't be trained for the work. The services rendered were very poor and by and large we were under constant request to improve the situation and the improvement consists in a fewer number of county court districts in which we have full time salaried-paid clerks and the services of a sheriff extending over generally speaking, over the area of a judicial district. These are salaried-paid people who are trained for their work and who give, I would hope and expect, a very high degree of service. Now that's the rationale of it, and the

(MR. McLEAN cont'd.) rationale of it further is that in many of these places -- and I haven't got the figures for Beausejour -- the fees earned, which after all was an indication of the amount of work done was very small and would not under any circumstances, at any time -- and as I say, I'm not speaking particularly of Beausejour -- would not justify the employment of full time people which it was felt was desirable. Now that's the -- I don't know if that is a satisfactory explanation, but that is the situation and the matter of Beausejour was as I have said before, and as the Honourable the Member for Springfield has said -- he has brought it to my attention -- I know all about the articles in the Beaver; I have read them. I have had the matter brought to my attention and it's under investigation and consideration but until I am ready and able to give any advice to the Lieutenant-Governor-in-Council with regard to the matter, I'm afraid we will have to leave it at that.

Going back just to the beginning, the question raised by the Honourable the Member for Seven Oaks, and raised also by the Honourable the Member for Ste. Rose, concerning the order of priorities and why the delay, or why the Juvenile Detention Centre is second in the building program which we have in mind, they perhaps didn't listen as carefully as I had hoped to what I said yesterday. I said that while that was the order, the time lapse was a very minimal amount between them, and indeed we will very shortly be beginning the plans with regard to the Juvenile Detention Centre, and we are only talking about a very short period of time and if there is any -- the reasoning with regard to the Magistrate's Court Building is one which I covered on another matter, namely, the fact that insofar as Winnipeg is concerned, when the Winnipeg Police Force has moved out of its present police building, we are on notice that we will not have any location for our court rooms and that seemed to indicate some urgency in proceeding with the plans in that regard. But I would hope that the members would not be concerned. It is as I say, a very minor amount of time that we are talking about here as far as our present planning is concerned.

The matter of education for prisoners: I might report that we are considering undertaking an educational program at one of our rehabilitation camps and also have in mind -- it doesn't deal with adults but we have an arrangement worked out for a special kind of vocational training to be given to the boys at the Home for Boys at Portage la Prairie.

I can advise the Honourable the Member for Rhineland with regard to accepting cheques as bail that he would have lots of company because they wouldn't accept my cheque, or the Premier's cheque, or anybody's cheque -- cash only is all that is accepted, or a certified cheque, that is the rule. I think it is a good rule and it is likely to be followed if we wish -- it might perhaps lend itself to some -- not with regard to the Honourable the Member for Rhineland of course, but there might be those who might be inclined to mis-use the privilege of giving just ordinary cheques that were not certified.

The Honourable the Member for St. Boniface is not in his place and I'll try and make what comment I can without smiling so as not to touch his sensibilities in that regard. I am not going to get into any discussion I regret with regard to the Gingera case. I think as far as Mr. Gingera is concerned that if he feels that the Law Society should take some action, they have already done so, they disbarred him and I rather suspect he'll remain disbarred for a long time to come. The courts have dealt with him insofar as his criminal offences are concerned, and the matter of those who are entitled to have their funds reimbursed to them out of the Reimbursement Fund is a matter well within the competence of the Law Society to decide, or the Courts if that should become necessary.

I can advise the Honourable the Member for Neepawa-Gladstone that there is no time limit when a judge who has reserved his decision must give his judgment. I do not think it would be advisable that there should be a time limit, although I tried to say to him today I think that I know that sometimes it imposes a very grave difficulty upon those who have to wait. It is not something that --one would hope it wouldn't happen very often. But at the present time the plain answer is, there is no time limit and it is not proposed within our jurisdiction at least that we should do so.

I'm not too certain how prevalent it is of people refusing to pay their telephone and hydro taxes but I think that the Manitoba Telephone System and the Manitoba Hydro Board is entirely competent to deal with those who do not do so, and I think he will find that there is ample legal authority for all of the necessary action to be taken.

I don't know that any comment is necessary as to his comment about voting rights with regard to the matter of county courts or any other matter, or even to the appointment of justices of the peace. I can refer him to all kinds of people who are justices of the peace and

(MR. McLEAN cont'd.) have been Liberal poll captains and other positions within the Liberal party. I won't give him the names right now. I don't want to embarrass him but this kind of argument is really not very helpful in our consideration here.

But I come to one matter, Mr. Chairman: the Honourable the Member for St. George really thinks I'm not concerned about the independence of the judges in the courts as I might be inclined to say. He says, "Why this change of heart from last year?" Which of course only illustrates, Mr. Chairman, how little the Honourable the Member for St. George knows about what we are discussing. How little he has paid attention to the matters that went on last year, or the comments that have been made this year. There is such a vast difference between the two situations that I find it difficult to imagine that he would seriously ask such a question. There is quite a difference between what one does concerning the individual decisions of the courts in cases which come before them and the matter of referring to the courts questions for their consideration, and it is true that last year I did refer to the courts questions for their consideration and left them completely free to give whatever views they saw fit. Just as now we refer to the courts all of the cases — indeed after all what is going on is the referral of cases to the court for their consideration — and having done so, to leave the courts to decide and make their decisions, or in the case of last year their recommendations in the light of what they consider proper, and in the case of actual charges or cases to make the decisions that appear proper under the law and under the facts of the case. So there is quite a substantial difference and indicates no change of heart so far as I am concerned; there never has been any difference insofar as I am concerned, and I don't really believe that that is of any significance in the consideration of these estimates and I know he's going to get up right now and have another go at me on it. As far as I am concerned that issue is closed.

MR. GUTTORMSON: It certainly isn't closed. The Minister said there is no difference. Well this is just tommyrot. He didn't refer it to the courts; he wrote a personal letter to the Chief Justice and said, "What do you think of this matter?" This wasn't referred to a court of law, it was referred to a man as an individual and the Attorney-General acted improperly last year in doing so and the people in the legal circles know it, and he knows it now too. He had no right to do it. Now then to say there's no difference. He didn't refer to a court last year. He wrote a personal letter to those two gentlemen and then asked them to comment on what had been said in this Legislature. If that isn't direct opposite to what he says in the House today -- asking the judges to comment on statements made in the debates of this Legislature and then he says, we must respect the independence of the judiciary. He certainly didn't do it last year and if he thinks that way now, he has had a big change of heart.

MR. CHAIRMAN: 1 (a) passed

MR. SHOEMAKER: Mr. Chairman, my honourable friend the Attorney-General suggested that as respects a county court in the Beausejour area, or serving that area, that he was now going to give it serious consideration, or it was under consideration, that is I suppose the re-opening of it is under consideration, that was the inference that I got from his comment. What about Neepawa, that would be my question. Is it under consideration or is this a trial period that we are going through now in this regard? Perhaps I misunderstood him, but I would like him to comment on that, and then the other one of course is in regard to the J. P. s. This idea of saying well the Liberals did it when and it's all right for us to do it, doesn't satisfy me. I've said dozens of

MR. McLEAN: Mr. Chairman, that isn't what I said.

MR. SHOEMAKER: Well it was the same type of

MR. Mc LEAN: I was suggesting to the honourable member that we now appoint people, J. P. s who have been Liberal poll captains.

MR. SHOEMAKER: Well, Mr. Chairman, two wrongs doesn't make a right. This isn't the way to appoint them. They should have qualifications. -- (Interjections) -- My guess is what my honourable friends are saying by their loud appause is they appreciate that everything in this regard is done politics first and qualifications second. That's whzt they're suggesting with their applause. I say it isn't good enough. Our honourable friends are always saying that the Liberals came -- I forget the exact quote -- they're still using it and I think they used it last night, "We come screaming and dragging and what else into the last half of the 20th Century." -- (Interjection) -- Well no, but I heard via the grapevine they are still using this old cliché that they used seven years ago. They're still using it. Apparently they haven't thought up a new one and I know that it disappoints them because we are supposed to be insulted when they make remarks of that kind. Well, I'm not. But I am screaming in this last

(MR. SHOEMAKER cont'd.) . . . half of the 20th Century about some of the things that they're doing, and one of them is the way they're appointing J. P. s.

MR. SCHREYER: I just want to thank the Honourable the Attorney-General for his statement of clarification as regards the County Court Centre at Beausejour. It's not that the statement provides so much clarification but that it is clear relative to the statements he made earlier.

I just want to take the opportunity to correct him on one point. There's no point in letting error go unchecked. The Honourable Attorney-General said that no one from the Town of Beausejour, none of the legal profession from that town appeared before the hearing, the Judicial Commission hearing, and according to the Judicial Commission Report, no sittings were held at Beausejour. It's right on Page 1 of the document. In any case, why would there have been concern on their part? The Commission found or recommended that the County Court centre be retained there, so they wouldn't appear there to protest. What caused all of the alarm was that the Cabinet took upon itself to abolish the County Court centre in spite of what the Commission said and the people there didn't find out until January. Some of them called it a breach of trust. Well, strong language, but I can show the Attorney-General the quote if he's interested.

MR. GUTTORMSON: Mr. Chairman, I'd like to bring into the House a situation which I think is deplorable, and that is the handling of justice in the area of the Interlake. People that are charged with offences are waiting months before they can have their cases heard. I could cite a case of a young chap who was charged with an offence in December, and after a great deal of difficulty, chasing around, he managed to get bail, and to this day he is still waiting to have his case tried. If he hadn't been successful in getting bail at that time he'd have still been in jail waiting to have his case heard. Now it seems awfully wrong to me to have to have these people wait a month, two, three months, and even longer to have their cases heard up there.

On February 22nd, the day this House opened, the Court was scheduled to be held in Ashern, and because it was a little wind blowing that day they decided to call the Court off for the day and it meant another month before any of the cases were heard. I think it's an awful way to handle justice to have these people waiting month after month to have their cases heard. The accused are going back time and time again hoping to have their cases dealt with and they're not being dealt with at all. It seems that something drastic has to be done to bring a change in the situation that exists at the present time.

MR. CHAIRMAN: 1 (a) -- passed?

MR. GUTTORMSON: No, Mr. Chairman, I want the Attorney-General to answer me.

MR. McLEAN: Mr. Chairman, I don't know the case to which the Honourable member refers. If the facts are as he has stated, he's correct; if they're different, that's different. I can only say that I'll look into it.

MR. GUTTORMSON: But why do they only have one court a month?

MR. McLEAN: County Court?

MR. GUTTORMSON: No, this is the Magistrate's Court. They have one sitting a month, and if the weather is a little adverse on a particular day they call it off and then wait another month. This is what is going on up there. It is entirely wrong.

MR. CHAIRMAN: 1 (a) -- passed?

MR. GUTTORMSON: No, Mr. Chairman, the Minister hasn't replied yet.

MR. CHAIRMAN: The Minister gave his reply. 1 (a) --

MR. MOLGAT: Mr. Chairman, I have a couple of questions to ask that I think have to come under the Minister's salary because it has to do with the Liquor Commission and I don't believe that shows up under any other individual item on his Estimates. If it does I am quite prepared to wait, but I don't know where I would bring it up.

I would like to know from the Minister, Mr. Chairman, whether he shares the view of his predecessor regarding the sale of beer in grocery stores. The previous Attorney-General had indicated that he was very much interested in this particular aspect and had so spoken to a convention in the city. I must confess that he was demoted shortly after. I don't know if it was directly connected with this particular utterance or not, but be that as it may, I would like to know from the present Minister whether the government is contemplating such action.

MR. McLEAN: It is not under consideration at the present time.

MR. MOLGAT: Well then Mr. Chairman, I have a further question to ask on the subject as to why the Minister wouldn't be contemplating it, because I gather from news stories that have come out that the beer that is being sold really could be sold in grocery stores because it is non-alcoholic, or virtually so. I have here a news story that appeared in The Brandon Sun and it was sent to me by an aggrieved beer drinker. Yes, the gentleman sent me the clipping. The headline is, "The Label Said Beer, but the Lab Said No." Then the story goes on to say, "When is beer beer? Under Manitoba Law beer is beer when it contains 2.5 percent or more alcohol."

The story goes on that some young lady had gone to purchase some beer from a vendor and was apprehended because she was not of age to purchase beer. The police charged her for purchasing liquor under the age of 21 and for possession of liquor. She appeared in Court and the Magistrate asked for laboratory proof that the contents were in fact beer. The Court was unable to furnish such proof so the charge was dismissed. Now apparently a second charge was laid by the government. The Crown Attorney in the second time ordered a laboratory test of the contents and the laboratory test showed that the beer was in fact below the legal amount of 2.5.

So I would like to know from the Attorney-General whether this is a consistent practice in the Province of Manitoba, whether this is checked or not, because I think that the consumers have the right to know that they are getting what they are purchasing. In this particular case the gentleman who has written to me feels particularly hurt because he says with the new tax on the beer the least that he feels that he should get is value for his money. He is very unhappy with the tax as it is, and tells me that he assumes that what he is paying for in the new tax is the label and not the contents.

Now there are some humorous aspects I must confess to the story, Mr. Chairman, but humorous or not I think that this is a serious matter. The consumers have the right to purchase what the law says that they should have, and if it is 2.5 then I want to know from the Minister what is he doing to see to it that this is enforced; and if it is below that, then why doesn't he follow the recommendations of his predecessor and sell it in grocery stores, because obviously it's non alcoholic.

MR. HRYHORCZUK: Mr. Chairman, in connection with the same case, I had a letter from the father of the accused and from what he had to say, I believe that he obtained treatment from the Court --or his daughter did that they shouldn't have received. If the contents of the exhibit showed that the alcoholic content of the beer was less than 2.5 percent, I do not think that that beer should have been confiscated. It should have been returned to the accused. I would like the Attorney-General to look into this case and give us a report on it to just see whether there wasn't a miscarriage of justice here. I agree with my leader that if our breweries are selling beer below the 2.5 alcoholic content there's something rotten, not in Denmark but right here in Manitoba. I would suggest that that be given very careful scrutiny by the Attorney-General, and if the brewers are trying to get away with something a stop should be put to it.

MR. MOLGAT: Mr. Chairman, I really do expect an answer from the Minister in this case. As I say, there are some humorous aspects to this but there are also some very serious aspects to the whole matter. This is an important legal consideration. After all the breweries are licensed by the Province of Manitoba; the product is sold by virtue of the government's authority, all the licences come from the government, the government has set up the rules; and I think it's important that the consumers know what they are getting.

If this is the law, then the Attorney-General in two capacities, Mr. Chairman, one as the Attorney-General of the province and the other one as the man responsible for the Liquor

(MR. MOLGAT cont'd).....Commission should be looking into this. Now in view of the fact that this was one of his Crown Attorneys who did order the laboratory test and it showed below the legal strength, what action did the Attorney-General take to enforce the law; what action did he take as the man responsible for the Liquor Commission to see to it that the proper legal standards for beer were maintained?

MR. PAULLEY: Mr. Chairman, I wonder if this isn't another indicator of the necessity of setting up a department of consumer protection in the Department of the Attorney-General.

MR. McLEAN: Mr. Chairman, I believe that the Liquor Commission carries out quite extensive checking to ensure that beer measures up to the standards that are set. If the facts are as indicated here this evening, that would certainly indicate a rather unusual situation. I'm not familiar with the case, that is the aspects that there may have been a miscarriage of justice, and I would certainly be more than happy to look into it and get the facts. I cannot give any further information. I am not familiar with the case to which reference has been made and I have no information at the present time.

MR. MOLGAT: Mr. Chairman, this matter then was not brought to the attention of the Attorney-General by the Crown Attorney? The story is the newspaper indicates that the Crown Attorney is the one who asked for the laboratory test, and the story ends that after having received the analysis showing the contents as being .22 percent below the legal content that a Stay of Proceedings was entered by the Crown. Now this was my honourable friend's department who had undertaken the charge in the first place, who decided to get the analysis, and who then decided on the basis of the analysis to have a Stay of Proceedings. Now the Minister doesn't know about it? His people didn't advise him?

MR. McLEAN: That might well be, Mr. Chairman. I don't deal with every individual case. I don't even deal with all the Stays that are entered.

MR. MOLGAT: I appreciate that the Minister doesn't deal with every individual case, Mr. Chairman, but here is a case where the law was broken. My honourable friend's department made a charge on the basis of certain information. When the information was checked out, it was found that the law was being broken not by the individual against whom they laid the charge but by the breweries. Now why did my honourable friend not take action? Why was this not brought to his attention? As I said, the gentleman who wrote to me saw some humorous aspects in it, but there are some very serious aspects here, Mr. Chairman. This happens to be (a) one of the big money-making departments for this government. They draw from the people of this province a tremendous amount of tax from this particular field, and my honourable friend says that he doesn't know about it and did nothing about it.

MR. McLEAN: Mr. Chairman, if the Honourable Leader of the Opposition will just calm down and give me until tomorrow afternoon I'll probably have the facts, but I haven't got the facts at this stage. I don't have the facts of every one of the thousands and thousands and thousands of cases that are dealt with by the Attorney-General's department.

MR. MOLGAT: Mr. Chairman, then it appears that there's a law for the people who buy beer when they are under age 21, but there's a different one for the brewers if they don't live up to the law of the province. The Attorney-General seems more concerned --(Interjection)-- Well, but that's the case. I don't know exactly when the clipping was, but the letter was sent to me on the 9th of January. Now on what grounds can the Attorney-General of this province say that this hasn't been brought to his attention? Why not? If the law was broken, as it clearly was, then why wasn't he informed?

MR. SCHREYER: Mr. Chairman, I would wonder if the Leader of the Opposition would table that letter and related documents.

MR. MOLGAT: No, Mr. Chairman, I don't intend to table the letter. I did not read from the letter, and under the rules of the House I do not need to table the letter. I'll be very pleased to let the honourable member see it if he wishes.

MR. CHAIRMAN: 1 (a) --

MR. GUTTORMSON: Does the Attorney-General feel that in a large area like the inter-lake that one court sitting a month is adequate?

MR. McLEAN: Mr. Chairman, that's like asking a fellow whether or not he has stopped beating his wife. Effective on the 1st of January 1965, we appointed a full-time magistrate and on his circuit of work is Ashern. I can't advise the honourable member how often he goes to Ashern. I don't know how many cases there are to be dealt with there. I regret the circumstances of the case to which he has directed my attention. All he would have had to do on the 22nd of February was to have called me on the phone, as the honourable member well knows, and

(MR. McLEAN cont'd).....I would have arranged for it to be dealt with forthwith. After all, we're only the distance that you are from your telephone. Why all thisover this thing. They may only have one case in six months up there as far as I know, and this may be the one. Now I'm sorry, I didn't know about it. I'll see that it's dealt with forthwith and would have seen that it was dealt with forthwith if you'd have had the good sense to let me know about it.

MR. GUTTORMSON: The Minister is talking nonsense when he asks if one case in a month. The situation is this, that every court day they are so jammed up they can't even hear the cases. It's not a case of one case. It's a situation of every court day is the same. Accused persons are appearing in court; they are scheduled to have their cases heard; and the number of cases is so great that the magistrate can't hear them all and they have to be laid over to the next month. Then the next month comes up, they can't hear them on that day and they are carried over to another month. Now to make the asinine remark, "one case a month", is just ridiculous and he should know better than to make a statement like that. Yes, all right, you can whimper in the background if you want there, but this is a situation where people are concerned. --(Interjection)-- Oh, pass the towel. I think that the Minister should give it serious consideration, that we should have more court days so that the people can have their cases heard. And cases where people are --they either have to plead guilty or wait maybe three or four months or more to have their cases heard, I don't think it's right.

MR. CHAIRMAN: 1 (a) --passed; (b) --passed; Resolution No. 44--passed, Resolution No. 45: 2 (a) --passed; (b) -- passed; (c)--passed; Resolution No. 45-- passed. Resolution No. 46: 3 (a)--passed; (b)--passed; Resolution No. 46--passed. Resolution No. 47: 4(a)--passed; (b)--passed; (c)--

MR. MOLGAT: Mr. Chairman, on the Revision of Statutes, could the Minister indicate when we may expect the new revised statutes and whether they will in fact be on the loose-leaf basis which has been promised to us? This has now been in process I think for something like two or three years.

MR. McLEAN: Mr. Chairman, I think the Revised Statutes will not be available until 1967 --or perhaps I should put it the other way around-- that is our target date at the present time. I would have to say we are not making that progress that we had hoped. Mr. Rutherford has been engaged in assisting with particular statutes which are being modernized and brought up to date. The matter of the loose-leaf form of the statutes, I think, has not been finally determined. We are really not at the stage where we have to make that decision.

MR. MOLGAT: Mr. Chairman, I didn't realize that the revision was a centennial project, but we'll certainly be happy to get it when it comes.

MR. CHAIRMAN: 4 (c)--passed; Resolution No. 47-- passed. Resolution No. 48: 5(a)--

MR. MOLGAT: Mr. Chairman, on Resolution 48, I wonder if the Minister could advise me whether the Crown Attorneys in Brandon have the authority to lay charges and to decide to withdraw charges without reference to the department here in Winnipeg?

MR. McLEAN: The Crown Attorney at Brandon? Yes, he works under the jurisdiction of the Crown Attorney for the Western Judicial District and they, except in any cases they wish to refer to us, they operate on their own.

MR. MOLGAT: Could he inform me who is the Crown Attorney for the Western Judicial District?

MR. McLEAN: A. Burgess, Q.C. is the full-time Crown Attorney and there is an assistant Crown Attorney at Brandon, W. J.

MR. CHAIRMAN: 5 (a) (1) --

MR. GUTTORMSON: Regarding the new Safety Building, could the Minister advise us what procedure is going to follow in regards to taking the prisoners from the jail to the courthouse every day? Sometimes you could have 50 to 60 prisoners on some days. What procedure is going to be applied to get the prisoners back and forth from the two buildings?

MR. McLEAN: Mr. Chairman, the prisoners to which the Honourable Member for St. George is referring I presume are those who would be in custody particularly in the Winnipeg Safety Building. They will be transported by bus to the court building. This is a procedure that is followed now of course with respect to persons in custody in the jail at Headingley and would be on the same principle and will require them to be transported by bus. Our building, the style of construction will allow for the driving of the bus into the new Magistrates Court Building in a completely enclosed area for the accused persons to leave the bus. There will be a suitable holding area in the Magistrates Court Building where they will be able to remain until their case is heard. Of course some will undoubtedly have to be transferred back to the

(MR. McLEAN cont'd).....Safety Building; others would go to the Headingley Jail if they were convicted; others would be released because of having their cases dismissed or perhaps disposed of with a fine. We would have provision of course for any meals that would be necessary during the time of the day that they were there. They would not remain there overnight. It would only be a holding area. But the transportation would be by bus.

MR. GUTTORMSON: I understand there was some disagreement between the Provincial Government and the Police Commission over the cost of transporting the prisoners back and forth. Has this been resolved?

MR. McLEAN: Yes, I believe so, Mr. Chairman. Actually, I'm not too sure whether one could say disagreement, but naturally those who were accustomed to doing their work in a certain way were not anxious to have it different. They wanted the Magistrates Court Building much closer to the police building so that this aspect of transportation would not be required. I would just point out that of course it is the responsibility of all municipalities now to arrange the transportation --that is other than Winnipeg where they are in the same building-- to transport their prisoners to the court. For example if there was a prisoner in custody in St. James, it's the responsibility of St. James to transport that prisoner or that accused person to the court where he is to be tried, and in principle that's the same thing that will be followed with respect to Winnipeg. There is the difference of course that there are a larger number of accused persons with regard to Winnipeg. My understanding is that the matter is --I'm not too sure whether I could say accepted-- I think it's rather approved, but I think one could say that it is now accepted as part of the arrangement.

MR. GUTTORMSON: Does that mean that the city will be looking after the cost?

MR. McLEAN: Yes.

MR. MOLGAT: Could the Minister indicate what the estimated cost of the new building will be to the province?

MR. McLEAN: Our present very rough estimate is a million and a half.

MR. MOLGAT: Was the government actually offered space in the building that the City of Winnipeg is building? Were they offered some space? In other words, by making the building taller than it is now, by adding either another or two stories, is it correct that they could have used that space?

MR. McLEAN: Yes, Mr. Chairman, the City of Winnipeg in the planning of its Safety Building had a floor for the purpose of magistrates courts and they have not changed their plans. That is to say, they are building the building with the same number of stories --I have forgotten the total number of stories-- but there was a floor that they had available and indeed that is the floor that will be providing the court room space under the arrangements that we were discussing a little earlier this evening.

MR. SCHREYER: Mr. Chairman, the Honourable the Attorney-General suggests that the cost, the estimated cost of this new Safety Building is about a million and a half dollars. Now I would ask him if any of that amount is being appropriated for under Item 10 of his Estimates. It is the item that says Provincial Buildings, etcetera. Chargeable to Capital Division, \$596,000.00. Is some of it in there?

MR. McLEAN: Yes, Mr. Chairman, \$500,000 of the money is in that item.

MR. SCHREYER: And the balance is in the Capital?

MR. McLEAN: Correct.

MR. GUTTORMSON: Would this be the Courts rooms, or what other facilities would be available in that building? Anything else?

MR. McLEAN: Mr. Chairman, there will be provision for the court clerks, that is the general office to which the public --well first of all I'll start right at the bottom. There will be the holding area to which I made reference just a few minutes ago for those who are there, and the holding area will be properly divided with regard to women and men and have all separate facilities in every regard. Then there will be the area to which the public will come to deal with those matters that they have to and meet the clerks and that sort of thing. There will be the provision of the courtrooms, and our plan would be to provide for more courtrooms than would actually be required at the present time, but having in mind the possibility of additional courtrooms in the future.

There will be space for offices for the magistrates and these will be separate and apart from the Crown Attorneys. The magistrates will have their own area with their private offices and general office for their secretaries, stenographers, clerks. Similarly the Crown Attorneys will have space where they will have their private offices and their general office, clerks and

(MR. McLEAN cont'd).....stenographers. We will make provision for a library and I'm not too certain whether we are going to have to have one library to which both Crown Attorneys and magistrates will have access or whether there will be two separate libraries. That point has not been decided.

There will in addition be adequate and proper provision made for police officers who have to go to the court-house in respect of their duties, and by that I mean a separate place where they may go. They may wish to interview witnesses, discuss matters themselves and that sort of thing. There will be rooms for witnesses, accommodation for defence counsel, both by way of a place for them to be with cloakroom space and all that sort of thing and also space where defence counsel may interview their clients in respect of matters coming before the court.

Our present intention, although we may have to vary this slightly, would be to have space provided for the probation officers in this building. Now I say that with perhaps a little hesitation, only that we may decide as a matter of policy to have the probation officers located in the Juvenile and Family Court and only require a very minimal of space in the Magistrates Court Building for their purposes as they go to that building for the purpose of attending court.

There will be suitable space provided for all the other agencies who from time to time have occasion to go to the court and be there, and I'm thinking such as church groups, the Salvation Army or whatever may be the case.

Now all of these, that's just very roughly --but what we are wanting to do is provide suitable accommodation for everyone who will have any reason to be in the Court Building.

One of the things we have asked the architects to do, and I believe it has been done elsewhere --I'm informed that perhaps one of the best Court Buildings of this type is that of Calgary-- one of the things we have asked the architects to do is to devise some means so that the accused persons who are in custody may go from the detention area to the courtroom without having to go through the public hallways--suitable arrangements of that sort. I'm not too clear on how that's done but we have it in mind. That's the general rundown. It would be a complete self-contained courtroom with facilities for everything that would be required.

I might say we would not provide for parking there or for eating facilities, because if we remain in the location --subject to the comments made by the Honourable the Member from Selkirk-- if we remain in the location that has been selected at the moment, adequate parking will be available just across the street from the building in the cultural centre or one of the buildings there in that complex. I understand that there will be restaurant facilities very close as well so that meals may be brought in if as and when required for persons in custody, and of course others who have occasion to go out will be able to go a very short distance for that purpose.

MR. GUTTORMSON: Does the Attorney-General really believe that it is necessary that the courts be in a separate building? I know that there are those who have firm views on this but I for one cannot see what difference it makes. It seems to me the government could save a lot of money by having it all in one building. Does the Minister think that it is essential to have the courtrooms in another building separate and apart from the Public Safety Building, where I venture to say 80 percent of all the arrests will be made and all the police work will be done.

MR. McLEAN: I believe it is essential, yes Mr. Chairman, but I recognize the argument of those who have different views.

MR. GUTTORMSON: What are his reasons --a good public image or is it an attempt to show that the courts are apart from the police, is that the idea?

MR. McLEAN: Yes, Mr. Chairman, I think it's quite important that the court function and the police function be quite separate one from the other. I read the other day from the speech that I made on the 10th of December and I can do no better than just to quote this one paragraph. "The provision of this separate court accommodation will I trust emphasize what to me is an important concept, namely the complete separation of the policing function and the judicial function. I think it is most important to emphasize this separation and I believe that it is important not only that they be understood to be separated but that they appear to all concerned to be completely separate and independent one of the other." That's my own view and as I say I recognize that others might have a contrary opinion, but I believe that this is the case.

MR. MOLGAT: Mr. Chairman, on the administration of justice, the general resolution here, I'd like to ask the Minister whether he has in fact proceeded with the probe which he announced he was going to have. This is from the Tribune, August 12, 1964. "The Attorney-

(MR. MOLGAT cont'd).....General, Stewart McLean, said today that he will recommend to the provincial cabinet that a committee be established to investigate the rolls of coroners, magistrates and crown attorneys in Manitoba. This was the substance of a resolution passed by the Manitoba Bar Association at its convention last June and forwarded to the Attorney-General a week ago. With the resolution Mr. McLean received the minutes of the Bar Meeting discussion." And it goes on, "Mr. McLean said he would support the Bar Association recommendation that the committee be appointed 'to investigate the question of the coroner's inquest, the office of coroner together with the offices of magistrate and crown attorney as applied to both urban and rural Manitoba'." So he was going to do this in August, recommend to the provincial cabinet that this committee be established. Has it been established? If so, when, who are the members of the committee, how frequently have they met, and when can we expect a report from them?

MR. McLEAN: Mr. Chairman, I regret to report that the committee has not been appointed. I encountered some difficulties with regard to getting a chairman. It would be still my intention to appoint a committee but it has not been appointed and I have nothing to report from it.

MR. MOLGAT: Could the Minister indicate when he might be appointing the committee, Mr. Chairman, because I really think that this is an important aspect. The Bar Association certainly was very precise in what they felt should be done in this field. They were very much of the view of my colleague the Honourable Member for Selkirk that there should be no part-time magistrates, there should be no part-time crown attorneys, and that action should be taken on this very soon. This was concurred in completely by the Attorney-General at that time. He agreed with them fully, because there are other quotations from other newspapers as well indicating that this was completely in line with his thinking. Now this is now some eight months ago. Could he tell the House when he proposes to proceed?

MR. McLEAN: I think, Mr. Chairman, having made a statement on the 5th of August or whatever it was and not being able to deliver, I would be better advised not to suggest any new date.

MR. GUTTORMSON: Could the Minister tell us how the department pays their part-time magistrates? On what basis are they paid? Is it so much per day or what is the system of payment?

MR. McLEAN: The part-time magistrates are paid a salary. The salary varies and we endeavour to relate the salary paid to the volume of work that is handled by the magistrate. They are not fee paid other than in the case of a few magistrates who are non-professional people in very remote areas where they are fee paid, but that is a small part of the work. All of the other part-time magistrates are paid a salary and not by fee.

Now I was saying this afternoon to the members of the committee that it is always a difficult thing to decide what amount should be paid. For example, the magistrate at Virden, who sits only at Virden, has a relatively light caseload. On the other hand, Magistrate Lauman at Minnedosa covers a fairly wide territory and spends a great deal of time and is accordingly paid a much more substantial remuneration. Magistrate MacPhee at The Pas covers a wide geographic territory and that fact is taken into account. There is no rule, that is there is no formula. We try to set it at what appears to be adequate and proper in the light of the work that there is to be done. Somebody asked me if I had had any complaints and I said, yes, there's always someone who feels that he's not being paid sufficient, and if we have a complaint we try to deal with it as fairly as we can.

MR. GUTTORMSON: Mr. Chairman, are the full-time magistrates, I think you named them today, are they all paid the same amount or are they paid varying amounts?

MR. McLEAN: No, Mr. Chairman, we have two classifications. We have a classification known as City Magistrates and there are two persons occupying those appointments. They are paid at a salary which is higher, which is the highest of the Magistrates' salaries. The others are Provincial Magistrates and their salary classification -- in the Civil Service classification are known as Provincial Magistrates and they are paid depending upon where they are in the salary schedule or at what point they are in the range. There is a difference, that is a City Magistrate's salary is higher than that of the Provincial Magistrates.

MR. EVANS: I move the Committee rise, Mr. Chairman.

MR. CHAIRMAN: Call in the Speaker.

IN SESSION

MR. CHAIRMAN: Madam Speaker, the Committee has adopted certain resolutions and begs leave to sit again.

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Member from St. Vital, that the Report of the Committee be received.

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

MR. EVANS: Madam Speaker, I beg to move, seconded by the Honourable the Attorney-General, that the House do now adjourn.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned till 2:30 o'clock Friday afternoon.