

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock Thursday, March 21, 1963

MR. CHAIRMAN: Resolution 44 (1) (a) passed; (b) passed. Resolution 44 passed. -- (Interjection) -- Yes, it's passed.

MR. HILLHOUSE: Which one did you call?

MR. CHAIRMAN: passed?

MR. D. L. CAMPBELL (Lakesdie): There were some questions being asked and I am sure there are a few yet to be brought up and one of the ones that I had intended to leave until later on in the Estimates has been partially discussed already and so I suppose I might as well mention it at this time too. I had not intended to raise it until we got to the Administration of Justice, but, as my Leader has mentioned, there are such a consolidation here that it seems to be the practice that we're going to discuss almost anything or everything under the Attorney-General's salary, and, having gone that far, perhaps we might as well carry on.

But the question that the Honourable Member for Ste. Rose brought up was with regard to appeals -- when appeals are taken and the number that are taken. I think the Honourable Member for Inkster mentioned this from a slightly different point of view. Well I have an idea that some more appeals should be taken in certain cases. One of them that has come up recently is one that I think deserves the attention of this House. While I know we're not to criticize the court -- this certainly is not intended as a criticism -- but it does indicate the difficulty that the citizens of the province face and I think that when they become too onerous on the individuals themselves that the Crown should take over and conduct the appeal.

The one that I'm thinking of has to do with the recent election in the Constituency of Killdonnan. I think it is unfair that the political party, and I can afford to be perfectly objective in my approach to this problem, because our party was not implicated -- at least we didn't stay implicated long enough -- and so I can be objective as far as the court case is concerned. I think it is unfair to the political party to have to carry the appeal in that case. I would think that in a situation of that kind it is the Crown that should make the appeal, because it's our law that's called into question here and if our law isn't clear enough that the court can't be more unanimous than they have up to date in interpreting it then, for goodness sakes, I for one would like to see what the highest court in the land would say about it. When we have a case here, where it goes to the appeal and we have five good men sitting on the Appeal Court and they split three to two on a thing that seems to me to be as simple as that one is, and split wrongly on it, as it seems to me, then I would be one that would certainly like to see that go to the Supreme Court, and there seems to be some question as to whether it even can go to the Supreme Court or not.

Now this happened just after a group of us from this Chamber spent a good bit of time revising The Election Act and putting our heads together to try and make it as good as we could, and yet this -- apparently this section or sections is or are not very clear and so we have this court case -- and I can understand that so far as the position of the government is concerned, that they're happy enough with the result, and certainly I'm not the least bit concerned about the result, because between my honourable friend who sits here and the honourable gentleman who used to sit here -- they're both fine fellows as far as I'm concerned -- I have no interest at all. But I think we are all concerned that an Act that we have passed here, and recently revised, is so confused in such an important particular as that one and so it decided one way by the Returning Officer, then the County Court Judge decides it a different way and then the Appeal Court, on a three to two split decision, decided the same way as the County Court Judge, I believe. Well now, surely with a three to two decision we should have a ruling from the Supreme Court of Canada, and I would think in that case that it's the Crown should take it, not any political party. Let's see what the Supreme Court says, because that's what we've got a Supreme Court for. Surely to goodness, when we get three to two decision by our own Appeal Court on that, surely that's a case where we should use the Supreme Court. Let's get their decision and then let's make the Act so darn plain that nobody can go wrong -- (Interjection) -- Yes, my honourable friend who contributed greatly to the discussion this afternoon has helped me out by saying, "make it so plain that even the lawyers can understand it." Well I think we should try to make it plain, but my point is that this is a case that I think the Crown should

(Mr. Campbell, Cont'd.) . . . appeal, not my honourable friend or a political party. I have every faith in the independence and the standing of the court and I certainly would not suggest, and I don't suggest, that either with the County Court Judge or the Appeal Court Judge or the Supreme Court; I don't suggest that it would make any difference to any of them as to who took the appeal, but I do suggest that it's better in cases of that kind for the Crown itself to take it, rather than any individual or group of individuals or political party.

So, that's a long way to ask my question, Mr. Chairman, but what I want to ask the Attorney-General is: has he considered appealing and, if the answer is no, that he hasn't considered it, or no that he doesn't intend to do it after consideration, I'd like to ask him, why?

MR. LYON: The answer, Mr. Chairman, is no, and the reason why is that the Crown is not a party in any way at all, to the action and actions as between the two political parties involved with respect to the decision made by the Returning Officer. The Crown is in no way involved, nor do I think the Crown should be involved.

MR. CAMPBELL: Can't the Crown take stated cases, even to the Supreme Court?

MR. LYON: On constitutional and certain measures of that nature, yes.

MR. CAMPBELL: . . . on a case of this kind?

MR. LYON: I don't think so.

MR. CAMPBELL: Well, I don't know what -- I have to defer to the legal gentleman I guess in this case -- but I would think that there would be some way that the Crown could intervene or inter-plead or in some way get a case of this kind before the court. If they can't then, for goodness sakes, let me make the next suggestion to my honourable friend based on some one of the court's decisions, will the honourable gentleman consider bringing in legislation so we can get a -- make a try at making the section more clear than it is at present?

MR. PAULLEY: I would just like to say a word. I think it's incumbent on me to say a word in connection with the remarks of the Honourable Member for Lakeside. It's perfectly true, as is well aware, that insofar as I, as the Leader of the New Democratic Party and the Leader of this group in the Legislature, that we do have, in this particular case, a somewhat of a political interest and I want to say that I have no objections, and I think I have already said this in the House, to the person who is representing the Constituency of Kildonan in which this happened. I have nothing against the individual concerned that's now sitting in this House.

Now this matter will be subject to a resolution, Mr. Chairman, which members may have noted, that I am proposing in the Legislature in connection of a review of The Election Act. I hope to be able to introduce the resolution tomorrow. But I do think, and I think that the Honourable Member for Lakeside is perfectly correct when he states, that this goes beyond the question of political parties, because if one reads the history of The Election Act in the Province of Manitoba; legislators in the past have attempted to make sure, within The Election Act itself, that the voter has an opportunity to make his or her selection of the candidate of their particular choice. In the history of The Election Act here in the Province of Manitoba, at one time it was just simply an "X" and it was acceptable; and then in the wisdom of the Legislature as time went on they decided that this wasn't quite okay -- that it wasn't giving to the individual voter wide enough scope -- so then we changed The Election Act of the Province of Manitoba to accept a check mark, and "no", and certain other figures, clearly indicating a choice for a voter, and we added into The Election Act, eventually, a section in the Act which more or less states "that where the clear indication of the voter is designated then that shall be a valid vote." Now then, this being the judgment of the Assembly and the changes that were made in the past jurisdictions -- the past Legislature to leave it more or less free and wide-open as to choice, to me was a step in the right direction. Now then we established this, the Assembly or Assemblies in the past, established this wide principle and wrote it into The Election Act -- (Interjection) -- Yes, certainly.

MR. ROBLIN: In view of the fact that this item is on the Order Paper for discussion tomorrow, would my honourable friend consider dropping the subject until we can deal with it, perhaps in that debate, rather than make the debate twice. I was going to suggest that when the Honourable Member for Lakeside rose and I thought that when my honourable friend, the Leader of the NDP rose, he would remark it was on the Order Paper and that the debate could be left until that time. So if it meets his convenience I would suggest this would be more in accordance with the usual order.

MR. PAULLEY: Except, Mr. Chairman, for one point, because the Honourable the Member for Lakeside raised a point which is not subject to thorough debate on my resolution which will be proposed; that is as to whether or not the Crown itself should undertake an appeal. Now the question that the committee is considering is the question as to what cases should be appealed and what should not be appealed and I'm not trying to establish, and I hope not to in my resolution either, as to the political aspect, but the Honourable Member for Lakeside raised the point to the Attorney-General, which I think is perfectly valid apart from any political consideration in this matter, that here the Legislature of Manitoba has established a law, a law which, by implication at least, establishes certain principles within The Election Act and the Legislature in the past, and as the Honourable Member for Lakeside mentioned, that we considered this matter, I believe it was in 1960, the whole Election Act, but throughout all of this period of time the Legislature, or the Legislative Assemblies of the Province of Manitoba established a principle, and that principle has been written in to law. Now then, this established principle has been a subject of review by our courts and, as the honourable member said, in a very rare, as I understand it, split decision of the Court of Appeal. Now I would suggest that the Honourable Member for Lakeside is quite right when he establishes the fact that because of the fact it is a law of the Province of Manitoba that is in somewhat of dispute, then a considerable onus is on the law enforcing agency of the Province of Manitoba to ascertain if possible from the highest court in the land of Canada-as to whether or not the legislation, irrespective of political consideration, whether or not the legislation that was passed by this body is correct or it is not. And I suggest that the Honourable Member from Lakeside has a very vital point as to whether or not the law enforcing body of the Province of Manitoba is going to attempt to come to the defence of the law that was created by this Assembly. I think that is the pertinent question and I think that is the point upon which the Attorney-General should reply; as to whether his department is charged with the responsibility of seeing whether or no the laws of the Province of Manitoba are correct or incorrect.

MR. M. G. SMERCHANSKI (Burrows): Mr. Chairman, just when we adjourned at 5:30 there was a discussion by the Honourable Minister in reference to performance bond and I am somewhat concerned in that it is my understanding that when you have a performance bond there is a certain amount of holdback on the contract and I was somewhat surprised to hear that the labour element was in dispute. Now my understanding is that under the performance bond, labour has preference over all other creditors. Now if this man has not been paid for labour, I'd like to ask the Honourable the Minister if an improper holdback on the uncompleted portion of the work was made under this performance bond, because this is a very important item in that labour should have its proper protection under a performance bond on any type of a contract. I'd like to have an answer from the Honourable Minister if there was possibly an improper holdback on the uncompleted portion of the contract which was covered by this performance bond in that the labour portion of this contract should be in dispute.

MR. LYON: Mr. Chairman, to the best of my knowledge from the contract, which is a Public Works contract, labour is protected and there is no illegal holdback, the holdback is quite legitimate.

MR. CHAIRMAN:

MR. MOLGAT: Mr. Chairman, on the particular case that I was discussing with the Minister -- and this is the DeVries case against Sveinson -- there are three parties involved; Mr. G. DeVries, who has 193 hours of labour directly owing to him, plus some other work looking after equipment after Sveinson went bankrupt, or quite, and also some work with a tractor; another Mr. DeVries, 182 hours of labour; and a Mr. Brink, 64-1/2 hours of labour. Now this is the particular case I was mentioning to the Minister and the department's been waiting ever since -- well when it was brought up to me it was April of '58 and this had to do with a contract the summer of 1957, I believe.

MR. LYON: Mr. Chairman, I can't put my hand on that particular file and I'm glad the Honourable Leader of the Opposition gave me the name because I gave him the figures with respect to a different contract. I was under a misapprehension as to the person in whom he had an interest. I'll attempt to get that. The facts remain though basically as I outlined them this afternoon. The Crown is really in the position of a repository for the money and of seeking direction as to whom of the creditors, and in all of the cases the creditors, the amount claimed

(Mr. Molgat, Cont'd.) exceeds by many times the amount that is held back. The Crown is in the position of seeking from the Court direction as to from whom the creditors are to seek redress. Certainly our position is that we owe the contractor and we have asked the Court a series of questions which I don't like to get into in the House because the matter is still sub-judice and under consideration by the Court.

MR. HILLHOUSE: Mr. Chairman, for my information and for the purpose of ascertaining whether or no we can't give greater protection to labourers employed in contracts of that nature, and to material men, I wonder if there isn't something that we can do. Now I'd like to ascertain from the Minister whether or no interim payments are made on these contracts on progress reports; and whether or no the contractor is required to furnish the department with a list of creditors, as of the date of these interim payments, or progress reports; and whether or no they require waivers from any of the creditors before making these payments. Under the ordinary law, mechanics liens, they are required to furnish a declaration showing the names of all creditors; the amounts of the claim; the nature of the claim; and no payments are made, of course, until they get waivers from these various individuals. And appreciating the difference between an ordinary individual and the Crown, I wonder what we can do to make it safer for individuals to work for contractors, on government contracts and thus insure that they are not going to be done out of their wages.

MR. LYON: of course it is, as I mentioned this afternoon, it's always the exception that gets the attention. Here are three situations out of scores of contracts with the Crown -- here are three situations where, because of the financial instability in two cases, and the bankruptcy in the third case, that this exceptional circumstance arises. I'm not in a position to inform my honourable friend as to the exact procedures, that's the Public Works procedure, and I have my own opinions as to what they do, and I think it's generally in accordance with what my honourable friend says, but I certainly wouldn't want to make any categorical statement on it.

MR. CHAIRMAN: 1 (a) passed.

MR. MOLGAT: Mr. Chairman, on 1 (a), I'm prepared to leave the Public Works part of it until we get to that department insofar as the procedures and holdbacks and so on, when we'll have an opportunity to discuss it, so I will stay insofar as I'm concerned at this stage with the case of the Attorney-General's Department. I'm still not satisfied, Mr. Chairman, that a case that was referred to the Attorney-General's Department some time before the 30th of March of 1959, when I, as a result of a letter to the Department of Public Works on the 24th of March asking what was happening on this, I was advised that the whole file had been turned over to the Attorney-General's Department. Now why is it that when this was turned over on the 30th of March 1959, that here we are in March of 1963, a full four years later, and there still has been no decision taken. The Attorney-General says that this was turned over, or appeared in the Courts last April. A year ago then it went to the Courts. Now how long are we going to have to wait; how long can the Court sit on this? So much for the Court case.

Then what about the preceding three years -- from March 1959 to April, 1962? Why is it that it takes so long to process these matters? What's the hold up?

MR. LYON: Mr. Chairman, the hold up is not with the Crown, because the Crown's position is clear all the way through. The Crown is the repository of these monies which are owing and payable to a person who has not been able to satisfy the conditions under which the money is payable. As I mentioned before, had the various creditors been able to agree among themselves, and along with the bonding company, as to how this was to be distributed and give releases to the Crown, the Crown would then have been in a position to pay out. This arrangement was not forthcoming from the parties and it was then necessary, as the ultimate measure for the Crown to take the matter to Court for direction. The Court will deliver judgment, I presume, when the Court is ready. There have been some delays from other parties to the action, as I understand it, not getting their material in; this is among the creditors and the bonding company, not getting their material into the Court perhaps as expeditiously as might have been expected but I cast no aspersions; I make no reflections on them; I merely say that it has taken -- it's been at issue that long and we're still awaiting judgment on it.

MR. SMERCHANSKI: Mr. Chairman, I can't quite conceive why the labour portion would not be paid, and why labour has to be treated as part of the other creditors. Is labour not, in

(Mr. Smerchanski, Cont'd.) . . . this instance, actually a preference over all the other creditors? Therefore should it not be rather more fair to let the labour element of it be paid and therefore be in that preferred position. I think that the other creditors and the bonding company could then have their differences out in the legal courts but I do think that labour in this instance is a preferred creditor and should be protected under the terms of the original performance bond.

MR. LYON: This will be much clearer, Mr. Chairman, when the judgment is brought down.

MR. CHAIRMAN: 1 (a) passed, (b) passed. Resolution . . .

MR. MOLGAT: Mr. Chairman, on 1 (a) I'd also asked the Minister this afternoon about the classes which he said were being conducted at the Juvenile Detention Home. I asked him how classes could be conducted when the department did not provide either textbooks or any teaching material or any facilities? And I thought maybe he would have had a chance to check during the dinner hour on this matter.

MR. LYON: When we get to Detention Homes I should have the answer, Mr. Chairman.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, . . . still under Minister's Salary, 44 -- (Interjection) -- 44 . . .

MR. ROBLIN: . . . point. Maybe it can be dealt with on a specific item.

MR. JOHNSTON: Well, I don't see it under the item and it was partly discussed this afternoon. It was when the fight of oratory between the Honourable Member for Radisson and the Honourable Attorney-General in discussing the Indian people as they were considered under the laws and . . .

MR. LYON: That can be raised under gaols.

MR. JOHNSTON: Or probation, Mr. Chairman.

MR. MOLGAT: Would you like me to wait.

MR. ROBLIN: I will admit that the Chairman had called passed, by my honourable friend was standing up and he is in a position where the Chairman can't quite see him and simply because the Chairman has called passed, my honourable friend wasn't booming out very loudly, I don't really think that it necessarily passes the item.

MR. MOLGAT: I don't believe it was passed, Mr. Chairman. I think this is a matter that comes up every time, because the Chairman says passed or because my honourable friends on the far side say passed doesn't mean that the item has passed. If there's someone who has something to say, and gets up, then he's absolutely justified in so doing -- (Interjection) --

MR. ROBLIN: If he has something to say, let him get up and say it, let my honourable friend from Portage la Prairie talk his head off. Stand up and let's hear what you've got to say.

MR. JOHNSTON: . . . but 40 minutes will be enough. When all the aspects of the problem with the Indian population near cities and towns was discussed this afternoon, there was one point I don't think that was given any consideration and that was the point from the municipal point of view of the cities or towns who have near them Indian reserves or villages or Indian population of any kind. I'm speaking from some municipal experience in Portage la Prairie where the police department have a large part of their time devoted to recurring offenders under The Liquor Act -- mostly people of Indian origin. Now this is not to say that all these people were problems to themselves or to the various levels of government, but since the Bracken Commission was implemented and I'm not particularly concerned about which government gave the Indian people the right to our liquor laws and liquor and so on -- but when after five or six years of observation it's plain that we have a percentage of these people coming time and time again before the court for the same infraction of the Liquor Law -- we have people who have had 10 or 20 convictions for the same thing -- if they are fortunate enough to have the money to pay the fine, and this money has come from a low income family and it's taken from these people's families, the wives and children in the family; if they're not fortunate enough to have the money to pay then they go to gaol. Now I was wondering if this department has recognized that something must be done, other than fines; other than gaol sentences for someone who has come up for the 20th time for the same offence. Punishment isn't answering the problem, nor fines. Again from the municipal angle this is placing an unfair burden on the police forces of the town or city involved, and I know in the case of Portage la

(Mr. Johnston, Cont'd.) Prairie that we could do with one less policeman probably because of this. There's the out-of-pocket expense on the taxpayers in the district itself supplying meals; supplying jail space; transporting these people around. There's a problem here that need some solving and I don't suggest that I have the solution at all, but I don't believe the solution is to go on sentencing these people or fining them forever and a day. I could get the figures later on, but I think we have one that has 30 convictions for the same problem and I don't think the answer has come yet and I think this should be answered. If it is the law that establishes these fines or these jail sentences and after these number of offences, no improvement or no result is shown, then it's time the law was changed, or it's time something was done along rehabilitation or training. Perhaps interdiction might be part of the answer for the people who cannot handle this. I'm wondering if the Honourable the Attorney-General has attempted to deal with this problem in the past.

MR. CHAIRMAN: Resolution 45 (2) Land Titles Office (a); (b); (c) passed. 45 passed. Resolution 46 - (3) Law Courts (a); (b) passed.

MR. CHERNIACK: Under Item 3, Mr. Chairman, I wonder if the Honourable Minister could clarify for me the matter of payment to County Court Clerks and Bailiffs in the rural areas of the province. I'm under the impression, I may be wrong, that they are paid on a fee basis, or a part-time basis, and I would like to know just what control there is over the way they operate the efficiency with which they work and how long it takes them to carry -- or how far behind they may be in the work they do. I speak about this because I'm concerned to see to it that somebody from the department investigates closely the progress that they make in their work, and I'm thinking specifically now of bailiffs, to see whether they're actually carrying out the work or whether it is possible that the department waits until complaints are made.

MR. LYON: Mr. Chairman, they're paid on a fee basis. They are supervised and superintended in their general work by the Inspector of Legal Offices. We have certainly had complaints in the past -- this goes when I say the past, I refer now to 10, 20 years and recently -- that some of the part-time people are not as efficient as they might be because, of course, a good number of them in the course of the year earn less than \$100.00 out of their work. That is why we set up the Commission on Judicial Boundaries; that is why the Commission on Judicial Boundaries was persuaded to make the recommendation that they did and that we intend to implement -- that of having full-time clerks and bailiffs for the judicial districts and the county court districts as they are subsequently established under the new system.

MR. CHAIRMAN: 46 passed. Resolution 47 (4) Legislative Counsel passed.

MR. GRAY: Mr. Chairman, may I ask the Honourable Minister whether Mr. Rutherford's salary is now included in the amount, and what is he doing now.

MR. LYON: Mr. Rutherford, was it, Mr. Chairman? No, Mr. Rutherford's salary is included under the other item -- when we come to The Revision of Statutes -- his salary appears in that item. Just a moment now -- 4 (c) -- yes -- Revision of Statutes, 4 (c), that's Mr. Rutherford; Legislative Counsel is Mr. Tallin, his deputy Mr. B and the clerical staff attached to his office.

MR. CHAIRMAN: Resolution 47 passed.

MR. HILLHOUSE: Mr. Chairman 4 (c) Revision of Statutes. Last year, I raised the question as to whether or no the government would give consideration to introducing a loose-leaf file of statutes similar to that used by various law offices in the country. I know that such an innovation would be greatly acceptable to the members of the legal profession, and I hope by the nod of the Attorney-General's head that that is the program for the revision when it takes place. I was wondering though whether you could not introduce it now in respect of your new annual statutes or whether it would be better to wait until the revision was made.

MR. LYON: I'll have that looked at Mr. Chairman. This was raised by the Law Reform Committee as well and we have had some cost figures given to us by the Queen's Printer which indicates that the cost for the limited numbers, presumably barristers and solicitors who would want this system and there's no doubting it would be a good and handy system for lawyers, the cost would be not prohibitive, but it would be rather high, but that still doesn't mean that it can't be done provided there is a sufficient market to warrant this specialized type of printing, but there's been no final decision taken on it at all. The Law Reform Committee, that was one of the first items they raised, as a matter of fact, to make sure that there was some loose-leaf

(Mr. Lyon, Cont'd.) . . . system for statutes. It's still being looked at.

MR. CAMPBELL: Mr. Chairman, I understood the Attorney-General to say that someone is working with Mr. Rutherford on the Revision of the Statutes.

MR. LYON: Mr. Chairman, at the present time, no -- Mr. Rutherford, himself. There is provision for temporary assistance as and when he needs it, but at the present time he is undertaking major revisions of major acts as the preamble to getting into the smaller acts which won't require too much work. But such statutes, I think as the Municipal Act and so on, are engaging his attention at the present time, to get the big ones out of the road before he can move into the general field where he will then need assistance.

MR. HILLHOUSE: Mr. Chairman, has been given any instructions regarding a complete new Municipal Act divided into various sections; one dealing with cities; one with towns and villages and the other dealing with strictly rural municipalities?

MR. LYON: I think he has.

MR. CAMPBELL: Mr. Chairman, can the Attorney-General tell us when they expect to have the revision completed?

MR. LYON: I can't at this stage, Mr. Chairman, Mr. Rutherford -- we've asked him to give us some target date for this and as yet he's been unable to really fix a date that we could announce to the House with any certainty. But certainly knowing of his assiduous and efficient work, we know it's in good hands and he'll get it out just as soon as he can.

MR. CHERNIACK: Mr. Chairman, may I ask the Honourable Minister if the work that is proposed to be done with The Municipal Act will be mirrored in The Public School's Act as well. In other words, is that the type of work that will be done to The Public School's Act and other acts of that size -- not merely a consolidation but actually a rearrangement of sections in order to provide a more orderly classification of them?

MR. LYON: I'm afraid the honourable member would have to direct that to the Minister of Education. I know there are certain major acts, the name of The Municipal Act I know is one of them, but I couldn't from memory tell him the others that are receiving specialized attention at the beginning of this work.

MR. CHERNIACK: Well I might inform the Honourable Minister that I did direct this question to the Minister of Education and I was answered that this was part of the work of the Revision of Statutes, so that as between the two Ministers who are closer together than I am to either of them, I hope that between them they can tackle this problem which I assure the Honourable Minister is a real problem. Might I also suggest that when it comes to the publication of the Revised Statutes that consideration be given to putting the index for each Act with each Act, or at least in the same volume, rather than having all the indices at the back of the last volume.

MR. LYON: It certainly makes sense.

MR. HILLHOUSE: Mr. Chairman, . . . a question. The Honourable Minister said that the revision on a loose-leaf basis would be much higher in cost. Well I can understand that, but the annual statutes now for the loose-leaf system, wouldn't the cost be considerably reduced -- (Interjection) -- the pages to fill in.

MR. LYON: . . . that the continuing maintenance cost is so high, so much as it is the initial outlay for the revised statutes. I have no firm recollection of what the figures were for the annual amendments thereafter.

MR. CHAIRMAN: Resolution 47 passed. Resolution 48, Item 5: Administration of Justice.

MR. GUTTORMSON: Mr. Chairman, could the Minister indicate to the House, what is the policy of establishing RCMP detachments. I'm speaking particularly of an area in my constituency, which I feel, along with the people in the area, should have more police protection. At the present time we have a detachment located at Ashern and then we don't have another detachment until you get to Grand Rapids, which is 150 miles away, and there's considerable opinion that a new detachment should be located in the Town of Gypsumville because it's too far for the detachment at Ashern to give proper service. Could the Minister indicate what the chances are of locating another detachment in there, or does he want a petition submitted to him by the residents requesting such detachment?

MR. LYON: These matters, Mr. Chairman, are usually initiated by the RCMP

(Mr. Lyon, Cont'd.) . . . themselves, who are perhaps in the best position of anyone to indicate to their superior officers when the work load is becoming too heavy by reason of growing population in an adjacent area. The recommendation in my experience, by and large comes from the RCMP themselves. Where petitions or requests come in from communities these are forwarded immediately to the RCMP for review to indicate whether or not their statistical information would justify the establishment of a detachment or not. Now those are the general procedures that are followed, but the over-all feeling on the matter arises out of the contract between the Province of Manitoba and the Federal Government, whereby we are limited to 63 detachments in the province under the existing contract -- and if my memory serves me, we have 61 or maybe 62 at the present time. We have only a cushion of one or two at the present time.

MR. GUTTORMSON: When does this contract be renegotiated?

MR. LYON: The contract, as I recall, is renewed on an annual basis. There has been no renegotiation of the original contract; that is as of the time it was last signed, for several years. It's on a year to year basis at the present time.

MR. GUTTORMSON: Well if the Minister felt that they needed more detachments than the 63, they could increase this number, couldn't they?

MR. LYON: Yes, undoubtedly we will have to increase it. It's a very good system for the Province of Manitoba for provincial policing and I know -- I feel confident that the federal authorities would be anxious -- perhaps more anxious than us to renegotiate because they might be looking for more payments under that contract than we are presently paying, so we're not taking the initiative in the renegotiation.

MR. GUTTORMSON: On another subject. Could the minister indicate what plans or what are the intentions of the Crown regarding this fellow K who is presently serving, I believe it is a six-year penitentiary term for what was originally a murder and reduced to manslaughter in Saskatoon. This man is -- I believe there is presently a charge of capital murder laid against him in Winnipeg and I have been advised that a member of the Attorney-General's Department is in Saskatoon tonight in connection with this matter. Is the Attorney-General's Department going to bring this man back to Manitoba to stand trial?

MR. LYON: that he is back. I have no personal knowledge of it, but I understand that he is either back, or in the course of being brought back, but if my honourable friend wishes I can get the precise information. I really have no personal knowledge of the case myself.

MR. GUTTORMSON: Well hasn't this case been discussed by the Attorney-General and his staff? As I understand it some legal steps have to be taken in order to bring this man back. I thought perhaps that they would be discussed with the Minister.

MR. LYON: I wouldn't want to answer the honourable member from memory. I'll try to get the accurate information for him.

MR. A. E. WRIGHT (Seven Oaks): Mr. Chairman, I made a suggestion to the Honourable the Attorney-General in regard to the fees paid to jurors and I thought at the time that I had received very sympathetic consideration, because the next day the press carried a report saying that the Attorney-General thought that jury fees should certainly be looked into. He said also "that the Attorney-General's Department had no wish to penalize jurors." Well since that time, Mr. Chairman, I have received a letter from one of my constituents and this seems the appropriate place to read it, because this is I think democracy at work, where people who do serve on these things have a chance through their representative to bring such suggestions to the notice of the government; and I'll read it Mr. Chairman. "Dear Mr. Wright: As one of your constituents I am writing to you to bring to your attention what I feel is an unfair practice. Early in September I was summoned to appear as a juror in the fall assizes. I made no excuses and reported as ordered and was subsequently picked to serve on two successive murder cases. I was not alone in this situation, nine of the twelve jurors on the Baty case had previously served as jurors on murder cases of the fall assizes. As you are no doubt aware, jurors on murder cases are imprisoned in the Law Courts Building with no outside contact allowed."

MR. LYON: That word should be changed from "imprisoned" to "looked after in the Law Courts Building."

MR. WRIGHT: Mr. Chairman, I'm merely reading the letter -- (Interjection) -- "In

(Mr. Wright, Cont'd.) . . . other provinces jurors are excused from murder juries after one session and I feel that this is only fair. Of 71 summoned jurors, only 25 were used on the three capital cases. This results in some hardship on a few families where the responsibility of jury duty falls. If it is not possible to change the law, so that double murder duty is impossible, I feel that a directive to the Attorney-General's Department would correct a rather unfair practice. Yours very truly."

Mr. Chairman, I paid a visit to my constituent to find out a little more about what he had in mind. He is working in an executive capacity, so that the matter of remuneration didn't enter into the picture at all. But what he told me leads me to believe that the word "imprisoned" probably was right. For one thing -- I might point out, Mr. Chairman, I believe in other provinces that jurors are not expected to sit on two consecutive murder trials. However, I understand that they were locked up -- this is not imprisoned then it's locked up -- from 9:30 on a Monday morning to 4:30 on a Friday for two weeks -- two consecutive weeks. Now he said that living in the fair city of West Kildonan where we have fully modern houses and that he expected to get a shower. The first week he wasn't able to get a shower, but the second week -- I don't remember what he said -- they gathered together to fix it, but they finally on the Wednesday of the second week, were able to get a shower. He was also deprived the right to vote in the municipal elections because of being "imprisoned" for these two weeks, and this bothered him. He said that he was called on this duty so rapidly that he had no money in his pocket and he said that although the Crown pay the restaurant bills when they went to eat, he being a man of the business world, he liked to tip the waitresses -- he wasn't able to do this -- he didn't have a nickel. Now he's a chap about six feet tall, he swears that the prison beds that he slept on were 5 foot, ten, and he emphasized "prison bed" because he couldn't sleep for cramps and he said the mattresses were fully two inches thick. And I want to submit something here, Mr. Chairman, -- this may be a little humour here -- but I want to submit that I believe and this gentleman believes that one of the reasons why we haven't picked women for murder trials -- and we haven't had any women on for the last five years -- and I submit that it's because we haven't the facilities to house them decently.

Now I've been getting some information today and I say this with due respect, and I hope that the Attorney-General will receive this in the fair way he did my suggestions last year, and look into it, because I believe that when people are living in modern communities and when they go on this sort of -- the Attorney-General said last year -- and I haven't forgotten his oration when I criticized the jury fees -- he said "that the least a citizen could do for his country was to serve in this capacity, even though the family budget suffered in some cases and the groceries weren't on the table for the kids." This gentleman feels that this was a duty that he was expected to perform and he was quite willing to do it, but he feels that having to serve on two consecutive murder trials was too much; secondly, that the facilities were deplorable. He made the suggestion himself; he says, "I don't see how they could possibly -- although we have women members in the Legislature," he said, "apparently their thinking doesn't extend to the point when they're considering women for jury duty" and I submit he said that they couldn't with the present facilities possibly accommodate women jurors. I think that's all I want to say on that now, but I would ask the Attorney-General to look into it and if I have to file the letter I'm quite willing to do it.

MR. LYON: Mr. Chairman, one salient fact that emerges from my honourable friend's reading of the letter is that the Crown is certainly not pampering the jurors in order to ensure that the Crown will get a fair decision from the jurors. If anything the Crown is apparently alienating the jurors from their affection. There's some validity to the point that he makes, namely that it is possible under our system for one person or two or three or more, to serve on the same jury -- or to serve on different juries during an assize panel. Under the Jury Act itself, and if my honourable friend will look at it someday he will see how juries are selected, there is an element of chance in it because their names and numbers are all put into a little basket and they're shaken up and their numbers are drawn out before they're called on to the panel and it's strictly -- to use the parlance of the street -- the luck of the draw as to whether or not your name is actually called on another panel, and it relates to these things -- first of all, the provision of the locking up of the juror. Now, it's true we laugh about it; we talk about imprisonment, but behind it is the very important principle, and I think it's the bedrock principle

(Mr. Lyon, Cont'd.) of our system of justice, that there must be no communication between outside sources or news media or any persons who might want to try to influence a juror during the course of a trial where a man's life is at stake. Now that's a very important principle and if one says, "well, why are they locked up?" They are locked up because they have to be kept away from outside influences of any source whatsoever, because the decision they're making is certainly a life and death decision. It's a very important decision, so the principle, the justification for it, I'm sure, needs no further discussion from me.

The quarters that are used are in the Law Courts Building themselves. I've been in them many times. The cots that are used are ordinary army style cots. I think the mattresses are a bit thicker than two inches perhaps. I've used the shower that my honourable friend speaks of. It worked when I was in it. It's there. I don't say that it is -- it's not modern hotel accommodation or anything of that sort. No, it's dormitory accommodation, but the period certainly is most regularly a short period, say a week for a murder trial. The meals are given at hotels, but these people must move around always in the company of the constable who is charged by the judge at the beginning of the trial with the custody of that jury and he must be with them 24 hours a day. Now my honourable friend raises the very interesting question as to what would happen if one or more women were on the jury panel, and of course, this could lead one into flights of fantasy and almost miracle thoughts would come to one's mind as to what could transpire. Actually what happens is this, that the women are segregated during the off hours and have separate accommodation. I think there was an occasion, and I'm going strictly on memory, but I do believe there was one occasion when there were women on a jury and they had to be segregated of course, insofar as their sleeping quarters were concerned, but otherwise they stayed with the other men on the jury panel; ate with them, and so on. Their off hours and so on were spent in the custody, or in the presence of the jury custodial officer who was charged with looking after the 12 people. I will certainly look into, now that he has raised this question because I think my honourable friend certainly always tries to be constructive in what he says, and I will certainly look into it. But I must say I've had no complaint, either through the department or from any juror myself as to bad accommodation or anything of that nature. It's a question of not wanting to lay on too royal accommodation for these citizens who are performing a very important task for their province and for their state. I think there is a happy medium. I had thought that we had reached that happy medium but we'll certainly look into it to make sure that if things can be improved, they are.

MR. GRAY: Mr. Chairman, may I ask a question under 5 (3) now, or I'm not in time yet? -- (Interjection) -- 5 (3).

MR. CHAIRMAN: 5 (a)

MR. GRAY: 5 (a). All right, I'll wait.

MR. GUTTORMSON: Mr. Chairman, I'd like to concur the remarks made by the Member for Seven Oaks regarding the jurors. I recall at the assizes he is speaking of there was one juror who I think sat out three murder trials. This man was a labourer who worked by the hour and he lost a good deal of money as a result of being "looked after" as the Minister put it, and I know it caused him a hardship that he wasn't able to work at his regular job. I also feel, like the Member for Seven Oaks, that being on one murder jury should be sufficient. As the Minister well knows, sitting on a murder jury is a very trying experience and I think for a man to sit on one of them should be enough. There's no secret that defence counsel at an assize keep track of the jurors that sit on the different juries and if they see by virtue of the number of challenges they get they try very hard to get jurors, like the defence counsel try very hard to get jurors that sat on a case that acquitted because they feel that they've got a good chance of getting their own client acquitted. And this is common practice at the Law Courts. As for the lady jurors, there's no secret down there that practically in all instances they're challenged by the Crown because they haven't got the accommodation for them. As the Minister well knows, this has been the practice for a number of years. -- (Interjection) -- Women appear on juries where they're not locked up but I haven't seen any on juries where they, on murder juries where they had to be locked up at night. -- (Interjection) -- I,

MR. WRIGHT: Mr. Chairman, I'd like to point out an item of information on page 28 of the Public Works Report. I notice in talking about the renovations to different buildings that a shower was renovated and an additional shower installed in the Law Courts Building for the

(Mr. Wright, Cont'd.) . . . convenience of jurors.

MR. CHAIRMAN: 5 (a) passed.

MR. MOLGAT: Mr. Chairman, on the matter of jurors, last year I suggested to the Minister and I thought that he told me then he would take it under consideration, the possibility of striking the names of a juror off once he had been actually on a jury that sat. In other words, instead of leaving his name on the list as a possible again for further duty, that once he had been picked for jury that he be eliminated from further duty and that others be picked. It might mean that we'd have to have a bigger list of jurors -- (Interjection) -- yes, this I appreciate, but I think it could be done and then have much less inconvenience to the jurors. Also the fact that apparently during the assizes the jurors have to report every day. No -- (Interjection) -- well, the particular case that came to my attention and the chap who complained to me, claimed that he had to be down every day at 10 o'clock. Now if this is not the case it's fine. We are asking these people to do a service to the province, to the community, and I think we should make it as easy for them as possible, and I recommend again to the Minister if he couldn't investigate the possibility of having a person once selected for a jury eliminated from further calls.

MR. LYON: That is certainly an interesting point and it certainly can be considered. The immediate objection, of course, and the obvious one which my honourable friend mentioned Mr. Chairman, was that it would necessitate the calling of a much larger panel thereby discommoding a larger number of people, perhaps for a shorter time. But it would have that obvious disadvantage. As I say we hear the complaints about jurors service in here; we don't hear them from the jurors, but I certainly take at full value the remarks that are made because it's not the intention of the Crown, nor has it ever been, to cause tremendous inconvenience to citizens who perform this very important function. The second point was -- the second point my honourable friend raised was what?

MR. MOLGAT: The daily call

MR. LYON: The daily calls, yes, that is left to the discretion of the Court and usually what the Court tries to do once the jury's been empanelled in the two court rooms -- I'm speaking now of the Eastern Judicial District -- then the balance of the panel is directed by the Justice sitting in the second court on which day they should reappear, that Justice having in mind how long the trials that are presently under way are going to take. Now if they look like week-long trials, or three or four day-long trials, he probably won't ask them to reappear until there's some certainty that the trials presently under way will be finished one or the other and that they will then have to be recalled for the selection of another jury to participate in the next case on the list. It's conceivable that they could be asked to come back the next day if they anticipate having a short trial, say a day and a half, and they want to be in readiness for the next case slated on the assize. But by and large the waiting period is two or three days, in my experience. It could be as short as one day though, depending on a small case presently being heard by a jury taking only a day or so to hear.

MR. CHAIRMAN: 5 (a) passed.

MR. SMERCHANSKI: Mr. Chairman, I'd like to make reference in reference to prosecutions and I can't help but feel that I should say something in reference to what went on this afternoon in reference to the prosecution concerning the Metis and Indians, especially by the Honourable Leader of the NDP. I feel that we in this House should be somewhat more responsible in what I feel -- we should be somewhat more completely fair with our Indians. Now these people they want a better life and I honestly believe that there's nobody in this House that will deny the fact that they're entitled to this better life. And I also think that we should treat them fairly and in reality they do not present a problem. I've had experience with these people for the last 22 years as survey workers and I want to tell you that there is no white man that can equal them on survey work. I have lived with these people as friends, and I have many friends among them, and I think if you removed the liquor problem, I think you would find that 50 percent of your Indians and Metis that appear in our courts today would not be there. And I think that this is possibly our own fault. We in our social makeup; we in our own community, demand to place the Indian on the same footing as we are living ourselves, and yet in the backwoods on his own reservation -- and I'm speaking now of God's Lake, Island Lake or Norway House Indian -- they have been controlled as far as their life is concerned; as far as their everyday social

(Mr. Smerchanski, Cont'd.) function is concerned, they've been controlled either by the Indian Agent of the Federal Government or they've been controlled by the Hudson's Bay factors in these areas, and it's only when civilization brings them out and they get contaminated with the liquor problem, that's when all the difficulties and troubles arise. I think that we also have failed in giving these people, and no matter how many studies we make, we have failed to help them improve themselves by giving them an opportunity to have their own nurses; giving them an opportunity to have their own teachers. You can go to most of these reservations and you will find white people as nurses; white people as agents; and white people more or less deciding on what they should do from day-to-day. I've been in close touch with these people and I was very proud that we were able to encourage two local nurses of Indian extraction, and they're doing a marvelous job; and I can tell you that their own people pay far more attention to nurses that come up from their own ranks than having outsiders come in and tell them what to do. These people are a proud people; they're no different to any other ethnic group that has come to this province and who've had their own difficulties in trying to get along and growing up in our society. I think that we in this House certainly should respect these people with a great deal of honour and I don't think that they're any different; they have the same kind of red blood flowing through their veins as I have, or anyone of us have in this House. I have at the present time approximately five Indians working for me on a regular steady basis and I can tell you that there are no better workers than they are. They're loyal; they're good; they have their failings in reference to liquor but then there's a good percentage of our white people that have the same failing. And I think that possibly in reference to this problem, we're always talking of too many white chiefs and possibly not enough Indians.

I only want to mention to the Honourable Minister the Attorney-General that it is not only unfortunate but most pathetic that even some of our daily papers should play up the unfortunate state of the Indian that appear invariably on a liquor prosecution in our Courts and there are so many families of Indian extraction that are honourable, and they are hurt; they are embarrassed; and their children are hurt because when they go back to school the other white children will poke fun at them because they say that one of your own kind has been again in jail; has again been before the Courts, and I think that more service and more goodwill can be done towards the Indian if we would just take a good hard look at this and be more in sympathy with their problems rather than being so critical and giving them at all times headline and front page importance. I only say this to the Honourable Minister because I have lived with these people, I've worked with them and I find no difference between them and the white man and I think that the less we say about these people, I think the better they'll be and will contribute more to a better social life for the Indian in Manitoba.

. Continued on next page.

MR. CAMPBELL: Mr. Chairman, inasmuch as we seem to be taking (a) as a unit, I want to ask a question on (2), (3) and (4). It seems to me that while we have quite a catch-all in (2) dealing with Crown witnesses, jurors, special constables, sheriffs, coroners, prosecutions, etcetera, etcetera, that the last item in there -- no the second last item -- before miscellaneous, seems to hardly belong in with the rest of the group -- "Ground Search and Rescue Operation". How does that one happen to get into this particular company? And then with regard to (3) I would like to ask the Honourable the Attorney-General, I see the amount being estimated as the same as last year's estimate, is this all for salaries? And has the Honourable the Attorney-General a report on the work of this or these societies? I believe they are operating together now are they? I'd like to know what portion of the estimate here is for salaries. Then with regard to No. (4), I would like to ask, is this an item for attendance of officials at a conference and where is the conference to be held this year?

MR. GRAY: Mr. Chairman, on Item (3) which the last speaker has mentioned. First of all this organization known as John Howard and Elizabeth Fry Society, their duties are to a certain extent of helping the prisoners in rehabilitation, either indirect help, finding jobs for them or advise them. Now I take it that this \$12,400 is a lump grant. In the last two days in discussing the Attorney-General's estimates and everybody that has spoken here worried about it, and rightly so, about rehabilitation, about prevention, and how to help young prisoners especially and everybody was in sympathy with it, very beautiful speeches were made, and here we come to an organization and I'd like to see more of it, who are doing as far as I know a tremendous job. Why, knowing all these facts in the Attorney-General's department and still an expenditure of \$5 million, have not found necessary in the last few years to raise this grant and give them a better opportunity to do their work which every honourable member in this House in the last two days were worried about. I think that this is a voluntary organization; they're not doing it for salary; they're not doing it for wages; they're doing it because their hearts bleed on the situation of those offenders, particularly young offenders. As I stated before 1,900 under 30 years of age are in jail today or were last year, and with this miserable sum of money, how do you expect them to do very much? It's enough that they give their time; it's enough that they give their heart to it; it's enough they are worrying about it, but at least they should not work on \$12,000 a year. If we give them some more money and if they could save one soul the taxpayer will be fully paid for and a human being will be saved. I mentioned in this House already that the Bible says the saving of one man is just as important as saving a nation and I feel, I have no -- private members cannot suggest an increase -- but I do feel that consideration be given. If they require more money there's always a way of getting it and I would urgently ask the Attorney-General and the front benches to give this and other similar organizations a break, increase their grants and let's see what they can do. I think this is absolutely -- in a \$5 million estimates to give an organization who is doing good work, voluntary work, sympathetic work -- should operate on \$12,000.00.

MR. LYON: Mr. Chairman, dealing first with the question of the Honourable Member for Lakeside. He inquired about the Item 5 (4) the grant to the Canadian Congress of Corrections. That item is up from \$100 to \$2,100 because as I mentioned yesterday the Fourth Biennial Conference of that group is being held in Manitoba. We are the host province this year and this will be to look after the expenses attendant to that conference being held in Manitoba.

The other item, grant to the John Howard and Elizabeth Fry Society about which he spoke and about which the Honourable Member for Inkster spoke. This represents the provincial grant to that organization. They receive in addition a federal grant, a grant from the Federal Government; they receive a grant from the City of Winnipeg; they receive, I believe, or used to receive grants from the Winnipeg Foundation and I believe also that they come within the Community Chest Organization. They are a voluntary group, that is their Board of Directors are but they have paid staff with the Director of the Agency being Mr. Kenneth Howard and he has case workers working under him, salaried case workers on his staff. They are responsible, one of the main agencies in the field of after-care, giving assistance in the field of parole and rehabilitation of prisoners upon release from jail and so on. It does give me the opportunity to pay some tribute to the work that they do, working naturally as most of these voluntary agencies do on limited budget they do splendid work in this field and I certainly welcome the opportunity to pay tribute to them and to the work that they do in the field of

(Mr. Lyon, cont'd).... after-care.

The item of Ground Search and Rescue Operation, that is included under these general expenses because occasionally the necessity arises for the department to assume responsibility for search and rescue operations in connection with a lost child or some person -- an aircraft may be down and there may be responsibilities of the RCMP -- and so on. It's not a large item that is usually set aside for this purpose, it used to be in the area of \$500.00. It provides monies which are readily available to render assistance in the cases of prolonged searches, say where an older person wanders away from a home in a rural area or where a young child gets lost and extra help must be brought in, mechanized equipment sometimes has to be brought in and that is why the item appears under that general heading.

MR. CHERNIACK: Dealing with 5 (a) I've classified my inquiries into the various classifications, but I have one marked 5 question mark so that I hope the Minister will indulge me in raising this point now not knowing just where it fits in.

There are certain types of criminal cases where when the defendant, the accused is unable to financially arrange for the engagement of counsel that the Court appoints counsel and counsel is paid, I believe, by the province, but I don't know just where the budgetary item is. Could the Honourable Minister give us information as to the manner in which they are paid? The rate which they are paid. The adequacy thereof in terms of the difficulty that may have been experienced in getting counsel to do this work and the experience as to how many occasions it was required and used.

MR. LOYN: My friend is quite accurate in asking the question under this item, because it is under this item that a general provision is made for prosecutions including counsel for indigents, and here again it gives me the opportunity to tell the Committee, Mr. Chairman, that the plan which was worked out with the Law Society, in co-operation with the Law Society approximately a year ago, is working, we think, rather successfully up to the present time. The basic outlines of the plan as we gave them in the House last year still obtain. If the Criminal Indigent Committee of the Law Society certifies as to the indigency of an accused person who is charged with an indictable offence, then counsel is provided for that person in each of the strata of Courts in which he may be charged. Provision is made for payment of counsel fee in certain of these courts, that is in the Superior Court and for counsel who must travel out of the city or say from Brandon or from Dauphin to some other point, provision is made for travelling and out-of-pocket expenses. It is out of the same fund that we provide transcripts of evidence on appeal, again where the committee certified to the department that the accused is indigent, unable to supply the transcript of evidence, the evidence is then supplied at the expense of the Crown so that the appeal may be pursued. Now that is the one scheme. The other scheme which has been obtaining for many years is the one where there is Court appointed counsel, where court will direct that one of the counsel present in the court room will defend so and so, an accused person who appears there, and similarly the Crown is responsible in those cases in the Superior Courts for the fees of the counsel who is appointed by the court to defend an unrepresented accused. This has been running -- I haven't the exact figure in front of me -- but it runs into I believe, approximately \$5,000. I haven't got the exact figure I can't tell my honourable friend -- but it is a few thousand dollars that has been paid out in the last year for fees and for transcripts of evidence that have been made available. But generally the scheme is working quite well and we're quite happy with the experience over the first year.

MR. CHERNIACK:pursue this a little further if I may, Mr. Chairman. The Honourable Minister pointed out that payment is made in the Superior Courts. Does he mean that in the sense that they're not paid in the County Court nor the Magistrates Court which means preliminary hearings and the time spent with the accused, interviewing witnesses, etcetera? I also asked the rate, and if the minister doesn't have it at the moment then by all means there's no rush for this. I don't want to make an issue of it, but I think that this is the kind of information that we ought to have and I say that from the standpoint of the experience of counsel, who is likely to take on this kind of work. There's no doubt that there are counsel available who would be willing to do it and do it with a sacrifice -- and that's something which makes me as proud of my profession as the honourable minister is of his profession. But I feel -- yes, it happens to be the same one -- but I do feel that we should be certain that we

(Mr. Cherniack, cont'd).....are providing adequately so that we can get the very, or almost amongst them, best experienced of counsel for the more serious indictable offences. Of course there's a whole stratum of other offences and civil matters which I don't feel are really sufficiently looked at by the committee -- I mean by the Law Society Committee -- but I won't dwell on it. Well, is it correct then, that the Minister doesn't have that information at the moment?

MR. LYON: I would refer my honourable friend, Mr. Chairman, to -- I hate referring to past speeches -- but I must in this case refer him to the remarks that I made last year on the opening of the estimates, which I believe he has in front of him, and if he looks in there he will see the whole scheme outlined, the courts in which payment is made. Insofar as experienced counsel are concerned, through the Law Society scheme of course, if men of the high calibre of my honourable friend wish to participate in this service to the community for their profession all they need to do is put their name on the indigent list and they will be called to give defence for accused persons. And the court appointed counsel, of course, usually the counsel appointed by the court have had some previous connection with the accused -- the accused has consulted him for advice, or he has acted for him at the preliminary enquiry. The court then appoints the counsel who has the familiarity with the particular case. In the other cases the allotment of the counsel is made by the Law Society Indigent Committee itself and the payment -- the figures which escape me but which were given last year -- are set forth there and we have them of course, on our sheets in the department.

MR. MOLGAT: Mr. Chairman, I take it then that this is a list that my honourable friend can get on?

MR. CHERNIACK:available to even such as I. I just tell the minister not to let him off the hook -- I've scanned through the two pages which he used to speak about legal aid and I haven't found any dollar signs yet, but maybe I haven't looked carefully enough. I will look further; I hope he too, will. I'll leave that point then -- (interjection) -- pardon.

MR. CHAIRMAN: 5 (a) passed?

MR. CHERNIACK: I have other matters under 5 (a), Mr. Chairman. I'd like to know what progress has been made in connection with court reporters. The Minister referred to the problem of court reporters in rural parts. I'd like to know whether generally within the province he feels there is adequate provision of court reporters and whether transcripts are coming through quickly enough. While I'm still dealing with 5 (a) (2), I notice that the Coroner's Court comes under that section. I'd like the minister to clarify for me the policy in regard to the right for counsel to appear and be heard or be given an opportunity to participate in the Coroner's Court, counsel for people who have an interest in the findings, such as, say the driver of a vehicle or the representative of an injured person or of the estate. I'd like to know if there is policy and I might mention that I have found that, in many courts, there is no hindrance, no restriction placed and I have also had the experience, in one particular Coroner's Court where the Coroner refused to hear anybody but the representative for the Attorney-General. I'd like to know whether there is policy, and if so, whether all coroners are aware of this policy?

MR. LYON: The item on court reporters, Mr. Chairman, appears under Law Courts, Item 3. Provision was made in the estimates this year for a further Court Reporter II in Winnipeg and there is one court reporter position in rural Manitoba presently vacant. They are rare birds and we have the same problem in Manitoba as is experienced in other provinces in keeping enough of these very valuable people on staff. We are hopeful, of course, that with the introduction now, for a number of years, of the new stenograph system that there will be more of these court reporters available using the new techniques. But at the present time, we are setting up this new position for one additional court reporter and we have one -- I believe it's one position unfilled at the present time. Other than that we're up-to-date.

MR. CHERNIACK: On this one point, if I might interject. Are potential court reporters aware of the type of remuneration they might receive in a year? My impression is that they do very well. It is rather surprising that there's always this difficulty.

MR. LYON: Of course there's no problem in informing them of the remuneration they receive from the department, because that's in the Civil Service schedule, but as my honourable friend speculates, Mr. Chairman, that is usually the lesser of their income, because their income -- the large portion of their income -- is derived from provision of transcripts of

Mr. Lyon, cont'd)...evidence, for examination, for discovery, and so on, for which they receive fees. I'm sure my honourable friend had paid for some of these transcripts and knows.

The court reporters -- I think the problem as it has been related to me by people in the field is the fact that the qualification period for a court reporter is relatively long before he becomes adept, either by pen or by stenograph in the field, and this initially, probably, has the effect of deterring the numbers of young people that we would like to see going into that particular occupation from doing so. But those who do persevere through the training period and become proficient to the point where they can pass the tests required, certainly get themselves into a class of occupation where there is great demand and they are in great demand right across the country. It's the question though as my honourable friend will appreciate, of the pre-training and we're hopeful that more and more will be coming into the field.

The second question he raised, with respect to coroners. I suppose I could refer him to B..... on Coroners because I've had to look there myself. It's a discretionary matter with the Coroner as to how the evidence will be presented before him because of course his task is to determine, with the jury, how, where, when and by what means the deceased met his death. Sometimes Coroners have told me that they have seen batteries of counsel appear at an inquest ready to embark upon an examination for discovery for their own civil purposes, and of course the coroner, I think quite possibly takes the attitude that his purpose in convening the inquest is to answer these questions without perhaps always, the benefit of the minute questioning that counsel might want to interject at that stage for the purposes of laying a basis for a civil action, and so you do find the practice among some of the coroners -- I've seen it myself-- where they will say "If there are other counsel who have questions, in order to expedite and facilitate the proceedings, would they mind putting those questions through the Crown Attorney." That practice is used and it's justified by precedent which can be found in B..... on Coroners. There is no general policy laid down by the department, although on those rare occasions if we have any complaints about coroners perhaps not fully understanding their duties, why we bring to their attention what the general course of conduct should be at an inquest, but these complaints have been few and far between and seldom, if ever, from counsel.

MR. CHAIRMAN: 5 (a) passed 5 (b) passed?

MR. CHERNIACK: On the question of 5 (b). I note from Hansard of last year that the Minister expressed his dissatisfaction with conditions at the Vaughan Street Jail and we have now heard from him in regard to improvements. I'm wondering whether he is now satisfied or whether he feels there is more to be done at the Vaughan Street Jail because I feel that that is one place that ought to be looked at continuously.

I'd also like to ask the honourable minister what he considers are his responsibilities or whether they are those of the Minister of Health, in regard to the condition of municipally operated jails, speaking specifically of the Winnipeg Rupert Street Jail. I know that is a municipal responsibility, but yet the administration of justice is -- and is the responsibility of the province to the extent that a municipality is given certain responsibilities, it is given that responsibility by the province and my feeling is that the government cannot shrug off any responsibility for conditions as exist in the Winnipeg Rupert Avenue Jail. Now I feel that something should have been done there. The people were asked by by-law, which I felt was a wrong form of measure to take, but that is still the law in this province, and I feel that it is something in which the Attorney-General ought to take as much interest as he does in matters such as the Vaughan Street Jail.

MR. LYON: Well of course, Mr. Chairman, there is no provincial government responsibility for the City of Winnipeg lockup in the Rupert Avenue Station, whatsoever. That is the full and complete responsibility of the City of Winnipeg. All municipalities are responsible entirely for their local lockups and the province has no financial jurisdiction or responsibility of any sort for these lockups at all. I really don't believe there is anything more I can say on the subject. We're all acquainted -- I'm sure my honourable friend is -- with the efforts by the Board of Police Commissioners and City of Winnipeg to get their by-law passed so they could have a new station. I've been in the lockup -- (interjection) -- I was on a visit. I wasn't even visiting the Leader of the NDP, I was just on a straight visit at the time. I pass no comment about it at all. I've seen the institution; I know that those responsible would like to make improvements, but the public have not voted the money for it.

MR. CHERNIACK:if I may. I'm sure the minister will correct me if I'm wrong. It seems to me that the basis on which he states that the province has no responsibility about municipal lockups, is because of the fact that the provincial law says so. Now if I am right then I do not feel that a government can say, we are not responsible because we have passed a law saying that we are not responsible and someone else is. Now, of course, if it is not within the provincial power to take back that passing of the buck, then I have no right to speak about it; but if it is within the power of the government to assume, or take back unto itself the responsibility, then I think it is inadequate to reply to us that we have no responsibility because we have given up the responsibility, or passed it over.

MR. CHAIRMAN: 5 (b) passed. (c) passed.

MR. MOLGAT: Mr. Chairman, under (c) we have the matter of Law Enforcement and the RCMP. Now there seems to be a constant problem in the rural areas so far as the services of the RCMP. At the moment as I understand it the detachments are not responsible for policing incorporated villages of 500 population or more and yet they do service the rural areas. This is a very difficult problem for many of the villages in the province. Their whole assessment is not large enough to permit them very frequently to hire policemen of their own -- it's quite conceivable in a village of 500 or more and an assessment of only half a million. Now if they have to provide a full-time policeman on their own, and transportation, it would amount to some \$5,000 and this is just beyond the possibility of many of the villages in the Province of Manitoba. The result is that they are without police protection and if the RCMP detachment are servicing the rural areas all around these villages, very often they're located right in the village concerned, and yet they're not available for any police services to these localities. Yet it seems that most of the time their services are required more actually in the villages than they are out in the rural parts. This is something that I think the Minister should investigate and see if we cannot make a different arrangement with the RCMP for these areas. I think it's simply impossible to expect these villages to provide these services for themselves. Once they reach a larger size, higher assessment, then it's a different proposition. But on the smaller ones, it means that they are actually without police protection on the present basis.

MR. LYON: That is certainly a valid point that is raised by the Leader of the Opposition, Mr. Chairman. It's not a new problem; I'm sure it existed -- I know it has existed for many many years. The servicing that is given by the RCMP arises of course by virtue of the contract about which we spoke earlier whereby the RCMP contract to serve as a provincial police force on the understanding that they will not service incorporated villages and towns having a population of more than 500 persons. There is provision in the Municipal Act for these villages and towns to have their own constables, not necessarily on a full-time basis; it can be on a part time basis and most often in a number of these communities, part time assistance, say on week-ends, Friday night, Saturday night is sufficient to see them through, and many of the towns do this on their own. This is not to say that where there is an RCMP Provincial Detachment in an incorporated village of over 500 that if some matter arises that the RCMP will sit back idly. Of course they won't, and they don't. They are certainly on call and this is the general understanding. Very often they serve above and beyond their contractual requirements. Most often this is the case, if either the local constable who may be there on a part time basis needs assistance that assistance is provided immediately and without question, and without payment. The responsibility it is felt when you get a community reaching over 500 that there should be sufficient assessment for provision of at least a part-time person, having regard to the size of the village, the amount of business in the village on week-ends, and things of that nature. We're aware of the problem; it's a continuing one but it's one that I have no easy answer to offer at the present time at all; and it's one where we extend the hand of co-operation through the Provincial Police Force, the RCMP, as fully as we can by giving assistance, on call, when matters of some import arise.

MR. CHAIRMAN: (c) passed, (d) passed. Resolution 48 passed.

MR. CHERNIACK: Mr. Chairman, was that (d) that you called? Did I hear you call (d)?

MR. CHAIRMAN: Pardon?

MR. CHERNIACK: I didn't hear. Was (d) called?

MR. CHAIRMAN: Yes, we called (c) yes

MR. CHERNIACK: (d) Mr. Chairman, are we on that? Thank you, Mr. Chairman.

(Mr. Cherniack, cont'd)I'd like to hear from the Minister about the number of magistrates we have on a part-time basis ; how they are paid; whether they are paid on the basis of a straight stipend per hour, per day, per year, or whether they get paid per case; whether they get any part of the costs? And I would also like to hear something about the problem of the payment for setting bail. Now I'm under the impression that this comes under the Criminal Code and may not be within the jurisdiction of the province, but still they are provincial or municipal employees in that sense, or appointees, and I'm wondering to what extent the Minister is aware of the amount of money which police magistrates or justices-of-the-peace receive in payment for bail. And I mention that in the sense that it seems to me that when a person is employed on a full-time basis or a part-time basis to do a job and as a result of having that job it attracts remuneration from outside sources, that it should be a matter within the knowledge of the government as well as of the people whom it serves, so that there should be a clarification of the income which is received through the appointment by the appointee in any year.

MR. LYON: Mr. Chairman, part-time and full-time magistrates are paid on the basis of an annual salary. There's no per diem allowance; there occasionally is a per diem allowance for extra service that they may give but their basic rate of pay is set on an annual basis by the department. I believe again last year I ran through the estimates and gave the names of the part-time magistrates -- they appear there -- there have been one or two changes. I can tell my honourable friend the numbers of them if he wishes. -- (interjection) -- all right. All of the magistrates outside of the Greater Winnipeg area with the exception of Magistrate MacDonald at Portage la Prairie, are on a part-time basis. My honourable friend can deduce from that knowing a number of these Courts that the bulk of these magistrates outside of Greater Winnipeg are on part-time.

The questions of Justices-of-the-Peace and bail -- the honourable member correctly surmises that the fees for bail services are laid down in the Criminal Code and are payable to the Justice. Actually they are paid into the department. No, it's the other fees that are paid into the department, these are not. Bail after hours, the fee is set by the Justice-of-the-Peace who is giving bail and he retains the fee that is given to him on that occasion, except in pursuant to the schedule that is laid down in the Criminal Code and that is retained after hours by the Justice-of-the-Peace in question. To the best of my knowledge or recollection, bail during office hours of full-time employees accrues to the Crown; bail on their own time, that is after hours, midnight, 2 in the morning, whenever they may be called, the fee is retained by them for the inconvenience of being called out at that hour of the night to provide the bail bond and so on for the accused person seeking release.

MR. CHERNIACK:point, Mr. Chairman, then the Minister must have the information -- not immediately, I suppose -- of how much money goes to the Crown for payment of bail during those time, during regular hours -- (interjection) -- No, but I think that would be an interesting thing and one which might reflect. Well no doubt the Crown knows how many people are put on bail off hours and therefore could estimate the amount of monies which are paid to this person off hours. Might I suggest that in those parts of the province where they are very busy in granting bail in off hours, that it might be advisable to have a person there who has the responsibility that can set bail on the off hours in order to see to it that there is some control. Because the Honourable Minister may not be aware but it is sometimes rather difficult to get a magistrate on off hours to be available to give bail; and may not know that sometimes the fee which is set includes the amount which may be established in the code, plus taxi fare or some other additional expense, which I would suggest is something that may be arbitrarily set by the person since there is no one to check on just how much he does get paid. So it seems to me that we owe a responsibility to the public and to the person who might be arrested to see to it that the amount he pays is an amount which is reasonable and proper and in accordance with the law; and the best way to do that is to have a control over it. I'm not suggesting that the people in this position make too much money -- maybe they do -- but I'm not suggesting it because I don't know, but I feel that the Attorney-General ought to have that information in order to protect the public.

MR. CHAIRMAN: Resolution 48 -- passed. Resolution 49, Items 6.

MR. PAULLEY: Mr. Chairman, I would like to hear from the Attorney-General a report as to how much progress is being made in respect of the uniformity on legislation. I note that the estimates this year call for an expenditure of some \$4,400. In the Public Accounts for the year ending March 31st, 1962, I note that there was an expenditure of some \$6,128. The estimates of expenditure for that particular year, Sir, was \$14,500; but on looking at the Public Accounts for the year ending March 31st, 1962, of a total expenditure of \$6,100-odd, the major expenditure as listed in the Public Accounts was approximately \$4,500 for a Canadian Bar Association dinner, and a garden party at \$150, which wouldn't leave very much money for expenditure for the purpose of progress in obtaining uniformity of legislation across the Dominion. Now I'd like to know from the Minister -- have from him a breakdown of the suggested expenditure of \$4,465 for the fiscal year that we're going to be entering into soon; and also a report, if he can give us, as to what progress is being made in respect of uniformity of legislation.

MR. LYON: Mr. Chairman, these funds are provided annually to permit attendance at the Annual Uniformity of Legislation Conference and the Canadian Bar Association Conference which follows upon the Uniform Conference meeting by one week, by a small group including the Minister, the Deputy Minister and the Legislative Counsel and the Uniform Commissioners Mr. Tallin, Mr. Rutherford and Mr. Turner -- Mr. Keith Turner of The Manitoba Law School, are the uniform commissioners for Manitoba. The funds that are voted are actually provided not so much for the actual work that they do because there are very little funds required for that, but it's to get them to the point -- their travelling expenses back and forth where the conference is held each year; and, as I mentioned, it is held always in conjunction with the Canadian Bar Association Convention, usually toward the end of August.

This group has been functioning now for many many years and their general scheme of procedure is to take one or more acts under advisement each year and a sub-committee, usually consisting of a provincial group will have responsibility for discussing and bringing forward a draft, say of The Wills Act as an example, of the uniform Wills Act to be discussed. Now that's been under discussion now for sometime and we have a draft of it which is presently being considered by the Law Reform Committee. They do exceptionally valuable work. They don't run the whole gamut of statutes, but particularly those statutes such as The Wills Act and other statutes of a civil nature which relates to the civil rights of citizens of the province. Of course, their aim and their attempt is to achieve as high a degree of uniformity as possible between, say The Wills Act of Manitoba and The Wills Act of all the other commonwealth provinces of the country, in order that a person moving around will be subject, by and large, to the same general principles of law as he would expect to find in his home province.

So that is the main provision for the funds, for attendance of these uniform commissioners at the meetings themselves. The item that he mentioned with respect to the Bar meeting, that was the year in which Manitoba was the host to the Canadian Bar Convention; and the Uniform Commissioners' Meeting that year, I believe, was held in Regina.

MR. PAULLEY: The main point that I rose on, Mr. Chairman, was not so much the dinner, but the fact that we first of all budgeted for \$14,000 and then finished up with an expenditure of \$6,100, of which \$4,500 and more was for the dinner for the Bar Association, which didn't leave very much in the estimates. As a matter of fact, it would be about \$1,500. I don't want to get into mathematics again, but approximately \$1,500 for the purpose of uniformity of the legislation and the fees, I presume, to the Canadian Bar Association. This year we're asking for about \$4,500, but I was interested in hearing a report from the Minister on the uniformity of legislation. Would I be correct, Sir, in thinking that we've got a long long way to go yet, that this item is likely to be a recurring one for a number of years?

Now in connection with this, Mr. Chairman, I don't know if this is a fair question to ask of the Attorney-General or not. Insofar as legislation is concerned, do the various jurisdictions in the Dominion of Canada consult with the other jurisdictions in respect of legislation that they are going to put forward before their respective legislatures before it's enacted, in order that there may be some semblance of uniformity in legislation that is in the process of being enacted, so that they don't have to go back once legislation is passed, to have to go back to try and bring about uniformity.

MR. LYON: These discussions take place most often through the aegēs of the uniform commissioners, where you have the representatives of each province there and who are, in

(Mr. Lyon, cont'd.) most cases, the Legislative Counsel of each province, who is fully appraised of what either the government has done or is intending to do. He is then in a position to raise such matters with his confreres from the other provinces to determine and to get advice and counsel as he can as to what particular tack the other province has followed and so on. As between governments, there's not too much consultation. I think this is the main aeges through which there is consultation to achieve uniformity and the bulk of this is with respect, not to new legislation but rather to revisions of older existing legislation, basic statutes such as The Wills Act and so on.

MR. CHERNIACK: Mr. Chairman, on this matter of uniformity, may I inquire as to whether there is any full-time staff, probably on a national level, that is responsible for promoting or prodding the work of the uniformity of legislation committee. The difficulty is that if you appoint a committee or a commission consisting of people who have other jobs and other responsibilities, they cannot give full attention to this type of work. If there were somebody charged somewhere to keep prodding this kind of work it would not be as long-drawn out as has been suggested. I refer to that in the same sense that I thought of it in terms of the Law Reform Committee where the Attorney-General pointed out that some 40 lawyers in the city are on the committee and they've met, I think two times or three times, in the last year. It seems to me that they cannot be accused of delay, but if there were one person whoseresponsibility it was to keep working at this and to call on the volunteer experts, that something could be done. So I'm wondering if the Honourable Minister could comment in that regard?

MR. LYON: Mr. Chairman, the best I can do is to refer my honourable friend to the report which I tabled just the other day, the Annual Report of the Uniform Commissioners, and if he will take a few moments and leaf through that report he will get a digest of the work that was done at the annual meeting in 1961. These reports are published annually. They're available, I know, in the Law Courts Library and they will, I think, indicate to my honourable friend, Mr. Chairman, that notwithstanding the fact that there is no permanent staff as such attached to this body, that the amount of work that is turned out by this body is rather prodigious. However, of course their work is for not, unless the respective governments of the provinces then take the matters in hand and decide to proceed with the draft acts that are prepared. One of the jobs -- all of the uniform commissioners of Manitoba who meet annually with the other provincial representatives are also members of the Provincial Law Reform Committee and, working through that committee, they can bring before us the draft acts that have emerged from the uniform commissioners. Those adaptations or modifications that have to be made to relate the statute to any peculiar situations in Manitoba can be made by her own people and then the statute can be brought in in Manitoba. I can't say from memory whether there will be any uniform statutes to be brought before the House this session or not, but when they are my honourable friends will see, as the days go by and as the years go by, where a statute is a uniform statute, that is usually indicated right in the explanatory note; and that is pretty much of a "go" sign for the House because they know that if the uniform commissioners have been over it and the Legislative Counsel of Manitoba has been over it, it's a pretty good statute by the time it reaches the House.

MR. CHAIRMAN: Resolution 49 -- passed.

MR. PAULLEY: One question, Mr. Chairman, before you pass 49. I wonder if the Minister would indicate to the Committee the cases under litigation, how many and what cases are still -- as I understand it from past discussions in the House, it at one time dealt generally in cases that were before the Privy Council and the likes of that before the change in the Constitution or before we established that there would be no more cases go to Privy Council, but dealt with by our own Supreme Court here in Canada. I wonder if he could give a line-up on this?

MR. LYON: This merely provides a sum of money out of which monies can be paid for any necessary litigation on behalf of the government. It doesn't refer specifically to any one case, it's just a general amount that is provided so that in case it is necessary to have litigation or there is litigation pending against the Crown, the Crown may be sued for some act or other, then the fund is here to provide for payment for these cases.

MR. PAULLEY: Are all cases before the Privy Council in the United Kingdom at an end now? There were some a few years back.

MR. LYON: Well as of 1949, I think it was, the Privy Council appeal was abolished and now we can only go

MR. PAULLEY:some cases outstanding though at that time?

MR. LYON: Yes. We didn't in our time, and I don't believe the preceding government went to the Privy Council after that time, although there was provision, there was a tapering-off period when you still could go where the cause of action arose before the appeals were forbidden, but there are none in that category now.

MR. CHAIRMAN: Resolution 49 -- passed. Resolution 50, Item 7

MR. CHERNIACK: Mr. Chairman, Item 7 deals with Juvenile and Family Courts, and therefore probably the question of the Vaughan Street Jail can be brought up again. I did ask the Minister if he was pleased with what he has done to the extent that he is now satisfied with the condition, and I don't think he replied to that. In addition to that, Mr. Chairman, I wonder if the Honourable Minister could deal a little more extensively with the question raised by the Honourable Member from Selkirk when he questioned the matter of probation officers. The note I have is that the Minister referred to the fact that four new probation officers are being or have been engaged "to meet the growing needs". To me, that phrase seemed to imply that the officers were being added onto staff as the needs increased; but from reading last year's Hansard, I came to the conclusion that even the Minister didn't feel that the staff that we had a year ago was meeting the need then, regardless of its growth.

I am therefore wondering what is the condition now in regard to probation officers? What is their case load? I don't think the Minister reported on that this session. What is the -- I think this is the one where it was suggested that there ought to have been a case load of 40, but then the Minister last year said that that was a much too low an estimate and that a probation officer could handle more than 40. The other question arising out of last year's discussions, Mr. Chairman, deals with the classification officers and there's a quotation there that the Fauteux Report suggested that there ought to be one probation officer for every 150 inmates. Could the Honourable Minister deal with the matter of classification officers and the progress in that regard? And while I'm standing, may I just mention to the Honourable Minister that he did not give the information on the per diem payment to counsel appointed by the courts last year.

MR. GRAY: Mr. Chairman, I have another question under the same heading, so the Honourable Minister could reply to this one as well. Is there any information as to the number of cases in Juvenile Court and Family Court -- I wouldn't say Juvenile -- that has been adjusted and righted their problems. In other words, were their problems fixed up in Family Court and they went home and start life over again.

MR. LYON: Dealing with the question of the Honourable Member for Inkster first, I don't have any such statistics in front of me emanating from the Family Court. The work that is done by the counsellors in that court is extremely beneficial work. I've had experience myself as a practising lawyer to know of cases that I had occasion to refer to the court -- people would come in seeking a divorce and my practice, and I know it was the practice and still is the practice of many many counsels downtown, was to refer them initially to the family counsellors, to see if somebody could look at your problem and get an outside view on it and see if something can be knitted together here again, and this is the work that they try to do. I have no statistics on the rate of success of that work, but certainly it's extremely beneficial work that they do. As well, of course, they are of assistance in maintenance cases where there has been a complete break and a separation and an order for payment received. They do work in connection there to assure that, through the court, these payments are received -- usually by the wife.

I gave the information -- I presume my honourable friend was absent -- this afternoon on the probation and parole officers. I don't have the paper handy in front of me but the case loads, I believe -- the average case loads were in the 70's -- 74 I think for juveniles and 78 for adults -- in that general area, but it's in this afternoon's Hansard in any case. He asks for an example of why we need more probation and parole officers. I cite him one perhaps typical example. In the City of Brandon, up until four years ago there was only a juvenile probation officer. There was no adult probation officer at all. Provision was made in the estimates some four -- five years ago I guess it would be now, for a full-time adult and juvenile probation officer and it was found that the work he was doing was growing -- his case load was growing tremendously and

(Mr. Lyon, cont'd.) . . . there has been and is a need for another probation officer in Brandon, where only five years ago there was only one functioning in the juvenile field. Now the need has grown with the area that it serves and so on. There should be two -- two full-time probation officers in Brandon to service that court and the surrounding district, and that is the type of addition that is being made to the staff. You're going, in effect, outside of Greater Winnipeg from nothing, which was the case five years ago, to cases now where they must have two people to service a need that was not being met at all five years ago.

MR. CHERNIACK: I didn't ask the Minister, the Honourable Minister, to justify the increase. I asked whether the increase was sufficient. I question whether the words "to grow with the need" was an adequate description of the need, because I had the impression last year that the need existed and had not yet been filled; and I was wondering whether four new probation officers are enough to carry the load. I certainly didn't question whether or not there were too many. I also asked a question about classification officers. I don't think the Minister dealt with that.

MR. LYON: Classification Officers -- There's a Classification Officer at Headingley Jail. I think my honourable friend used the term "probation" and that perhaps threw me off. There is a classification man at Headingley Jail at the present time. The need for probation will grow -- well of course when you get into any area of social service, you can hardly put a limit on need. Ideally, you should have one counsellor for every person who is in trouble. Well we're never going to have that; we're never going to reach that Utopian ideal, even under this enlightened government. But certainly probation officers can always -- there is a need right across the country. If my honourable friend will read the Fauteux Report of 1956, he can read there the comments about the need in every province for more probation people, and we are doing our part this year in our estimates to make sure that at least part of that need in Manitoba is being met.

MR. CHAIRMAN: Resolution 50 passed?

MR. PAULLEY: Mr. Chairman, I would like to ask a question of the Minister. How many Family Courts are there and where are they located?

MR. LYON: The only Family Court, as such, which is set up as a Family Court and does Family Court work alone -- is in the City of Winnipeg. But each Magistrates Court in Manitoba -- each Police Magistrate is also appointed as a Juvenile Court judge and has jurisdiction to deal with family court matters as well.

MR. PAULLEY: Mr. Chairman, if I understand correctly the past history of the Family Court, the reason that a Family Court was set up here in the Greater Winnipeg area was because there had arisen a need for specialized individuals who would concentrate on a specialized service or need within the community at large; to supply counselling services and the likes of this of a peculiar family nature. Now then, we're still in the same position now as we have been for a number of years, and in all due respect to the Magistrates of our Juvenile Court and our Magistrates in other courts, I suggest, Mr. Chairman, that there is a need in other sections of the province for a properly set up Family Court which will provide, readily, fully-qualified counselling services by fully qualified personnel, which we presume is being given at the present time here in the Greater Winnipeg area through the services of the Family Court. I know I've had a number of cases that I've been more or less familiar with that have been referred to the Family Court. My colleague from Inkster asked of the Minister whether you had any pertinent data as to success in cases. I'm in a position that I know of a number of cases where, through the Family Court agencies and their ancillary bodies, that successful decisions have been arrived at and families have been patched up. I suggest to the Attorney-General that there must be similar cases requiring the same type of counselling that's being received here in the City of Winnipeg, for the surrounding area; and I suggest to him that it might be well now, because of the growth in many other urban centres in the Province of Manitoba, that consideration should be given to setting up Family Courts in other jurisdictions to aid and benefit the people in those areas. I make this suggestion to him, Mr. Chairman.

MR. CHAIRMAN: Resolution 50 -- passed. Resolution 51, Item 8.

MR. MOLGAT: Mr. Chairman, I believe that the Minister was to give me some information on the matter of what provisions he makes for the teaching of classes at the Vaughan Street Detention Home.

MR. LYON: Mr. Chairman, I don't have the detailed information yet, but my understanding is that the boys in the male detention wing are given exercises in basic arithmetic and spelling, that is for those in the very elementary grades. There's no requirement apparently so far as the course has gone for the use of textbooks. The teacher himself, whether he uses a textbook, I haven't got that precise information for the simple reason that we haven't been able to get hold of him to ascertain it. I'm not suggesting that a prescribed course of studies is being given. What we are suggesting is that a type of tutoring, on a more of an individualistic basis or two or three getting together with the counsellor, is being given. This my honourable friend, I am sure, will appreciate, is a very valuable service and it's the type of thing that I know he would wish to see being carried on in that institution. As we mentioned this afternoon, and indeed as he acknowledged himself, the constant turnover in population is perhaps the greatest deterrent to having a prescribed course of studies, because one day you have a chap who is in Grade 7, you may have him for two days and he's gone; and the next day you've got a chap who's in Grade 9 and so on; so all that can be done is to try to fill in a few of the gaps on an individual basis, as much as possible, to try to keep the interest there and to do what can be done in that field.

MR. PAULLEY: Mr. Chairman, there's just one comment I want to make. I know we've had quite a considerable discussion on the question of detention homes. I want to ask again of the Minister -- not a favour -- but consideration. I mentioned a little earlier, I think, that it would be helpful to the committee if those in charge of our detention homes throughout the province were to make an annual report similar to those being made by the jailers in the various judicial districts. Now we're down at that particular item, Mr. Chairman, I want to re-ask the Attorney-General to see whether or not it will be possible for us to have this information, particularly in respect of the Vaughan Street Detention Home. One of the factors that pinpointed conditions at the Vaughan Street Home was one or two escapees of a couple of years ago, which pinpointed to the committee -- or to the Legislature and to the public -- the situation that was prevailing there at that time. So I suggest to the Attorney-General that if we had a report, and I might say that in general as far as the jailers of the various judicial districts are concerned they have been reasonably fair to the Legislature and to the committee in disclosing what, in their opinion, are matters that should be given consideration. I think that if this had of been in the nature of a report previously in respect of detention homes, maybe some of the conditions that have only come to light through some incident reaching the media of the press, then the committee would be in a better position to know what is required in detention homes of all descriptions. So I ask, Mr. Chairman, the Attorney-General, in his capacity, to request those in charge of the various detention homes in the province to submit an annual report and he, in turn, submit a report similar to that which we get in respect of jails to the Legislature the next time it sits.

MR. MOLGAT: Mr. Chairman, I would just like to come back to the matter of material for study in classes at the detention home. I would strongly recommend to the Minister that he make available to the detention home some textbooks, some classroom materials and equipment. I understand, in spite of what the Minister has just told me, that there is none of this supplied now. I know that yesterday in his comments he thanked, in particular, the IODE for supplying a TV set and some other material to the home. I understand that this is pretty well all the material that is there and that the government is not supplying very much at this time. There's a little bit of recreational equipment and that's about it. So I would ask him to put this on his list as a very desirable item to keep the juveniles that are in there occupied gainfully during their stay.

MR. CHAIRMAN: Resolution 51 passed.

MR. LYON: Mr. Chairman, perhaps my honourable friend could be encouraged to make a contribution to that supply of books. He had a couple of geography books that he was rather interested in the other day. He could maybe loan those to us and we'll see that they're put to good use.

MR. MOLGAT: That's an excellent suggestion, Mr. Chairman, and I'll see to it that that is done. I trust that the low standard that the geography books obviously have will not deter from the fact that they might be useful. Does the Minister intend to have a visit to the detention home for the members this year?

MR. LYON: There's been no request but if one is forthcoming we can certainly arrange it.

MR. CHAIRMAN: Resolution 51 passed. Resolution

MR. HILLHOUSE: Mr. Chairman, before we leave, this last Session I suggested to the Minister that the members of this House be given the same privileges as the members of the House of Commons have in respect to federal institutions. In other words, I suggested a member of this House should be furnished with a pass so as to enable that member to visit any of our institutions in the Province of Manitoba at any time that member desired, and I think that that is a privilege which should be extended to us. It would give the members of this House a better idea of the various institutions, how they're run, and would give them the opportunity, too, of finding out where improvement could be made; and it would help the discussions which we have in this House in matters pertaining to your department.

MR. GRAY: Mr. Chairman, is it permissible to send books to the detention homes? For instance there's a lot of people, including myself, who have books which I'll never read again and instead of occupying space in my little home, I could probably send over some books. Is it permissible?

MR. LYON: Yes, by all means. They would be very welcome.

MR. CHAIRMAN: Resolution 52, Item

MR. PAULLEY: I wonder Mr. Chairman, just before we leave that, whether the Attorney-General has any comments on the suggestion of the Honourable Member for Selkirk, which I think is a valid one.

MR. LYON: Mr. Chairman, any Member of the House who wishes to go to an institution at any time, I can assure him -- that is voluntarily -- I can assure him that all he need do is let my office know, or the office of the Deputy Attorney-General -- and I put the usual qualification 'at a reasonable hour' -- we wouldn't expect tours to be taking place at three or four in the morning -- and that can certainly be arranged, no problem at all.

MR. PAULLEY: Mr. Chairman, I agree with the Honourable the Attorney-General and I'm sure that we presumably being reasonable men and women who have been elected to this august Assembly are reasonable, but I question whether or not it should be necessary to have a clearance from either the Attorney-General or the Deputy Minister before we visit these institutions.

MR. LYON: I merely wanted to insure that my honourable friend would not be kept there after he went, Mr. Chairman.

MR. PAULLEY: Mr. Chairman, to my honourable friend that the onus of the Member for Radisson getting out of one of these institutions would depend on the attitude of the Honourable Member for Radisson and I can assure my honourable friend I think that I'd be less likely to be incarcerated than if some of the inmates of the institutions knew that the visitor was the Attorney-General of the Province of Manitoba.

MR. HILLHOUSE: Mr. Chairman, the only objection I have to the Honourable Attorney-General's suggestion is this: I think the purpose of the visit would be to visit there unannounced so that we would be able to see the institution as it is in an ordinary day, not on a conducted 'Cook's Tour'.

MR. J. D. WATT (Arthur): Mr. Chairman, I visited the Ladies' Jail at Portage la Prairie last winter "voluntarily" and I might say that the Matron of that jail asked me to convey to the members of this House that she would be very happy to have any member visit that institution "unannounced" any time that they wished to come. I just pass that on.

MR. MOLGAT: clear this information with the Attorney-General?

MR. CHAIRMAN: Resolution 52, Item 9, passed.

MR. HILLHOUSE: Just a minute, Mr. Chairman, in connection with Item No. 52, I wonder if the Attorney-General could tell us as to whether there has been any change in the practice prevailing in relation to the fees charged by the Administrator of the Estates of the Mentally Incompetent for work done in connection with estates. Now the reason why I ask that is, in the past I always felt that the fees that they charged were very nominal but I've had one or two instances lately which shows there seems to be a departure from the previous practice.

MR. LYON: The fees that are charged by the Administrator of Estates, Mr. Chairman, generally approximate those that are charged by trust companies on the small estates that

(Mr. Lyon, cont'd.) . . . they handle there, and by some of them that are sizeable as well. They are taxed by the Deputy Attorney-General himself in accordance with the practice that is followed, but certainly a more realistic fee is being charged in those cases where there is sufficient in the estate to warrant it and, of course, that is left to the generous discretion of the Deputy Attorney-General. It has to be because in some cases it has to be a very flexible arrangement -- in some cases a fee that might be charged just couldn't be warranted at all because there's not enough estate to look after very often even the fee that should be charged for the services rendered.

MR. HILLHOUSE: Mr. Chairman, has that been the practice since this government took office, or was it the previous practice as well?

MR. LYON: The practice is exactly the same; the rate that is being charged is more in accordance with the trust company rates than was the case previously.

MR. GRAY: Mr. Chairman, can the Attorney-General tell the House the amount of money being held in trust now by this department?

MR. LYON: Mr. Chairman, at the present time the branch is administering 2,116 estates, with a nominal value of \$2,816,963.00. The number of new estates coming under administration for the first nine months of last year was 1,049 and 898 were closed out in the same period.

MR. GRAY:close relatives that probably will get the money back, one way or the other, is the interest being added to this account? The interest on the money is that held by the province or is it credited to those who are now in the mental hospitals?

MR. LYON: Any natural growth in the estate is credited to the estate of course, and one of the types of operation they carry on, of course, is the operation of farms. They make sure the farms are leased out and not left barren or sold, and that a crop-share arrangement is entered into so that money can keep coming into the estate and this money is either banked or put into investments on behalf of the estate, so that it is there for the person when he is able to reclaim it.

MR. GRAY: Mr. Chairman, one more question. Who is handling the investment? In other words, is it left to the head of this department as to how and where to invest the money? Or is it only in government bonds, or is it in real estate?

MR. LYON: I don't think by and large there is too much of a problem there because usually the fluid assets are not too great but where investments are required -- and I'm going here now just by recollection -- they are made with the advice, usually, I would think, of the Treasury Department, the Comptroller-General, along with the Administrator of Estates to insure that they're proper investments that are made. We've never had any complaint that I'm aware of of improper investments being made.

MR. CHAIRMAN: Resolution 52 passed. Resolution 53, Item 10.

MR. LYON: Expenditures here, Mr. Chairman, are \$2,700 for installation of public washroom facilities in the Court House at Portage la Prairie; a new entrance to the women's section of the jail at Dauphin; an item for the Jail for Women at Portage la Prairie to renovate heating controls and to renovate the old RCMP area in that building; some recreation equipment for the Home for Girls; PA system for the Home for Boys; a concrete floor for the cattle barn at the Home for Boys; and a new shower in the boy's section of the Juvenile Detention Home at Vaughan Street.

MR. CHAIRMAN: Resolution 53 passed.

MR. ROBLIN: Mr. Chairman, I daresay the Committee would agree to rise. It's a little before our usual time but we've finished this department and it would probably be advantageous to delay the beginning of a new department until tomorrow. So I move the Committee -- oh my colleague the Minister of Education has a question he'd like to deal with before I make that motion.

HON. STEWART E. McLEAN, Q.C. (Dauphin) (Minister of Education): Mr. Chairman, if I may, the Honourable the Leader of the Opposition had asked me the names of the Curriculum Committee that had selected certain textbooks in social studies that were under consideration the other day. I give this committee the membership of the committee in question: Inspector J. K. Mackay, Chairman; Fred Barrager, who is a retired teacher; Mr. Lionel Orlikow of Kelvin High School; Mr. W. J. Russell, of Daniel McIntyre High School; Mr. Stanley

(Mr. McLean, cont'd.) Bullock of Grant Park High School; Mr. E. Simms of Vincent Massey Collegiate; and R. J. Wilson of Miles Macdonnell Collegiate.

MR. MOLGAT: Mr. Chairman, I want to thank the Honourable Minister for providing the information.

MR. ROBLIN: I move the Committee rise.

MR. CHAIRMAN: Call in the Speaker. Madam Speaker, the Committee of Supply has adopted certain resolutions and directed me to report the same and asked leave to sit again.

MR. W. G. MARTIN (St. Matthews): I beg to move, seconded by the Honourable Member for Springfield, that the report of the Committee be received.

Madam Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, I beg to move, seconded by the Honourable 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 until 2:30 Friday afternoon.