

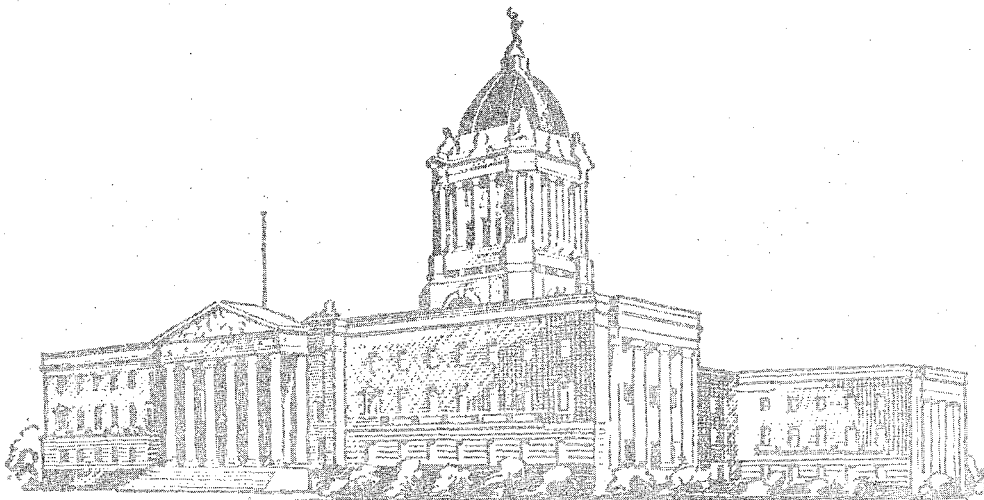


Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



Vol. VII No. 60 8:00 p.m. Tuesday, April 10, 1962.

5th Session, 26th Legislature

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, April 10, 1962

MR. SPEAKER: Adjourned debate of the Honourable Member for Logan and the amendment thereto by the Honourable Member from Selkirk. The Honourable Member for Hamiota.

MR. B. P. STRICKLAND (Hamiota): . . . request this matter to stand, Mr. Speaker.

MR. SPEAKER: Order stand. Adjourned debate on the proposed resolution of the Honourable Member for Seven Oaks and the amendment thereto proposed by the Honourable Member for Cypress. The Honourable Member for Lac du Bonnet. Order stand. Adjourned debate on the proposed motion of the Honourable the Leader of the Opposition. The Honourable Member for Lakeside.

MR. CAMPBELL: I adjourned this, Mr. Speaker, on behalf of the Honourable Member for St. George who has just arrived and as usual is ready to go, I expect.

MR. GUTTORMSON: Mr. Speaker, I beg the indulgence of the House to have this matter stand.

MR. SPEAKER: Order stand.

Proposed resolution by the Honourable the Leader of the Opposition. The Honourable Member for La Verendrye.

Proposed resolution by the Honourable Member for Brokenhead and the proposed motion in amendment thereto by the Honourable the Minister of Education. The Honourable Member for St. John's.

MR. SCHREYER: In the absence of the honourable member, I would ask that this matter be allowed to stand.

MR. SPEAKER: Order stand. Adjourned debate proposed by the Honourable the Leader of the New Democratic Party. The Honourable Member for Brandon.

MR. R. O. LISSAMAN (Brandon): Mr. Speaker, I beg the House to allow this matter to stand.

MR. SPEAKER: Order stand.

Adjourned debate on the proposed motion of the Honourable Member for Inkster. The Honourable Member for Cypress. Order Stand.

Adjourned debate on the proposed resolution of the Honourable Member for Emerson. The Honourable Member for Turtle Mountain.

MR. E. I. DOW (Turtle Mountain): I beg the indulgence of the House to have this stand, Mr. Speaker.

MR. SPEAKER: Order stand. Proposed resolution by the Honourable Member for Brokenhead. The Honourable Member for Brokenhead.

MR. SCHREYER: Mr. Speaker, -- members shouldn't applaud because I'll be finished in about two minutes. I merely wanted to sponsor this resolution so it could be put before members of this House for their consideration. I know that there are some who think that this problem is sometimes exaggerated and even if it isn't, they have the idea that there is not very much that can be done about a problem such as this, which is in many ways a result of nature itself, I suppose. But the problem of river bank slippage and erosion I think at least in some measure is the result of man-made or man-caused actions. I have never yet had it explained to me well enough, or clearly enough, as to the cause of this continuous slippage of the banks of the Red River. I suppose it's a problem on the Assiniboine as well, at least in the area of Metropolitan Winnipeg and immediately adjoining that. I don't believe that there ever has been a really comprehensive study; I don't believe there ever has been such a study made of the matter, so that we can justly say that slippage is the result of this, or that, or the third action. I believe several years ago an attempt was made in the Municipality of East Kildonan -- it could well be in other municipalities as well, I'm not aware of that -- some attempt was made to shore up the banks in a pretty extensive manner -- a fairly large project was undertaken. I understand that it has been relatively speaking a success.

Now, then, the problem remains, however, outside that particular municipality, throughout the municipality of North Kildonan, East St. Paul -- I suppose it applies to the west side as well -- Old Kildonan, West St. Paul, St. Andrews and Municipality of St. Clements. Many of the people there are becoming more than just a little concerned and when they try to broach the subject, try to make contact with someone who is in authority, or who is in a position to

(Mr. Schreyer, cont'd.) . . . get the ball rolling on this, they find themselves up against a stone wall. Now just where does the responsibility for action in this regard lie? I think that in many ways it is the responsibility, or if you look at it in different angles, it seems it would be the responsibility of all three levels of government. But this has never been formalized. The responsibility has never been formally placed at the feet of any given jurisdiction.

I would like, therefore, Mr. Speaker, that members give consideration to this resolution and see fit to vote in favour of the resolution which would have the effect of setting up in this province a committee, or have the government set up a committee, which would work with the municipalities and take the problem to the federal government in a proper way, so that this time next year the Minister of Agriculture and Conservation who I suppose would be reporting on this, can give us a comprehensive report as to what the feasibility is of undertaking some concrete action to alleviate the problem, to combat the problem, and assist property owners in the area affected who are becoming more and more concerned.

MR. HUTTON: Mr. Speaker, I'd like to say a few words in respect to this resolution. It has been a matter that has been raised perennially in the House while I have been here, and I expect that it was raised in years gone by long before I came on the scene. It's a very difficult problem and I'm afraid that the magnitude and the complexity of the problem is not appreciated by the Honourable Member for Brokenhead. I expect that the extent and magnitude of the problem is not appreciated either by those whom he is trying to represent in this matter. I'm not saying that in criticism. It's just that when we look at the problem; when we're called to witness what is taking place where the river banks are sliding, or erosion is taking place, one would think that relatively simple measures through the co-ordination of different levels of government could be taken that would, if not eliminate, would reduce the incidence of river bank failure. I think it is not right to look at this problem in respect to one or two municipalities. The problem exists along about 20 miles of the Red River channel -- speaking of the Red River only. This means that you've got about 40 miles of river bank to contend with. It's a matter of fact that we have one of the most difficult soil conditions that you can imagine to deal with here. The major cause for river bank slippage and failure along the Red River are due to natural causes -- large fluctuations on the river.

I think if those members who were present at Law Amendments the other morning when Mr. Carson Templeton spoke to the Rivers and Streams Act will recall that he was questioned with regard to the effectiveness of the floodway in giving some help to the failure of the river banks. He pointed out, if I remember correctly, that the floodway will not, right off the bat, solve this problem of failure. The reason for that is this, that the affects of a flood such as we experienced in 1950 upon the type of soil that constitutes the river banks here will last for decades. In other words, once the stability of those river banks has been upset by excessively high water, it takes many decades to regain their stability. Over the long haul, the floodway will give appreciable assistance or have appreciable effect upon the incidence of river bank failure to Greater Winnipeg. But that doesn't mean that within the next ten years you won't have river bank failure or that you would notice any appreciable difference in the incidence of river bank failure. But over the long haul it should make a difference. At least this is the feeling of Dr. Casagrande who is, I think, the leading man in this field in the world.

Now it isn't true that this problem has never been investigated or given any thought. We have done some experimental work -- we have worked with East Kildonan. On about a half-mile stretch we have spent about \$75,000 with rock fill in an effort to cut down erosion. Enough time has not elapsed as yet to give us a clear indication of the effectiveness of this treatment, but we can draw some conclusions. We have had to repeat the performance and we know that the effects of it don't last; the rock tends to settle away and its effectiveness is reduced. Now it is true that this approach has been used satisfactorily on other rivers where this has been a problem; but I have seen what they have done on the Missouri in this respect. They bring the rock up to river on barges and use bulldozers to push it off these huge barges and they pile the rock in there for hundreds of feet into the riverbed and then on top of this rock embankment, every so often they have other piles to cut down the current of the river next to the bank. I'm afraid if we did that with the Red River, we'd have very little channel left. At least it's what I have seen.

We asked Dr. Casagrande what treatment he would recommend for the river banks and

(Mr. Hutton, cont'd.) . . . he suggested that the only way, and he recommended that the most effective means of solving the problem of river bank failure in Greater Winnipeg was to cut back the banks of the river to a slope of from 1 to 6 and 1 to 9. Now this would mean that you would have to clear out all the property for a distance of from 300 to 400 feet back from the river. Now we know from the studies of the Royal Commission on flood cost benefit that to increase the channel capacity of the Red River so that it could handle flood flows, it would cost \$123 million. Now when the engineers contemplated straightening and cleaning out and widening the Red River, they did not contemplate taking out and putting a slope on the Red River of 1 to 6 along its full course throughout the City on both sides of the river. All they did was contemplate increasing the capacity of the channel where there was a restriction, and often times this is only on one side of the river, it only entails the sloping of the bank on one side; so that you could expect that if you tried to carry out a sloping of the banks on both sides of the river throughout the length of Greater Winnipeg that you would be incurring costs of at least double the figure of \$123 million. But what is more to the point and draws one to the conclusion that such an answer isn't feasible is simply that you're going to do away at the same time with the property that you're concerned about protecting.

The other method of handling this problem would be to use concrete piling for the retaining walls along each side of the river, and because you have to excavate to substantial depth to find a solid footing -- I think it's something like 60 feet of excavation that would be required to find solid footing -- you have a job here that is fairly expensive. It's estimated that it would cost about \$5 million a mile to put in retaining walls. Now if you multiply that by 40 miles of river you get a figure of \$200 million. It's pretty cold cheese I must admit to the Honourable Member for Brokenhead. -- (Interjection) -- Pardon? -- It's pretty cold cheese to offer to people who are concerned about losing their property by bank failure. But at the same time --

MR. SCHREYER: I don't know why he uses that expression but why the figure 40 miles? You don't have to have retaining walls for the entire distance, just in places.

MR. HUTTON: I think, Mr. Speaker, that the answer to that is that immediately you try to find this water you've got to have a bridle that's strapped on both sides, because when you interfere with nature's flows and so forth, you have to anticipate that erosion that you may offset in one area may turn up in another. I don't think, Mr. Speaker, that we can contemplate solving the erosion problem or river bank failure in one area unless we are prepared to extend the same treatment to everybody that is faced with these losses in terms of their property due to this problem. So we have to, if we adjust ourselves to the problem, be prepared to extend the same treatment to everyone, and I would suggest that it would not only hold true on the Red River, but the same would hold true on the Assiniboine. Now I was saying that this is a bit of cold cheese to offer, but I think that we should look at the facts and realize what we are talking about, and consider the fact that to undertake a program of this magnitude you would be taxing the vast majority of people to undertake a program, an exceptionally costly program . . . to protect the property of the very few people.

MR. SCHREYER: . . . just asking you to study it

MR. HUTTON: Now, people are not forced to buy river bank property; they're not compelled to buy river bank property.

MR. SCHREYER:

MR. HUTTON: Unfortunately for people we have a great desire to try and find a piece of property along a river bank or ravine because of its natural photography, oftentimes it's a very attractive location in which to build, but I think in all honesty that we must consider the cost of undertaking a program to protect this property, that we have to weigh it against the benefits that are going to accrue from taking it out, or carrying it out, and that all the evidence that we have at the present time would indicate that we are not at all ready to try and undertake a program of that magnitude that this is. We have done some experimental work. The position of the department is that we do not want to carry on this type of work except on an experimental basis because we don't know how effective it will be in the -- that is, this work of putting in rocks. It isn't too encouraging -- the work that we have done -- and I would suggest that we shouldn't hold out too much hope that a government, whether it be municipal, provincial or federal, considering the benefits that are to be derived, should undertake a project of the magnitude of this. It isn't that I'm unsympathetic to the problem that these people face, but it was

(Mr. Hutton, cont'd)their choice to buy this property and it can only be saved for them by a substantial sacrifice on the part of a great many people who will never derive any benefit from it.

MR. HARRY SHEWMAN (Morris): Mr. Speaker, could I ask the Minister a question? Did I understand him to say that the score was two to one for Toronto?

MR. HUTTON: I guess it would be more interesting than this, Harry.

Mr. Speaker put the question.

MR. CAMPBELL: Mr. Speaker, as the Honourable the Minister has said, this is a question that has given governments, both provincial and municipal -- and no doubt federal -- concern for quite a long time and it certainly has given a lot of concern to those individuals who are facing slippage of the river bank. To the individuals that the Honourable Member for Brokenhead has mentioned this is a tragedy. I have seen some of the tragic situations and I'm sure that the member who sponsors this resolution has, and I'm sure that the Minister has, and no doubt the area in East Kildonan that the Minister mentions as having been the subject of an experimental operation is one of the places that he has seen. It's really serious in that area and it is in some others, many of them. Now the Honourable Member for Brokenhead has said that he thinks that no one, just no one can really give the answer to this. Well I'm not going to accept the challenge and pose as an expert on this matter, but I have been told by those people who are considered to be experts in it, that it is one of the laws, if you wish, and certainly one of the facts of soil physics that soil that has been laid by water or under water is especially susceptible to being eroded by water. I suppose that's quite natural, because the very fact that it has been carried in suspension by the water proves that it's the kind that will move away again with water, and it happens that in this area here, during the time that the river was pouring -- maybe more than one river -- was pouring a lot of sediment into the receding Lake Agassiz, that because it had picked up a lot of good soil, really good clay soil, from other areas and carried it in solution, floated out into the lake and settled around this whole territory is the reason that we have such good land, that it was brought here in suspension, generally speaking, and it is very susceptible to being taken away by water. Then as far as the banks of the river are concerned, they have suffered or gained as the case may be, from this periodic overflowing of the river; again the sediment has been discharged or dropped most of the bank carrying further away to where on the Assiniboine River the banks are actually higher than the surrounding country, and some places that's true with the Red as well. Well that makes it very susceptible to water action and apparently, at least one factor in this slippage, is that when you have a period of high water, not necessarily flood level, just high water, that clay soil gets saturated and when it dries out even a certain amount you get the contraction and the slippage that takes place.

I don't propose that as a complete answer to this problem but certainly the experts tell me that it's a big factor, and it's a fact of life as far as this particular area is concerned, and I am quite in agreement with the statement that the Minister has made with regard to the huge expenditure that would undoubtedly be entailed if you tried to do a complete job of river bank protection on both sides of the river through this 20-miles area, and I can certainly appreciate the point of view of the Minister who says that if you develop a program then it has to be applicable in similar circumstances to other parts of the province, but it seems to me that in the concluding section of the Honourable the Minister's remarks that he hit upon the right proposal for the moment. It seems to me that we could justify, or the government could justify some more work than has already been done on an experimental basis on the understanding that it was tried out in that way, picking out as has already been done an area, with a definite proviso that it's as an experiment and that it may not prove to be completely successful but that it is worthwhile as an experiment whether it succeeds or fails, that it isn't necessarily going to be made into a general program. He has mentioned this one in East Kildonan. I recall that there was a major attempt made on the Winnipeg River just downstream from the Pine Falls plant, and it seemed in the early years that that was quite successful. I don't know what has been the history of it in the last three or four years but there was very, very bad slipping on the south bank of the Winnipeg River in the Power View district and a lot of the local residents there were having their homes and some community buildings imperilled by the slipping -- in fact several buildings had to be moved -- and they felt at least, and I'm sure they felt it quite honestly, that

(Mr. Campbell, cont'd) at least to some extent that this had been the result of putting in the Pine Falls power plant, that it had changed to some extent the course of the river and certainly the currents of the river and to some extent the height of the river downstream from the plant, and so, as I remember, it was the Power Commission or the Hydro-Electric Board -- I guess the Hydro-Electric Board ran the Power Commission of those days -- who made an experiment, and I believe that one was fairly successful. It was a case of putting a lot of rocks in at that place. My guess is that maybe the foundations there are better than they are in this area. Maybe the success obtained there, even if it's been completely successful, will be no guarantee of what would happen in the Winnipeg area.

But I would think it is worthwhile to conduct some experiments, because even though what the Minister says that people don't have to buy property on the river bank, it is true that a great many people have acquired property there, and to them it's a tragic situation, and I notice that the resolution says that there appears to be a little probability of early action because of confusion as to the relative responsibilities of the three levels of government and also because of lack of cost information. I agree with the Minister that those are not the only reasons. There are valid reasons in addition to those and I think what we already know about cost is one of the important ones. But surely, surely we could embark on a program of some experimental basis in a few particularly bad areas in addition to the one in East Kildonan that the Minister has mentioned. But in the meantime, as I read this resolution, it -- what shall we say -- is a pious wish because it has the famous words of "consider the advisability" in there, which certainly doesn't commit the government to very much. And then the next part, all it's considering the advisability of is establishing liaison with the municipality concerned and entering into negotiations with the federal government. I think that much should be considered. Surely the government isn't undertaking any great commitment in doing this, and I quite agree with the Minister that we shouldn't pretend that we're doing something that we're not prepared to do, but at least to establish liaison with the municipalities. I think that's been done already. Certainly there have been discussions with the federal government in this regard, and even that penurious, cautious, careful, slow-moving government that preceded the present one, even they went so far as to try and get some liaison between the three spheres of government -- and now we have a fourth one in the picture, I guess. And we even went so far as to make a proposal one time to the federal government for that particular East Kildonan section, that we would pay on an experimental basis one-third of the cost providing the federal government would pay a third of the cost, and we would ask the municipality plus the property owners concerned to, in some method, cover the cost. That liaison didn't work out too well for the simple reason, I think, that the federal government was all too well aware of the difficulties of this proposal, as the Honourable the Minister has just mentioned. And we'd better be fair to the federal government, even this present federal government. We've got to be fair to them, to realize just as the Minister can say with truthfulness that he would have to consider a general program that he undertook as applying to similar circumstances in all of Manitoba, the poor old federal government has to consider the same thing with regard to the whole of Canada. And so, with the best intentions in the world, and with all the liaison that you can get between municipalities and the two senior governments, this is a difficult problem, but I would join with the Honourable the Member for Brokenhead in saying that well for goodness sake, we don't want to pretend to the property owners that there's an easy solution for this thing and we don't want to calm their fears by pretending that we're going to do something that we aren't going to do, that we might still agree to pass a resolution of this kind, because it seems to me that it asks just about the minimum that could be passed to make even the slightest start. And if my record of dashing into things and hang the cost, of -- you wouldn't expect me to recommend anything so drastic even to the present government, but I would think that, quite seriously, there is need of continuing, not only liaison, but continuing partnership to try and experiment to some degree with these really serious trouble spots. I am sure that the Honourable Member for St. Vital knows that there's an area in his municipality as well, for the property owners are simply sitting on the edge of things and wondering what's going to happen to them because they've in some years seen feet after feet of their front lawns just simply take off into the river. It is a problem, and while I recognize the magnitude of it I think some continuing liaison would be advantageous.

MR. A. H. CORBETT (Swan River) Mr. Speaker, they've all spoken about the slippage

(Mr. Corbett, cont'd) and what causes it. Well there's so many things cause it that it's not necessary for me to go into that. But as to working out some plan of remedying it, that is the important thing and that is, as the late speaker has pointed out, quite a problem. But it seems to me that the suggestion of cutting back the slopes a long piece and destroying a lot of property, that would defeat the object that you're trying to do because in most cases you take away the great tree growth and it's the roots of those trees that preserve the integrity of the banks at the present time, so that's out. And then there are so many intangibles. The slippage is just as bad in the dry years when our clay loses its plasticity, or whatever you call it, and becomes more prone to slippage from small causes without any apparent reason. And then in the wet seasons when the water is high, the ground becomes saturated and the frost action -- that's another angle -- enters in the next winter and causes cracks and more chance of disintegrating. It isn't always the high water that causes all the slippage. But I want to speak of a suggestion regarding, which I don't think will be very popular with the municipalities or with the member that introduced the idea as a resolution, but the fact is that down the Red River we have some margin of laying the blame for some of the trouble on the federal government when they put in the St. Andrew's locks and raised the water at certain times of the year and then dropped it later on -- that gives them a certain amount of responsibility. In most of the municipalities that are affected there's only a portion of residents that live along the river and the balance of the residents in the municipality who live back from the river are not too anxious to have the municipality embark on a large expenditure to protect the people that live along the river. Therefore, I don't think you will ever get the municipalities to become, say, a third partner with the federal and the provincial governments in these matters. But I think that the matter of river slippage will ultimately have to be treated the same as we used to do drainage or irrigation as a local improvement, as you lay your sidewalks, and the property that benefits will have to pay their share. I think that instead of submitting resolutions to the federal government and trying to make liaison with the municipalities, which will not accomplish anything unless you have some definite plan to work on, it seems to me that if the residents of the municipalities could be approached by the residents along the river banks where the slippage is occurring and try and suggest to them that they embark on a program of correction whether it's by rocking up or excavating and rocking up, and be willing to submit to a local improvement scheme extending over a period of 20 years or something like that, that you might have some better chance of getting the province and the federal government to come into this scheme on some percentage basis. But I think just to present a resolution without the entire support of the whole municipalities interested -- which I don't think you'll ever get because there's an awful lot of municipalities whose lands border on the river that are not interested in the subject so I think that a campaign should be started among the residents along the river where the slippage is, to get them to see what they would be prepared to put in on a local improvement scheme, and have some proposition to offer to the provincial, the federal and the municipal governments.

MR. HILLHOUSE: Mr. Speaker, I'm sorry I wasn't in the House this evening when the Honourable Member for Brokenhead spoke, I've had considerable contact with different levels of government regarding this matter of slippage in the Red River, and I might say that back in '35 and on to about '40, the federal government did admit its responsibility for erosion on the west banks of the Red River south of Lockport. And they did over a period of three years do considerable work there. I don't know the exact cost of it but I think it was somewhere in the neighbourhood of a quarter of a million dollars. Now, none of that work proved satisfactory. It didn't stand up. Then subsequently the federal government changed fields and decided it was no longer a federal responsibility. Evidently they based their -- at least in order to satisfy the federal government that there's any responsibility on their part, you must prove to their satisfaction that it's all due to a federal public work or is due to the wash from shipping. But as far as a wash from shipping in the Red River down there just now is concerned, there is very little wash. But I feel like the Honourable Member for Swan River that St. Andrew's locks did contribute largely to this erosion and slippage which has happened in the Red River. As a matter of fact, when St. Andrew's locks were built, Her Majesty the Queen took it upon herself to get aggrievement from all the . . . owners indemnifying her against any liability for any damage that might occur by reason of the construction of these locks. Now subsequently,

(Mr. Hillhouse, cont'd) or within the last five years, there has been some considerable damage happening to the actual locks themselves. The ship channel there, on the west bank of the ship channel, the road there is slipping; the cement work which protects the bank there is cracking up; and the federal government has absolutely refused to do anything. They have insisted upon the municipality of St. Andrews looking after that. The provincial government did intercede on behalf of St. Andrews municipality, and we had numerous conferences with the federal engineers and the provincial engineers. But the federal department of Public Works, they take the stand now that the cause of the erosion on the banks of the river is due to drainage. And I think something's got to be done, something's got to be done along the banks of the Red River from south of Winnipeg up as far as St. Andrews locks. I know in Kildonan there, during the last 20 years at least, there's over 50 feet of Kildonan Park has gone into the Red River. I know, too, on Scotia Street opposite the Priory there, the municipality of West Kildonan had to close the street by reason of the fact that it was losing its sewer and water lines. And Scotia Street was closed there. Now 20 years ago, I can recall when we used to have a little campsite on the east side of Scotia Street, but that's all gone. But it is a serious problem. At the same time I feel though, Mr. Speaker, that it's certainly not a municipal problem. I think it's a problem which has got to be settled between provincial and federal governments. I don't think that any municipality has the financial resources to take care of this matter. I don't know what the answer is but I think the first thing to do is to determine whose liability it is. And I would suggest that the provincial government approach the Federal Department of Public Works with a view to arranging a meeting at which the whole matter could be discussed and where municipal representatives could be present; they could advise the two senior governments of the problems with which they are faced. This would be a good time to do it -- we're going to have a federal election pretty soon and they say that politicians are usually soft about that time.

MR. SPEAKER: Are you ready for the question?

MR. D.M. STANES (St. James): Mr. Speaker, I beg to move, seconded by the Honourable Member for Birtle-Russell, that the debate be adjourned.

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

MR. SPEAKER: Proposed resolution by the Honourable Member for Brokenhead. Order stand?

MR. SCHREYER: Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood that whereas the agricultural industry of today is becoming increasingly mechanized, and whereas increased mechanization results in a rising proportion of the farm income dollar being spent on machinery and equipment, and whereas it is often quite difficult for farm operators to acquire adequate information regarding the various features of the different types of farm machinery, and whereas the provision of such information by means of scientific analysis and testing free of any advertisement bias could be of considerable practical value to agriculture, therefore be it resolved that this government consider the advisability of establishing a farm machinery and equipment testing service.

Mr. Speaker presented the motion.

MR. SCHREYER: Mr. Speaker, this resolution, like the preceding one, is fairly cautious. It's not really asking for something outlandish; it's asking for something that is entirely within the realm of possibility, and it is quite practical, I feel. No one can deny that in the past 20 years farming has become -- as to methods and technique has been revolutionized. Farm operators are becoming more and more dependent upon the use of farm machinery. More and more of the farm income dollar is being spent and goes towards the buying of machinery and equipment. Now in view of that development, in view of that fact, it would seem logical for this government, or any government, to think in terms of trying to help the farmer insofar as the selection of machinery is concerned. This would be provided on an advisory basis and would be there for the farmer's asking. He could avail himself of this information if he so desired. I feel that any information that can be provided a farmer these days, information as to markets, as to new developments in method, as to new ways of operation, etcetera, are of immense importance. We are after all in an age of technological revolution and it has affected the farmer very, very directly.

Now, since it is a fact, then, that farm operators today are so dependent on changes,

(Mr. Schreyer, cont'd)improvements in farm machinery, manufacturing, etcetera, we, I think, should make this service available to him. The only way it can be done, of course, is if we provide this information on the basis of scientific testing if you like, and this can be done without any great expense. I could be wrong there but I daresay that the expense involved would not be a prime factor. Something along this line has been done in some of the midwestern states in the United States. It has been done in the Province of Saskatchewan, where I understand it is appreciated and enthusiastically supported. I think the Minister of Agriculture and most rural members are aware that at the last convention of the Canadian Federation of Agriculture this resolution was dealt with on the floor of the convention, and I don't know how much store you put in convention proceedings and votes, but if you put anything in it you must be impressed with what happened at that convention of the CFA because this resolution was passed, according to newspaper reports, almost -- it was supported almost to a man, almost unanimously. Well, in view of these facts which I have put before this House, in view of the response which has been given a similar service in the Province of Saskatchewan by farmers in that province, in view of the warm-hearted endorsement of the idea by delegates to the CFA convention, I would suggest that perhaps we in Manitoba at this time should give consideration toward the establishment of such a service here in Manitoba, either through the university perhaps, or through some branch of the Department of Agriculture, and I believe that it would be difficult to oppose this resolution because it has merit.

MR. SPEAKER: Are you ready for the question?

MR. WM. H. HAMILTON (Dufferin): Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the debate be adjourned.

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

MR. SPEAKER: Adjourned debate on second reading of Bill No. 34. The Honourable Member for Seven Oaks.

MR. ARTHUR E. WRIGHT (Seven Oaks) Mr. Speaker, speaking to this bill I wish first to say that I am not one of those who feel that our young people are going to the dogs. I sometimes get concerned about them in this world of rapid change, but I think that they know pretty much what they are doing. Most sociologists agree, too, that the ideals of youth are high, and my colleague, the Honourable Member for Burrows, in his capacity as a school principal, and who has daily contact with these young people, I am sure believes the same thing. A person of 18 today can drive a car. They can join the army and fight for their country, and I think that with the education they receive today -- and which is much superior to what we had when we were their age -- I think they are very able and quite capable of assessing the political situation as it affects their country. As I said. Mr. Speaker, in my speech in reply to the Address from the Throne, there are 65% more people over the age 65 in the Greater Winnipeg area between the years 1946 to 1956. This trend in society is increasing all over the world. The great economist Stuart Chase says that by the year 1970 there will be 20 million people in the world over the age of 65 years. I think this should make us think too, because we must be ever aware of the changes and the trends in society. I think that by giving our young people the vote at age 18 that not only are they quite capable of doing their duty properly but I think that this would be a counter balance -- I think this would be more or less like one of nature's balances. If we are to have so many more people over the age of 65 years in the future I think this would be a healthy situation.

Now I don't know where we get the idea that we are able to so brilliantly assess the political aspects of what's going on around us because I can look back to such a thing as Plan C and its defeat at the polls in Greater Winnipeg. I surely don't think that we were able to judge the situation properly, because one newspaper, with the help of one city alderman, was successful in bringing about the defeat of such a plan, so I don't think that we as adults have very much to brag about. I feel confident that our young people today are certainly keeping abreast of what's going on. One only has to watch the TV to find out the wonderful exchange of ideas that's going on throughout the world. The world is a smaller place today than it was when we were young, and I just wish to say, Mr. Speaker, that I believe that this is inevitable that we will in the very near future consider giving the vote to our young people, our young adults of 18 years, and I would like to say that I don't see why in Manitoba that we can't pioneer this idea here. I think we are building on very substantial soil and I would like to see this motion of my colleague

(Mr. Wright, cont'd) passed in this House.

Mr. SPEAKER: Are you ready for the question?

MR. WAGNER: Mr. Speaker, I beg to move, seconded by the Member for Burrows, that the debate be adjourned.

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

MR. SPEAKER: Adjourned debate on second reading of Bill No. 83. The Honourable Member for St. Vital.

MR. F. GROVES (St. Vital): Mr. Speaker, this bill deals with the subject of minimum wages. We're all aware of the fact that the minimum wage in Manitoba today is 66¢ an hour and I'm sure that no one in this House would agree that that is a fair wage to be paying anybody. Sixty-six cents an hour for an eight-hour day is \$5.28 a day. On the basis of a six-day week it's \$31.68 a week, and if we assume four weeks to be a month, then it amounts to \$126.72 a month. This is not very much, Mr. Speaker, even for a single person at today's cost of living, and there are many married persons trying to get along, particularly in Greater Winnipeg area, on this minimum wage or on a wage close to the minimum wage; and it's surely, Mr. Speaker, a blot on our province that we would expect persons that are willing and able to work to be forced to accept wages such as these. It has been shown in debates in this House that in many instances, particularly in the City of Winnipeg, families can get more from welfare than they can by sending their bread-winner out to work at the minimum wage, and it's an actual fact, Mr. Speaker, that there are families in the Greater Winnipeg area where the father is working at a wage either at the minimum figure, or close to the minimum figure, where they must appeal to the welfare departments in the various municipalities for supplemental assistance in order to let their families carry on. The government, too, recognizes the fact that something must be done about the minimum wage in this province, and we were told in the Throne Speech that the Minimum Wage Board will be again convened to review the situation under today's conditions.

Mr. Speaker, everybody is entitled, if they're prepared to work, to a decent wage and to their fair share of our productive income. The wording of the present act is given in the explanation to this bill and it directs the Minimum Wage Board to take into consideration, when recommending to the government a minimum wage, the necessities of life and health. In the bill before us it would direct the Minimum Wage Board to take into consideration such things, goods and services, as are essential to his health and well-being. Up to this point, Mr. Speaker, I maintain that this means the same as the wording in the present act, but it goes on to say "including food, clothing, shelter and essential surgical, medical, optical, dental and other remedial treatment, care and attention and an adequate funeral upon his death." The Board then is being asked, in addition to this general field, to take into consideration these other specific items. To me, Mr. Speaker, this seems to enlarge the scope of the Board's consideration of the matter with which it's charged under this act. Some say, however, that in using the restricted wording that there is in the act at the present time, that by using this, and according to the items listed in the budget for a single girl that was presented to the House last year by the Minister of Labour, that there are many more items included there than might be included under wording such as we have before us in the amendment to the act. However, at the time the Honourable Member from Elmwood presented this bill I asked him three questions. One of these was: did he think that the wording he proposed would result in a higher minimum wage, and if so why did he think so," and why did he have the reference to the funeral? His answer to the first question was "yes", and he didn't answer the second question, and the answer to the third question was that he thought that the Board, in setting the minimum wage, should take into consideration the fact that a person should by way of insurance or otherwise be able to provide for a funeral for himself and his family.

There is some doubt in my mind, Mr. Speaker, as to whether this new wording would be an improvement. I have, since this bill was presented for first reading, discussed the matter with the Honourable Member from Elmwood, particularly in connection with the questions that I asked him. I have also discussed it with the Minister of Labour, under whose jurisdiction the Minimum Wage Board comes, and I have discussed it with a number of people in my own constituency that are very much interested in our minimum wage legislation, and I must say that opinion, insofar as this wording is concerned, seems about equally divided between the two points of view. I'm sure that the honourable member who presented this bill did so in a sincere effort

(Mr. Groves, cont'd) . . . to give some guidance to the Minimum Wage Board in the hope that he would get from them a recommendation for a higher minimum wage. I am convinced, Mr. Speaker, on the basis of my own observations, that the bill before us, and my discussions with the people to whom I referred, that this wording certainly isn't worse than that presently in the act. I have, in this House and elsewhere, firmly committed myself to endeavouring to obtain a higher minimum wage for the Province of Manitoba and I think that there is a possibility, Mr. Speaker, that this bill before us may help us to do this, and it is therefore Mr. Speaker, my intention to support this bill.

MR. SPEAKER: Are you ready for the question?

MR. CARROLL: Mr. Speaker intends to speak on this bill, perhaps I should say a word or two. You will remember that there was some concern at the time that this bill was introduced that there might be some conflict between Bill 83 and the one which was subsequently presented by ourselves. I now must confess, of course, that there is no similarity. I would also like to recognize the good intentions, I believe, of the Member for Elmwood who has introduced this resolution in the hope that it will expand the horizon for those who are taking into consideration the necessities of life and health for people on minimum wages. I'd also like to acknowledge the sincere good wishes along the same lines of the Member for St. Vital and I think everyone in this House will acknowledge the principle that an individual should get a fair rate of return for his efforts. The minimum wage, however, is not intended to be what we call a fair wage. It's intended to provide the minimum protection to people who are probably inexperienced taking employment for the first time. I think that we all recognize the principle on which this bill is -- the principle on which the minimum wage is based; that it provides the essentials for life and health, and this is the principle which has been in the bill since the time of its implementation originally.

I know it's true that in the explanatory notes that go along with the bill, that there is some reference to the Social Allowances Act, and I would hope that it wasn't the intention of the member who introduced it, that the same standards would apply, because I think that he will agree that if the same standards are applied to the minimum wage as is applied to the Social Allowances for a single individual, that the minimum wage schedule is very much more generous than the other one, so that I would hope that he isn't intending that the same standards should be applied in selecting this same wording. I think the mover is attempting here to broaden the scope, to give the board more things to think about in computing this minimum wage. But I think, too, that the people who have advised me on this, say that where you attempt to particularize in a piece of legislation, where you attempt to lay down all of those things which should be taken into consideration, it generally becomes a limiting factor because all of those things that may not be mentioned specifically in the act, are not taken into account -- all of the other things tend to be excluded.

Now in this bill, of course, there is quite a list of things which are intended to be included here: "the essentials of health and well-being, including food, clothing, shelter, essential surgical, medical, optical, dental and other remedial treatment, care and attention." And then it goes on, of course, to add the section about the funeral. But it doesn't say anything in there about handbags for people. It doesn't say anything about repairs or cleaning of clothing. It doesn't say anything about cosmetics or deodorants. It says nothing about home permanents. It says nothing about recreation for the individual and things like education -- papers, magazines, and things of that kind -- because these aren't included. There may be a tendency on the part of whoever is sitting on the board in some subsequent years to neglect to -- can take these things into consideration. It doesn't say anything in here about providing holidays, transportation to their home if they live out of the city, for holidays -- bus fares and things of that kind; it doesn't say anything about church collection or other charitable donations; it says nothing about watch and radio repairs and things like that. And these are all items which the Minimum Wage Board did take into consideration in establishing their schedule of wages for people on minimum wages.

Now of course the only other new element that is added here is the provision for funeral expenses, and I know there will be some support from the Member for St. Boniface and probably one other on this side of the House, but when one considers that the average work-life of an individual may be 40 or 45 years and figuring, I suppose, the cost of a funeral is something

(Mr. Carroll, cont'd) like \$400.00 it means something like \$10.00 a year, and when you consider that this minimum wage schedule provides an employee \$1,510 a year, an additional \$10.00 to provide for a funeral will really not have any impact on the minimum wage, and there's one other thing that

MR. DESJARDINS: Could I ask a question of the Honourable Minister?

MR. CARROLL: Well when I'm finished, if you don't mind waiting. And then there's the other thing -- what is the likelihood of a 19 year old boy or girl starting out with 40 or 45 years of work-life ahead of him, of putting away 19 or 20 cents a week to provide for their funeral? I think that really this is sort of unrealistic to expect that this will have the effect which is obviously intended by the member who introduced it. Minimum wage provides protection for one who is entering his work life and not one who is just leaving it. The principle is to protect those with little or no experience in work -- no skills; a beginner. Someone who may be slightly physically handicapped who can't take more onerous employment, and of course we have other ways by which we can help people of this kind. But I think that this was the intention of the minimum wage, to give protection to these people, and it is our hope that people would not remain at a minimum wage level for any length of time. We would hope that their salaries would be commensurate with their growth and experience, with the skills that they develop as they work and in relation to their efforts and capacities on behalf of their employer. So while I do have sympathy with the intent of this particular amendment, I'm afraid I can't support it because I don't think that this will have the effect that the member would hope it to have. In fact I think it might, in succeeding years, be a limiting factor rather than a broadening factor in the consideration of the board, and I therefore am going to oppose this on second reading.

MR. PAULLEY: Mr. Speaker, I never heard such a ridiculous tirade from a responsible Minister of the Crown to the one we've just listened to in this House this evening. It seems to me that he is so far divorced from the conclusions and the reasons for the conclusions that the Minimum Wage Board use to arrive at this measly 66¢ an hour as the minimum wage, and the proposition that's before this House tonight, that it's beyond comprehension. A year or so ago we introduced into this House a resolution calling for a specific amount of a minimum wage for the Dominion of Canada, and then my honourable friend the member for St. Vital in giving it partial support thought that it was possibly a little too high for the Province of Manitoba, and suggested that possibly a more correct figure for Manitoba might be \$1.00 an hour. But now we've got the Minister of Labour who knows full well that the Minimum Wage Board of Manitoba based the arrival of the figure of 66¢ on the present provisions within the act by inference at least suggesting that that is quite all right. If he is not satisfied with the amount of the minimum wage, if he is not satisfied with the attempted change as the base reasons for arriving at a figure, then why did he not, when he was introducing so many amendments to the Employment Standards Act at this session, undertake some change himself? I suggest to him that it's poppycock to stand as he did here this evening and say that the amendment to the act that is before us tonight does not take into consideration those items that he mentioned such as travel, handbags, and this, that and the other. I think his statements, Mr. Speaker, are absolutely ridiculous, because what is the difference in respect of the items that my honourable friend has mentioned between the old act and this? The old act gives us the words, "the necessities of life and health." My friend says that under that terminology the Minimum Wage Board did take under consideration such things as handbags and transportation. Well if they are to be taken under consideration in just that phrase, "necessities of life and health", surely under such a phrase, "such things, goods and services as are essential to the health and well-being of an individual" they would still be included. Mr. Speaker, this phraseology was taken deliberately from the Social Assistance Act of the Province of Manitoba. As the Honourable Member for St. Vital has indicated, and he's perfectly correct in this, that under the directives given at the present time to the Minimum Wage Board, the return for labour to those on minimum wages are less than the provisions that are possible under the Social Assistance Act in the Province of Manitoba because

MR. CARROLL: Mr. Speaker, I believe I said that the standards under the Minimum Wage Act provided a much higher return than what is being provided at the present time under the Social Allowances Act for a single individual. I think that is what I said . . .

MR. PAULLEY: Mr. Speaker, if the Honourable Minister doesn't mind, I was speaking of what the Honourable Member for St. Vital said, not the Honourable the Minister of Labour. So again, to recapitulate, I said that the Honourable Member for St. Vital quite properly pointed out that under the provisions of the Social Allowances Act a person can receive greater benefits than they can by receiving the minimum wage, and he went on to point out -- oh, you shake your head -- he went on to point out that a head of a family on minimum wages is forced out of necessity in order to provide for his family, to go on social allowance. Now I say, Mr. Speaker, to you and to this House, is it right and proper that in this province in this day that we should have such measly wages as are set at the present time, that in order to keep life and limb together a head of a family has to subsidize them by going on social allowance as indicated -- and properly so -- by the Honourable Member for St. Vital. My honourable friend, the Minister, says that with the suggested amendment they'll still be in the same position and I suggest that they will not, because they'll have to take into consideration all of the provisions in arriving at a minimum wage. They'll have to take under consideration balancing it off insofar as family individuals, and one of the things that I spoke to the Chairman of the Minimum Wage Board after he'd arrived, or his committee had arrived, at the 66 cents -- why? And even -- if I remember correctly -- in his report, he said because it was too -- the legislation was too -- the legislation was too restrictive. "We only have to deal with the absolute necessities of life and health," and that is the reason that this is suggested, because it goes beyond all of that, and I suggest that with the terminology -- and I frankly admit that it's not as broad as it should be -- but at least it will give the Board a wider scope to arrive at its conclusions.

Now my honourable friend might use the present scale of the Social Assistance Act in arriving at X number of dollars. We on this side of the House have repeatedly said, in respect of the social allowances figure, that it's insufficient. We have attempted, particularly since the \$10.00 a month increase was granted at the Ottawa level, to have the Minister of Welfare increase the base amount in the social assistance allowances provisions by at least that \$10.00 a month. Thus far this has been rejected, but if we give the authority to a Minimum Wage Board to take under consideration their interpretation of these, they might arrive -- and I suggest if they're fair-minded people that they would arrive -- at an amount far in excess of that of the Minister, and most assuredly could conceivably arrive at a figure far greater than they will under the restrictions that are in the Minimum Wage Act at the present time.

My friend mentioned the -- it seemed to me almost with some jest -- the fact of the second clause in here, "adequate funeral upon his death." I suggest that the Minimum Wage Board could, by that clause alone, take into consideration or interpret it as meaning a provision for life insurance which they can't do under the present Minimum Wage Act, so I say to the Honourable Minister of Labour: reconsider your statements that you made tonight and if you're not satisfied that through this media, or these proposed amendments to the Minimum Wage Act, that this is giving to the Minimum Wage Board a broader scope to make their recommendations on, then you propose something that will, because I cannot conceive at all in light of the last report that we had from the Minimum Wage Board a year or two ago, that the very restrictive clauses in the Minimum Wage Act as they were and are, only allowed them to arrive at a figure of 66¢ which is a crime and a blot on all of us here in the Legislature and in the Province of Manitoba, when a person who is desirous of being gainfully employed and can only have a job for which he may be paid the minimum wage, in order to subsidize that, has to go on social allowance and social welfare in order to keep life and limb for himself and his family together. It is the type of legislation that we have on our books at the present time in respect of minimum wage that is causing our welfare rolls ever to increase, and we cannot blame people who at the present time can receive more on social allowances than they can on the minimum wage for refusing to accept jobs.

MR. CARROLL: A question if I may, Mr. Speaker, Is it the intention of the bill as you interpret it to indicate that this will provide to a married man food for his family, health services for his family? Now I don't believe the bill says that -- that's why I wanted to clear that point up.

MR. PAULLEY: I would suggest this, Mr. Speaker, the intention of the amendment is to give a broader scope to the Minimum Wage Board in arriving at the figure they deem proper

(Mr. Paulley, cont'd) for a minimum wage.

MR. CARROLL: say that in the bill that it provides -- it says for "his" needs, which doesn't include the plural. It says "the employee," that it provide for "his" needs, "his" health needs, "his" food, etcetera, not the family. In other words it doesn't do what you felt it was

MR. PAULLEY: Mr. Speaker, it doesn't spell it out that way but it's my understanding that in the Interpretations Act this can be interpreted that way to broaden the scope, which isn't possible under the present legislation in the Minimum Wage Act.

MR. HILLHOUSE: Mr. Speaker, I'm not going to defend the minimum wage -- I think it's inadequate -- but at the same time I don't think that the bill which is before the House will give to the proposer the thing that he thinks it will give. I believe that the present definition in the Minimum Wage Act or the Employment Standards Act is much more comprehensive -- is much more elastic than the definition which is proposed in this bill. The definition in the Employment Standards Act is the "necessities of life." Now it doesn't define what the necessities of life are. You can import into that whatever meaning you want. You could include within the necessities of life anything which is necessary to sustain life, anything which is essential for life, but if you take the definition as drafted in this bill which is before us you are confined to the specific items therein mentioned. Now the only addition that has been made is by putting in "an adequate funeral upon his death." Now the Minister says that a funeral costs about \$400.00. Well, if you apply the \$110.00 which is allowed for a funeral under the Social Allowances Act, and spread that over 40 years, it certainly isn't going to make much difference to the minimum wage that's paid in this province. As I said at the beginning, I'm not defending the minimum wage which is set, but I do say this in all fairness, that the definition contained in this bill is more restrictive than the present definition in the act, and the object which is sought by the mover of this bill will not be achieved by using the language which he has used herein.

MR. SCHREYER: Mr. Speaker, I might be treading on thin ice here. I merely am drawn into the debate by the exercise in semantics which was carried out by the Minister of Labour, and I'm afraid on this occasion I have to accuse the Member for Selkirk of a misdeed as well. It's not really a legal point and so that's why I rise in my place. It's not a legal point; it's a matter of semantics, pure and simple, and as far as I can interpret the phraseology "necessities of life" and the one we propose, namely, "things, goods and services necessary to health and well-being," to me there is no question whatsoever that the latter is the more broad and consequently gives more scope to the Board when it sits to make the decision with regard to the minimum wage. To me the phraseology "necessities of life" is a very narrow sort of phraseology. --(Interjection) -- Yes -- merely sustenance to keep body and soul together; whereas the phraseology "things, goods and services necessary to health and well-being" implies to me, without question, that what is required is more than a bare sustenance but a few of the amenities, and on that basis we certainly did feel -- and I'm sure the member for Elmwood felt -- that there was absolutely no question as to which terminology gave the Board more scope. The member for Selkirk is impressive when he deals with matters and points of law, but this is a matter of semantics and I feel that, for once, I must disagree with him entirely.

MR. W.B. SCARTH, Q.C. (River Heights): Mr. Speaker, I agree with the Honourable Member for Selkirk in what he said. I think that clause, the present subsection (5) of 24 is broader than subsection (2) of this amendment in -- that's all inclusive -- but I also would suggest that when bills are brought in amending others they at least make common sense. And let us just take a look -- I'm going to extend (b) amended, This is what you have: "A board in settling the recommendations it makes to the Lieutenant-Governor-in-Council shall take into consideration and be guided by the cost to an employee of purchasing an adequate funeral upon his death." Now I'm not sure how a gentleman would do it but if he can purchase a funeral upon his death, I'll go along to

MR. DESJARDINS: Mr. Speaker, I'll go along with nearly everything that has been said by the Member for Selkirk but I'd want him to remember something here when he talks about a \$110.00 funeral, that I don't like the idea that he should think that a funeral costs \$110.00. That's like saying, \$10.00 for three days of legal advice. I want him to realize that while some legal advice from some of the lawyers across there I think it would be about 25 cents, but anyway I would like him to realize that in this Welfare Act the funeral directors of the Province

(Mr. Desjardins, cont'd) of Manitoba are subsidizing this government. It costs an awful lot more than that and I think it's not fair to say that \$110.00 will pay even the expense of the funeral.

MR. L. HARRIS (Logan) Mr. Speaker, I'd like to get in on this little debate too. We in Manitoba give 66 cents an hour minimum wage but we find that the minimum wage becomes the maximum. Is it enough to keep life and limb together? I would like to show how some people have the right and give a proper minimum wage. It was brought in by a private individual. Now this private individual today has some of the biggest automobile factories in the world. And this man went out around about 46 years ago and brought in a minimum wage at that particular time. When I listen today in this Chamber to 66¢ an hour, and here we have people all over the city and we find that employers are taking advantage of this thing too. We find husband and wife have to go out and we talk about the children being left at home. That is the reason for it today, because of this low wage. We grind our Manitoba down on account of that. Five dollars minimum wage was a sensation 46 years ago. Henry Ford created a sensation by establishing a \$5.00 a day minimum wage and an eight-hour day at his factories. The \$5.00 minimum wage rose to \$6.00 in 1919 and remained there until a month after the stock market crash, in 1929. Ford then once more startled the business world by raising the minimum wage to \$7.00. Our wages, he said, would increase the buying power and help end the depression. But by November 1931 the rate was dropped to \$6.00 and by the end of '32 had fallen to \$4.00. In 1935 the wage rose to \$6.00. The lowest minimum wage today in the US Ford plants is \$17.80 a day and the average minimum is \$22.40. So by gosh, it just shows you we in the Legislature can't do what we should do properly. Here is an individual himself that went out and he proved to the world that he could possibly do this and he did it; and he went out and he brought in these cars and everything else and he did prove to the world. And here we are over 56 of us now, and we don't know enough to raise it to \$1.25 an hour -- can't give it.

MR. SPEAKER: Are you ready for the question?

MR. A. J. REID (Kildonan) Mr. Speaker, I beg to move, seconded by the Honourable Member for Elmwood that the debate be adjourned.

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

MR. SPEAKER: Second Reading of Bill No. 56, the Honourable Member for Pembina.

MRS. C. MORRISON (Pembina) presented Bill No. 56, an Act to Amend The Portage la Prairie Charter, for second reading.

Mr. Speaker presented the motion.

MRS. MORRISON: Mr. Speaker, the purposes of the amendment proposed by this bill are several in number; first, to achieve greater uniformity of the powers presently enjoyed by other cities in Manitoba; second, to achieve a better conformity with the provisions of the municipal act, that is, reducing the maximum rate of 20% in the present charter to 15% in the Municipal Act; third, to clarify the powers relating to business tax and assessments by defining the provisions relating to business, business premises and rental value; fourth, to permit the city to classify businesses in accordance with the rate of business tax charged under each classification, thereby giving greater flexibility in taxations in accordance with the nature and economical conditions of businesses in each classification; fifth, in practice it is found often a business tax cannot be levied because premises are not occupied for the purpose of carrying on business. In such cases, section 74 of the charter as proposed by the bill gives the city power to levy a licence fee in lieu of business tax whether or not the premises are being occupied for such business. I expect, Mr. Speaker, that when this bill goes to Law Amendments that legal counsel from the City of Portage la Prairie will be present and be prepared to answer any questions. So I would ask that this bill pass second reading.

MR. HILLHOUSE: Mr. Speaker, I don't intend to oppose second reading of this bill but, at the same time, I want to state a reservation which I have in respect to Section 74 (b) of this bill regarding the publication of an advertisement or an announcement in a newspaper is prime facie evidence that a person is carrying on business.

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

MR. JAMES COWAN, Q.C. (Winnipeg Centre) presented Bill No. 59, an Act to amend The Winnipeg Charter (1956) and to validate By-law No. 18589, for second reading.

Mr. Speaker presented the motion.

MR. COWAN: Mr. Speaker, one of the important provisions in this bill is the provision providing for the inclusion in the area of the City of Winnipeg some 3,500 acres which are now included within the Rural Municipality of Rosser. As was stated on Friday, this is something that is desired by the Municipality of Rosser, the City of Winnipeg and the people who live in the area. In order to carry out this change, this Act also makes provision for land that is now owned by the Municipality of Rosser in the area to be tax free so long as it is owned by the municipality. The City of Winnipeg have an option to buy this land and they intend to do so, so that it will be owned by the City instead of the Municipality of Rosser. The bill also makes provision for exemption of buildings that are now exempt under the Municipal Act which gives exemption where land is used for market gardening and farming purposes. The bill makes provision for adjustment of assets, revenues and liabilities between the Winnipeg School Division No. 1 and the school district and the school division involved covering the lands now in Rosser, and it provides that these portions of the bill dealing with this change in area will become effective on January 1st, 1963. The bill also makes provision for dispensing with a by-election where a vacancy occurs in council in the second year of the term of office. The bill makes provision for the City of Winnipeg employing an outside auditor instead of carrying on with its present audit department, as the City has found in making comparisons with other cities that they have achieved considerable economy having the work done by an outside auditor. The bill makes for better provisions with regard to collection of the business tax. The new provisions will be almost exactly the same as the provisions in the Municipal Act, and a tenant will not be able to defeat the collection of a business tax by staying or by having the chattels on the premises owned by a relative, as is the case at the present time. The bill makes provision for the city passing by-laws without the approval of the ratepayers and for the borrowing of monies and the issuance sale of debentures to provide for the cost of resurfacing or reconstructing any pavement. Formerly this provision was limited to arterial highways, transit routes and truck routes. The bill makes provision for the city spreading the cost of approaches and sidewalk crossings over a period up to 20 years instead of having to have the whole cost paid in one year as is now the case. The second last section in the bill allows employees in the power plant division of the City's Hydro System who work on rotating shifts to retire when they reach the age of 55 years, providing they have worked 30 years or more.

MR. GRAY: Mr. Speaker, while I have reservations to certain sections, I have no objection to this bill going to the Law Amendments Committee, but I cannot resist the temptation of making the same speech for many, many years since I've been in the Legislature, and this -- it's almost a disgrace that the City of Winnipeg who have 18 aldermen, each being elected by the public every two years, should not have the power and the right to make an approach on a sidewalk or buy a piece of land if they need it. They're coming in here with such a small thing that not only elected representatives could be ashamed of it but more than that, that you are putting yourself, the City, in a very low ebb by not being able to manage its own affairs. Year after year I've suggested the city apply for a Home Rule Charter. They are entitled to it. They have as much power as public representatives as this Legislature, although this Legislature are the parents of any municipality, but the City of Winnipeg with 400,000 population, coming in year after year -- year after year with things that a committee at City Hall could have accepted it. What have you got in this bill, begging the Legislature for small things that any manager, any alderman, any mayor could have decided upon, especially when they have 18 men elected by the people. I think the time has come when this should be done because it puts the City of Winnipeg in a disgraceful position when they have to come to this Legislature, take away their time, to make an approach to a home, or make an approach for something else. There isn't a single important item in this bill, and still they have to come and bow their heads before us and get it. I feel that this may be the last time. Try it out once. But the City of Winnipeg doesn't want it. They want this Legislature to be the responsible party because certain aldermen don't like to assume the responsibility, and perhaps they're against it and wouldn't take the responsibility. And what did they do? They put the responsibility on us. I think it is ridiculous. I would use different language if I could.

A MEMBER: Go ahead.

MR. GRAY: So, Mr. Speaker, I feel that I've expressed my views, same as I've done 18 and 16 and 15 and 13 years ago, and I hope that this will be the last time. Outside of one

(Mr. Gray, cont'd) section here, I'm going to oppose certain sections.

MR. SPEAKER: Are you ready for the question?

MR. COWAN: I might point out Mr. Speaker, that it's an impossible set of circumstances to give the City Home Rule Charter which would mean that you would give the City of Winnipeg all the power that the Legislature has, and the city could make laws with regard to the courts and with regard to everything that we have here. We would have a real mess then. We have to have a provincial Legislature that is responsible, and the municipalities like any other city and municipality in Canada only have those powers which the Legislature gives it.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. LISSAMAN presented Bill No. 61, an Act to amend The Brandon Charter, for second reading.

Mr. Speaker presented the motion.

MR. LISSAMAN: Mr. Speaker, I think -- second reading, of course, is for the discussion of the principle of the bill and members will recall and realize that I have always been in favour of retaining the three-fifths majority vote necessary for a money by-law. I believe that this is a good thing basically for a city. However it does make you wish at times -- and I might say before leaving that, that my reasons for believing this was a good thing, it's so easy to pile little continuous loads upon the home-owner in taxes, that eventually some old folks might lose their property because of some frivolous, non-essential items having been procured and obtained by the city and the bill sent to the taxpayer. I think it's time that we realized, too, that as municipal taxes grow, this is literally a permanent mortgage upon real estate, upon the homes in the province, from which the owner can never probably escape, and it is this thinking always that has been on my mind. Now over the years I have made exceptions, because I believe there are in these changing times, places where a change of opinion is necessary, where the service was an absolute essential thing such as hospital and water works. I have in those instances, gone along with council's wish for a simple majority. In this particular instance, the article in question is the voting of \$15,000 for 10 years to the Recreation Commission. It's at \$5,000 now but this would make \$15,000 available. Now it's rather interesting to see the figures, and in 1960 this was presented to the ratepayers and there were only 1,904 for the bill and 2,506 against. However, it was placed before the ratepayers again for a vote in 1961 and at this time, due to better explanation by the members of council, the votes for had risen to 3,566 and against 2,500. So you can see that this has come very close to the two-thirds majority. Now my own thinking is probably that it simply is unfortunate that cities have very little other source from which to raise taxes than real estate, because I can recall when I was a boy there were plenty of vacant lots in various points of the city and plenty of places for the young to play, and there wasn't as much need of disciplined recreation and so on. But in this day and age with changing times, this has probably now become a service which a municipality should provide to its people all right, and so, with this explanation Mr. Speaker, I would move that the bill go to committee and let committee make its decision.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. SHOEMAKER presented Bill No. 67, an Act to validate By-law No. 567 of the Rural Municipality of Langford and By-law No. 1611 of the Town of Neepawa, for second reading.

Mr. Speaker presented the motion.

MR. SHOEMAKER: Mr. Speaker, about two years ago the Department of Transport informed the Town of Neepawa that the federal government was planning to abandon Neepawa airport. At that time they inquired if the town would be interested in operating same and they informed them that they were not interested; that all of the buildings would be put up for sale. Now the airport, naturally, isn't situated in the town limits of Neepawa -- it's situated about one and a half miles west of town in the RM of Langford, so the RM of Langford and the town of Neepawa have drafted in this bill an agreement whereby the Town of Neepawa could enter into an agreement with the Department of Transport and the taxes on the land at the airport would be waived. Now there is a provision in the bill that there would be a grant in lieu of taxes in the amount of \$400.00 and in addition to that there is a provision in the bill that states that if the lessee or the renter -- incidentally Mr. Speaker, the Town of Neepawa has already entered into the agreement with the Department of Transport; it has already sublet the airport to a local veterinary surgeon there, so those things have been done. Now there is a provision

(Mr. Shoemaker, cont'd) in the bill that if the present renter or any future renter makes any money beyond \$4,000, and that figure is used in the bill, then he is subject to all the taxes that are due under the municipal act. So I recommend that it, as the other bills, proceed to Law Amendments.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. J. D. WATT (Arthur) presented Bill No. 84, an Act to incorporate South Western Manitoba Lodge, for second reading.

Mr. Speaker presented the motion.

MR. WATT: Mr. Speaker, actually South Western Manitoba Lodge is the name given to a proposed senior citizens' home, proposed to be built in the town of Melita. The bill is supported by the several municipalities mentioned in the bill. Actually the bill is identical to the bill that I presented recently, Bill No. 68, an Act to Incorporate the Town and District of Virden Elderly Persons' Housing Corporation. I don't think that I need to go any further in explaining on that. The two bills are identical. They incorporate now all of the municipalities in the southwest Manitoba to support a senior citizens' home at Melita and one at Virden, and I recommend to the House their approval. Thanks.

Mr. Speaker put the question and after a voice vote declared the motion carried.

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MR. SPEAKER: Committee of Supply.

MR. ROBLIN: Mr. Speaker, I wonder if you would be good enough to call the government bills which are listed for second reading on the last sheet of the order paper, Bill 102 and Bill 100.

MR. SPEAKER: Second reading of Bill No. 102. The Honourable Member for Rhineland.

MR. ROBLIN: I suppose in the absence of the honourable member, Sir, we should let it stand.

MR. SPEAKER: Order stand. Adjourned debate on the proposed Bill No. 100. The Honourable Member for Turtle Mountain.

MR. E. L. DOW (Turtle Mountain): Mr. Speaker, I'm not prepared at this time to speak on it. If the House could let it stand, or if anybody else wishes to speak it would be fine with me.

MR. SPEAKER: Any other member wish to speak on Bill 100?

MR. ROBLIN: Very well, Sir, the item can stand. I now move, seconded by the Honourable Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the supply to be granted to Her Majesty.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Matthews in the Chair.

MR. CHAIRMAN: Department VII - Attorney-General. Resolution 42 - Item (5) -- Administration of Justice -- pass?

MR. GUTTORMSON: Mr. Chairman, could the Attorney-General tell us, in the case of Paton and Cox, who was the one who instructed the court reporter to stop taking the transcript of evidence for the appeal which is to be heard on June 4th.

MR. LYON: Mr. Chairman, I'm not aware of the situation that the honourable member mentions at all.

MR. GUTTORMSON: Mr. Chairman, I can assure him that this is an established fact, that the evidence was stopped. These two men are out on bail and the transcript was stopped, and, had someone not found out about it later on, the transcript would not have been ready for the appeal when it was scheduled to go on before the Manitoba Court of Appeal.

MR. LYON: As usual, I don't know where my honourable friend gets his information, but it's not in accord with any facts that are available to the department.

MR. GUTTORMSON: Will the Attorney-General undertake to enquire about it and report back to the House?

MR. WRIGHT: I'd like to ask the Minister a question in regard to jury fees. I understand now that the fee is \$9.00 per day. Now this, Mr. Chairman, I think is quite a hardship on many of our people who are called upon to serve on a jury. Now last year the Honourable the Attorney-General said that perhaps a man would only be called once or twice in his life and he thought that it was a duty that he owed to the country to be able to serve on a jury. I'm sure that most people realize that it is an honour in one way or the other, but still -- I am thinking of a case of one of my constituents, a chap who is a mechanic, making say around \$2.00 an hour, who lost considerable money. He was serving I believe for 11 days, and he lost \$6.00 for every day that he was away from work. This, to me, seems to be a considerable hardship. I don't think that people can possibly relax and do their best under these conditions, and I think some consideration should be given to increasing jury fees. I think that in this day and age where young people are buying homes and raising a family, while it might be a considerable honour to the state to serve on these juries, I still think that it is not unfair to ask that \$2.00 an hour or \$16.00 a day be considered for jury duty. And before I sit down, Mr. Chairman, I'd like to ask the Attorney-General if any consideration has been given to lifting, for farmers, the jury duty in the summer -- relieving him of serving on juries during the summer months from June to October.

MR. LEMUEL HARRIS (Logan): Mr. Chairman, under this item I would like to speak on Magistrates Bench. These are opinions that have been expressed to me by various people and I would like an opinion on them.

We have entrusted the trial of criminal charges almost entirely to magistrates who are

(Mr. Harris, cont'd.) appointed by the provinces, whose qualifications differ in the various provinces and whose salaries are less than those of judges. In some provinces, persons occupy seats on the magistrate bench who can do little more than read and write. Persons with no legal qualifications — I don't say that for Manitoba because I know in Manitoba that the majority of our magistrates are lawyers, but this is what is happening in Canada, and this goes on and we can go out of Manitoba just the same -- whatever are entrusted with the task of determining the guilt or innocence of accused people and with authority by which they can send such people to gaol or to be whipped. These men, and there are only about 600 of them in Canada, deal with tens of thousands of cases every year. They work under great pressure. There's a long list of cases awaiting their disposition. Do they have time to give adequate consideration to every case that comes before them or are they frustrated by over-work? What are the percentage of cases going before a magistrate here? Does money mean more than man? Judges of our higher courts, who are highly trained, often take weeks and months to render a decision involving money. Magistrates, often not so well trained, are expected to, and in fact do, render decisions in most cases immediately after the close of the case. Does it take less consideration to determine the very future of an accused person than is required to determine the claim of money against a man? And what about the degree of punishment? Is it of less importance to determine whether a man should be punished by a gaol term than it is to determine the amount of damages that a man should pay as a result of an automobile accident? In the first case, a decision is invariably rendered at the close of the case. In the second case, considerable time is taken to arrive at the decision. The attitude of "Let's get this over with" that prevails in the prosecution of crime can lead to serious miscarriages of justice.

There was a time when the leaders of the Bar built up their reputations in criminal defence counsel, such as Clarence Darrow. That is no longer so. Now one needs only to go into a police court a few times to notice that junior members of the Bar and law students appear for the defence, and in most cases the accused appeared without counsel. The leaders of the Bar are engaged in civil practice. They practice away from courts altogether. The absence of defence lawyers from magistrates courts is a serious defect in our system. An accused person is brought before a magistrate. He is confronted by an accusation presented by a Crown Prosecutor, an experienced lawyer or a police officer who has had considerable experience. The accused is ignorant of court procedure, inexperienced in the business of the court, nervous and excited. How can such a person speak for themselves? And if they have a lawyer at all from the Law Society, it is someone who has not had much experience in the court. The absence of a defence counsel in a criminal case throws a heavy duty on the presiding magistrate. He must not only consider whether or not the accused understands what is charged against him, but must also examine the facts upon which the prosecution relies. Many magistrates do that -- some do not. The approach is that here is a case to be tried; the accused has pleaded guilty; what more is needed to be recorded? The plea. Enter the conviction and pass sentence. It is an easy way to get rid of the case and pass on to the next one. I think the approach is wrong. Criminal convictions and gaol sentences involve great human tragedies and miseries to the person involved and to their families.

Apart from the personal element, there is also the question of public cost. It costs several thousand dollars a year to keep a person in gaol. A more highly organized system of administering criminal justice would reduce a number of gaol inmates. It is something that cries out for reform in Canada. It involved ten provincial governments which enforce the criminal laws and appoint magistrates, but it also involves the federal authorities because they now maintain prisons where persons convicted by magistrates are maintained at the expense of the federal treasury. The cost to the federal treasury will increase under a new arrangement concerning those prisons and prisons now being introduced. Is it not time for the whole subject to be reviewed? Prison reform is getting out of the realm of discussion and into the field of actual application. This is all to the good.

In conclusion, I seriously urge that without diverting our attention from the care of prisoners, we concern ourselves with the whole machinery by which people are sent to prison at all. However, even today innocent people plead guilty to charges because they are persuaded it will be easier for them if they plead guilty. Such people do not know and are not

(Mr. Harris, cont'd.) told that the most important part of criminal prosecution is the conviction and not the punishment. A person once convicted acquires a criminal record that stays with him the rest of his life and makes him a marked man.

MR. CHAIRMAN: Resolution 42 -- pass?

MR. GUTTORMSON: Will the Minister give me the undertaking that he'll give us the answer later on on this matter that I raised about the transcript of evidence?

MR. LYON: If there's an answer to be given I'll give it, Mr. Chairman.

MR. GUTTORMSON: Mr. Chairman, there is an answer to be given. I think it's important. There's two men out on substantial bail and the evidence was stopped. I think the House deserves an answer on why it was stopped.

MR. LYON: My honourable friend is the one who is making the categorical statement about the evidence being stopped. I'm not aware of that at all. And judging from other allegedly categorical statements that he's made from time to time, I suggest, with the greatest of respect, that if there is an answer, it'll be given.

MR. CHAIRMAN: The Honourable the Leader of the New Democratic Party.

MR. PAULLEY: Mr. Chairman, I just want to draw to the Minister a case that has been referred to me. It might be that the Honourable the Attorney-General has looked into this. It deals with a fellow by the name of John Dawybida who took the law into his own hands, as he stated to me, in order to repossess two of his own vehicles that were on used car lots on consignment. I don't know if the Minister has noted this or not. It was given quite a play -- this was back in October of last year -- it was given quite a play in the Winnipeg Free Press and then also, I believe, Mr. Dawybida was interviewed over TV. The spelling of the name, Mr. Chairman, is D-a-w-y-b-i-d-a.

It appears, Mr. Chairman, in this case the gentleman in question, who has a hobby repairing vehicles, run-down vehicles, noticed an ad in the papers of turning over cars on a consignment basis for sale. Mr. Dawybida had two cars on two separate lots, and he found that one of the firms had gone out of business and the other one had moved, had been evicted from his location by his landlord for non-payment of rent. Mr. Dawybida attempted to locate his cars and he contacted the Winnipeg police as to getting some assistance from them in locating his cars which, as I say, were transferred in both cases to different lots. The Police Department apparently told him that there was nothing that they could do about it.

However, the gentleman in question then started to go around to the various lots and eventually saw his first car. He requested from the operator of the used car lot his car back. The dealer offered him \$40.00 for his car, which was not satisfactory, and said: "We've got the car on consignment, you signed a paper to the effect that we have the sole right of selling this car and we're going to keep it." However, Mr. Dawybida again contacted the police, apparently in an effort to repossess his car, and the police said that it was not a police matter and that he better see his lawyer. After he had found the first car and tried to get it back and unable to, on the advice of his lawyer he simply repossessed the car himself and took it off the lot. Then he phoned the police and he told them what he had done, but nothing was done -- no action was taken. So then after he found the second vehicle, the repossession was a little bit more difficult. In this particular case in order to get his car back, he had the salesman start the automobile, and conveniently for Mr. Dawybida after this had been done, the telephone rang in the little salesman's shack and while the salesman was in the shack he repossessed his second car by driving it across the sidewalk and taking it home. After this had been done, he telephoned the police once again to tell them what had been done.

Now the point I wish to raise on this, it appears to me that there is no registration kept of cars on used lots. The police said that it was out of their hands; they couldn't do anything about it. In the contract for consignment, apparently buried within the fine print, is that after 30 days on a lot if the car is not sold, then the lot owner can charge \$1.00 a day storage for the car. This was one of the things that I wanted to bring to the attention of the Attorney-General, because it appears to me, in conversation with Mr. Dawybida, that in this moving and closing down of one of these used car lots they soon get over the 30 days, and in some respects I suspect one of the purposes is to hold the cars after the 30 days and then charge storage in order to make a buck per day.

Now I say, Mr. Chairman, I don't know whether the Minister was aware of this situation,

(Mr. Paulley, cont'd.) but I would suggest to him that he undertake consideration of legislation compelling every used car owner to list with the police the number of cars that they have on their lots each month together with the serial numbers and makes. Now in this particular case, Mr. Chairman, as I point out, one of the used car owners went out of business, and the police couldn't do anything apparently to get Mr. Dawybida's car back. He had to take the law, figuratively speaking, in his own hands to get back his own possessions. And then in the second case, he didn't locate his car until after quite a lot of investigation, due to the fact that the lot where he had originally placed his car had been changed and he had quite a job finding where his car was.

Now I suggest to the Minister that he should take under consideration legislation whereby the dealers in used cars must register those cars, and then if they move from one lot to another with the cars, then the law enforcement bodies, such as the Winnipeg Police, would then be aware of where cars of the nature that I described would be located. As I say, Mr. Chairman, I don't know if the Attorney-General is aware of this case, possibly he is, and I have the newspaper clipping here in connection with it. I'll gladly let the Minister have it. It seems to me, Mr. Chairman, that there should be some regulations and apparently there are none at the present time, whereby the City of Winnipeg Police can take any action in a case like this. I think they would be able to if the used car lot dealers were compelled to make a monthly register of the cars that they have in their possession, and then if they move from one lot to another, then that would only be done after due notice to the Winnipeg Police or some authority so that persons like Mr. Dawybida, who incidentally fixes these old cars up just as a hobby, would know where his cars were and also would be able to get back possession of his cars legally rather than running them over the sidewalk while the so-called operator of the used car lot is answering a telephone call.

MR. HILLHOUSE: Mr. Chairman, arising out of remarks made by the Honourable Member for Seven Oaks in connection with the fees paid to jurymen, I appreciate the fact that serving on a jury is one of the responsibilities and one of the privileges of citizenship. I also appreciate the fact that many men who do serve on juries are serving at a great personal sacrifice. But recently in the City of Brandon, a case was held there which lasted 40 days, and my understanding is that only about four of the jurymen who were actually impanelled in that case were from the City of Brandon, and that the remainder of the jurymen were from outlying districts. I also understand that among some of the remainder of these jurymen that there were cattlemen who had come into Brandon from considerable distance, and that they had to employ help while they were away attending to their jury duty. Now I'm not suggesting that a flat increase in jury fees be made, but I do make this suggestion, that a judge in cases where, such as I have mentioned, where there is exceptional hardship on an individual who does serve on a jury, that a judge should be able to recommend to the Attorney-General that some additional consideration be given to those individuals who are suffering that hardship. In the case at Brandon recently there, the \$9.00 a day and mileage which these jurymen got was hardly sufficient to pay their hotel expenses and other expenses. In addition to that, they had expenses to pay at home to look after their cattle while they were away. I don't think the Province of Manitoba expects people to serve on juries at a loss and I do feel in instances like that, that it would only be fit and proper on the recommendation of the trial judge that some allowance be made to that or those individuals.

There's another matter concerning which I'd like to speak, Mr. Chairman, and that arising out of the remarks of the Honourable the Leader of the NDP in connection with conditional sale contracts. I think the time has come in Manitoba when we should have a statutory form of conditional sale contracts. Now by conditional sale, I mean a sale of an article where the right to possession and the ownership remains in the vendor until the price is fully paid for. I don't think that I'm advocating anything new. We have our Farm Implements Act in Manitoba where there is a statutory form of contract in the sale of a farm implement. The farmer who buys a farm implement, he knows by contract, which is statutory, what his rights and obligations are and so does the vendor. The rights of an unpaid vendor in that Act are clearly set out and there are sufficient and adequate safeguards provided for the purchaser.

Now take for instance today under these conditional sales contracts, especially the ones that are made up by the finance companies, there's absolutely no restriction whatsoever in the

(Mr. Hillhouse, cont'd.) clauses that they can put in these contracts. They can include in a contract the most unconscionable clause or clauses in the world and there's nothing that we can do about it. In insurance contracts today, every person who buys an automobile insurance policy or fire insurance policy knows that the contract that he has purchased is the same as his neighbours, because that contract contains the statutory conditions imposed under our Insurance Act; and I think the time has come in Manitoba when we should also enact legislation setting out in clear, unambiguous language, in statute, what the rights of an unpaid vendor are and what the obligations and rights of a purchaser are. I know that today, under these contracts that are signed, that a repossession can be made by an unpaid vendor if he simply deems himself insecure, and I know for an absolute fact that there are numerous cases where the purchaser is in default for a few days; the car is seized; the full amount of a contract as claimed is due; there's no clause in the contract against forfeiture and the result is that that purchaser, if he wishes to obtain possession of that vehicle, he has to go ahead and refinance it. I submit, Mr. Chairman, that that is a practice which is quite prevalent in Manitoba today among certain finance companies. They do not give a purchaser an opportunity to correct his default.

I had a case just recently where a farmer came into my office. There was a man came out to his farm; he was a few days behind in his payments -- and I'm not trying to excuse his default for being behind in his payments -- but he told this man if he would wait, he would come into Selkirk and go to the bank to get sufficient money to make a payment. The fellow said, "All right," he says, "I'll wait on you." The fellow came into Selkirk, he got the money, by the time he got to the farm his car was gone and it took him about three or four days to find out where his car was.

Last Saturday night a chap phoned me up in the city advising me that he was about a week behind, I think, in his payments. He didn't excuse himself; he realized that he was in default, but the point was this, that while that car was parked outside of his house, that car was taken away. He didn't know who took it. He had an idea who took it so he went down to the second hand car lot. He saw his car there and he asked the man whether if he paid him what was behind in his payments, whether he could take it away. He says: "No, you can't do it." "Well," he says, "why not, I have the money." "Well," he says, "there is \$25.00 costs to be paid." The result was that the man had to make the payment, plus \$25.00.

Now I submit that I'm not trying to justify anybody who is a deadbeat nor am I trying to justify anybody who is in default, but I do suggest this, that in all these contracts there should be a provision that notice of default must be served upon the debtor before the article is repossessed, to give the debtor an opportunity of correcting these defaults. I further suggest, too, that there should be enacted into legislation a statutory provision against forfeiture and against the exercising of what is known as the acceleration clause. I think it is only just and fair.

There is another matter in respect of which I think legislation should be enacted in the matter of these contracts, and that is regarding the rights of the unpaid vendor when he repossesses the article. Under the present contracts that are signed with finance companies, that finance company, when it repossesses a car, has the power under that contract to effect whatever repairs it may deem necessary to that vehicle. I've known of cases where repairs are alleged to have been effected, and if they actually were effected, that car was put in better shape than it was at the time the man purchased it. Now I think the day has come when we must take a look at this law and we must enact legislation so that any individual in Manitoba who buys a car which is being financed; he knows what his rights and his obligations are; and he knows what the rights of the unpaid vendor are. I think we've reached the stage now in connection with financing -- the amount of consumer goods that are now being financed under conditional sales contracts is so high and so extensive, that the time has come when we should take a look at it and we should enact legislation so that the unpaid vendor will be treated in a fair and an equitable manner, and so will the purchaser.

MR. LYON: Mr. Chairman, dealing first with the remarks of the Honourable Member from Selkirk, his point about special allowances for long trials, I think, is well taken. It is extremely difficult to make a specific amendment to an Act to apply to special cases. The old cliché about hard cases making bad law often comes to the fore when you try to deal any general

(Mr. Lyon, cont'd.) statute with a specific set of circumstances, but certainly the point he makes is a valid one. The idea he puts forward might well be the way to get around this. We don't have too many 40-day jury trials, in fact since the murder trial in Brandon of some five or six years ago where two juveniles were involved, I believe those two hold the record in recent years for long trials, but certainly the suggestion he makes is well worth consideration.

With respect to a conditional sales act, that is a matter that we have given some attention to and I can tell him that, as he already knows, Mr. Chairman, that there is in existence a draft uniform Conditional Sales Act. We have even gone to the extent in Manitoba of preparing a proposed draft act and have taken a further step, I may say, of convening a meeting of a number of persons who might be interested, from the business world, Bar Association and so on, and discussing this type of legislation with them. Manitoba, I think, is the only common law province that does not now have a form of conditional sales act and we are prompted, by reason of that fact and by reason of some of the examples that are put forward by the Honourable Member for Selkirk, to be giving this matter consideration at the present time. I can tell him that the preliminary meeting that we held, particularly among those who might be classed in the vendor class, there wasn't what you would call unanimous enthusiasm for the legislation, because of course it does involve a new set of circumstances and a new set of registrations and a new set of procedures that all businessmen would probably have to adhere to in transacting ordinary commerce from day to day. But I am sure that the honourable member will be happy to know that we, too, are looking at this situation, canvassing the situation with those who would be concerned, and are attempting to devise what would be a reasonable approach to this subject in order that possibly some time in the future, perhaps in the near future, it might be presented in due course for consideration by the Legislature. I think all of the points he makes in that regard are certainly valid points and these, unless I am mistaken, are mostly contemplated within the proposed draft legislation that we're looking at at the present time.

I thank the Honourable the Leader of the NDP for bringing to my attention this case with respect to the man who repossessed his two cars. For some reason or another, that news clipping had escaped my attention. I hadn't heard of it before. I do have some general information on the question of alleged fraud on the part of used car dealers, having made some inquiries concerning that matter. As a result of some cases that were made earlier in the session, and I'm going now only from memory -- I don't have the material in front of me -- I wish I had because it is much more specific and I could be more accurate as to my facts. But just by way of general recollection, the report that I had from the City of Winnipeg Police Department and from the Crown Attorneys there, indicated that the type of action that is complained of by the Honourable the Leader of the New Democratic Party, and I think to which reference was made by the Member for Selkirk and the Member for La Verendrye during the Throne Speech debate, certainly does occur.

The information provided, however, indicated that you could categorize the used car lots or the used car dealers in whose lots this type of action was occurring down to a very few. In fact, the figure four sticks in my mind -- that there were four individuals or four different lots in the Greater Winnipeg area where problems of this sort had come to the attention of the police, indicating of course, as I'm sure all of us would appreciate, that the bulk of our people doing business in this field in the Greater Winnipeg area, which would be the focal centre for most of the complaints, the bulk of them are legitimate, honest operators and dealers who are not out to skin the public or anything of that nature. But certainly there are exceptions in that occupation as there are in all other occupations and, as I indicate, the matter resolved itself down to approximately four individuals or dealers from whom the bulk of the complaints have emanated. And while there was no suggestion in the information that was sent to me about any general changes in the law, it was pointed out, and as a matter of fact it has already been considered by another committee that I was working with on The Highway Traffic Act, that certain changes might be made in The Highway Traffic Act whereby this type of individual, once he had been identified, could then be dealt with under the provisions of that Act insofar as licensing and so on of his premises was concerned. I think that honourable members will see, when the amendments to The Highway Traffic Act come before the House, that this situation with respect to the identification and the licensing of these people will be in contemplation. I'm not

(Mr. Lyon, cont'd.) saying that the proposed amendments this year are perfect or represent the fullest steps that might be taken, but certainly they do make some inroads into this field for the protection of the public from, and again I stress, that very small minority of people in this trade who make a practice and a habit of trying to dupe unfortunate members of the public.

The Honourable Member from Logan -- I believe I have heard some of the comments that he made before, in papers that have been presented to the Canadian Bar Association. I think the sum and substance of his remarks -- the fact that sticks in my mind of course is that the bulk of what he had to say does not apply in Manitoba, and this is always a point of pride for anybody from Manitoba to be able to listen in to these discussions on a national basis and to hear some of the problems with respect to the magistracy that other jurisdictions have and which we don't have here. I'm not saying that in any partisan sense because I think it was back in 1927 that the policy was determined that all police magistrates in the settled portion of the province should be barristers entitled to practice in Manitoba, and that policy has obtained right through for the past 35-odd years and is still in force today.

He made some reference to the fact that Law Society lawyers appointed as free indigent counsel are, generally speaking, not lawyers who have much experience. I wouldn't agree with that allegation at all. That may be a commonly held impression by some laymen but I hasten to assure the honourable member, Mr. Chairman, that if one takes a look at the roster of lawyers who are available for this type of work, one will find on that roster senior and well-trained and certainly most competent counsel, who are willing to devote their time in this indigent field, and the fact that a lawyer has been assigned from the criminal indigent committee of the Law Society is certainly no passport to gaol for the person to whom he is assigned; rather the opposite is the case, that very often he will get legal counsel of the highest quality -- quality that perhaps if he had money he couldn't afford. I merely point that out to the honourable member because I'm sure he wouldn't want any misapprehension to arise on that subject.

The Honourable Member from Seven Oaks raised the question of juries' salaries and of course that is a point that has to be looked at all the time. There is no suggestion that the public should be penalized because of their responsibilities as members of a jury panel, and certainly I believe that from time to time these salaries must be adjusted in accordance with the cost of living and salaries that are being received by the members who are impanelled for jury duty. I believe the last adjustment was made in 1957 or thereabouts -- '57 or '58. It was raised up to \$9.00 and certainly that's something that we will have to look at again. From one assize to the other one can't tell the type of case that's going to be on the assize -- whether the jury is going to be locked up as they are on murder cases; whether the bulk on one jury are going to come from out of town or whether they're going to be city residents. These are all things that are determined only when the jury is selected and one can't make any predictions as to what hardships, if any, are going to accrue to members on a certain panel. I know this, that if cases of true hardship arise and they are stated in writing to the high sheriff of the province, every reasonable attempt is made by the office of the high sheriff to ensure that no person who must by obligation be somewhere else-- for instance threshing or carrying on some vital activity in his own line of work-- provided that a sufficient and justifiable case can be made, every reasonable effort is put forward by the office of the high sheriff to attempt to exempt that person either temporarily or permanently on the particular assize from jury duty, so they do try to be reasonable about these things, although from time to time there may be the odd case where a person may not speak up -- may not advise anybody in authority of the particular hardship that he is enduring because of his being called on a jury panel.

The question of exempting farmers from jury duty, April to October, I don't recall even having heard of that happening in Saskatchewan. I certainly accept my honourable friend's word that it has. Very often we find that rural members on jury panels are among some of the most avid, because they find that, particularly in winter months sometimes, that they have a bit more free time and I've actually had the circumstance arise of a person, through an intermediary, phoning the office and asking about being on a jury panel; so I gave him the usual advice that if he had reasonable and probable grounds for exemption from jury duty that he should make these grounds known to the high sheriff in writing, and his intermediary said, "Oh no, it's not that at all," he said, "He's a farmer. He served on a jury panel last fall

(Mr. Lyon, cont'd.) and he wants to know how he can get on it again because he enjoyed it so thoroughly." Well, I'm not saying that this is symptomatic of what happens right across the board, but that was one of those rare cases that did come to my attention where a person really wanted to get back on jury duty because of the interest he found in the work; but certainly that could be looked at with an eye to determining whether or not hardship is arising in Manitoba from farmers serving during those particular months.

I have in front of me some information concerning the question asked by the Honourable Member for St. George. This has just been handed to me. The court reporter in question has advised the department tonight that the transcription of evidence in the case to which my honourable friend alludes has not been stopped. There was a deadline set on it and the court reporter has continued to meet that deadline. The only suggestion that was ever received by the court reporter, according to the information which has been handed to me, was from one of the counsel for the accused -- (Interjection) -- Yes, but on behalf of one of the counsel for the accused. There was some communication between them, I'm not at liberty to say what it was, and any delay that did occur there, if in fact a delay did occur, was not perpetuated as a result of a further message from, again, the counsel for the accused -- nobody else. Any delay that there was then was wiped out, and in any case the request that came from apparently one of the counsel for the accused was not heeded by the court reporter, because he apparently knew that he had this deadline to meet and continued on to meet the deadline on the transcription.

MR. MOLGAT: Mr. Chairman, some years ago when we were on the government side, I well recall that one of the frequent complaints by the members who now occupy those benches was that the government was constantly losing its crown prosecutors or crown attorneys, and that it did not have a sufficiently well-trained or experienced group of crown prosecutors. Well, judging from what is happening since this government has taken office and in spite of the statements of my friends opposite who are going to correct all this, I feel that there is cause for considerable alarm at the moment at the situation that has developed. Oh no, you're the people who are going to correct everything. Because I find that at the moment, if my information is correct, the Department is still losing its crown prosecutors -- lost one again very recently -- and if my information is correct the present situation is that the senior prosecutor has some six years' experience with the Department. The next senior then has some three years -- that applies to two of them, the three year category. After that we come down to two in the one year category and then any others that exist are below this. Now this, Mr. Chairman, seems to me to be a rather serious situation. These crown prosecutors have a great deal of work to do. They are the ones who represent the prosecution on any of the cases. They are faced with the high priced and highly experienced lawyers that the defence normally employs, and my honourable friends, if they're going to do a proper job of prosecution Beg pardon?

HON. STEWART E. McLEAN, Q. C. (Minister of Education) (Dauphin): The Member for Logan said only the law students went

MR. MOLGAT: Well I have, as a matter of fact, some questions to ask of the Minister in that regard, because I have a clipping here of last May and the heading is: "Wants to be Known as Mr. Anonymous." It goes on to say that a man representing the Attorney-General's Department at a coroner's inquest on Monday night refused to reveal his identity. When the court clerk asked his name for the transcript the youthful looking prosecutor replied, "Just mark D. J. on the sheet." After the seven-man jury retired to reach a verdict the press approached the crown representative. "Could I have your name, Sir?" he was asked. D. J. looked around and left the courtroom without answering. He went across the hall and telephoned. After the third call he returned to the room. "Well, I don't think I better tell you my name, boys," he said. "Just call me an officer of the court if you have to mention me in the story. You see it would put the Attorney-General's Department in a very embarrassing position and I don't want to do that."

Now I really don't know who the gentleman was in that case but apparently he was representing my honourable friend's department, and I presume he must have been a law student employed by my honourable friends; but the situation is, nevertheless, if my information is correct, a serious one in the department right now. The government is losing its experienced

(Mr. Molgat, cont'd.) staff in this field in spite of the statements that they made and the very severe criticism that they used to heap on us because of this situation, and I think that the Minister should be taking very careful consideration of this situation. I might add as well that, due to pressure of work in the department, and I presume a shortage of staff, I don't think that the work is going through at the speed that it should. Back in 1958 I had a request from one of my constituents regarding some work for which he had not been paid by a contractor in this province. I had some correspondence starting in April of 1958 with the Department of Public Works. After considerable correspondence with them -- and I might add, some difficulty in getting replies -- I was finally told in December that they thought it would be transferred to the Department of the Attorney-General. Not hearing anything further, I contacted them once again and I was finally told in March that the whole thing had been handed over to the Attorney-General's Department. That was March of 1959 referring to a claim that took place in the fall of 1957, and since that time, Mr. Chairman, this matter still has not been settled to the best of my knowledge. I have called frequently on the Department -- been told, yes, it's in process, it's in process, it's in process -- but the man still has not got his money as far as I know; at least at the last contact I had, which was some few weeks ago, he still had not obtained his money on this claim. Apparently the claim was accepted -- it was correct, but it was never processed through. Now -- (Interjection) -- Yes, I can give you the name of the case. It was Mr. De Vries -- Mr. G. De Vries, and his mailing address is Ochre River, Manitoba.

MR. LYON: Do you know who the money was claimed from?

MR. MOLGAT: Yes, the money was claimed from Sveinson. I think the original contractor may not have been -- the contract itself may not have been in Sveinson's name -- the sub-contractor -- but I think that's the way the case is known in the department. Now this indicates to me, Mr. Chairman, that there's a serious lack of staff, that these people here are over-worked, that my honourable friends do not have the staff that they should have in this department, that they're losing personnel, and that they are unable to retain the number of qualified personnel that they should in this department.

MR. LYON: Mr. Chairman, I think I'll just make a few remarks on those -- oh.

MR. GRAY: to the Honourable Attorney-General. He probably will give me the same answer he gave me last year -- two years ago. I would like to have the name of "prosecutor" changed to another name. A prosecutor is known as a hangman, so to speak. Convict, convict, convict! should get 12 years and pleading with the magistrate to give him a heavier sentence. I remember in all European countries the word "prosecutor" is putting a scare to everyone. He's there not only to find out the facts, that's the prevailing opinion, but he's there to try and get a conviction. Is it possible to have another name, a more polite name, call it "defender", call it the Crown Representative, call it anything you like, but please do away with the word "prosecutor". It puts a scare -- the prisoner when he hears the name "prosecutor" knows that he's doomed.

MR. SCHREYER: Mr. Chairman, late last year out at Beausejour, the Crown had to drop charges of nightlighting -- I believe they were nightlighting -- against a certain party or parties because, as I understand it, the Crown Prosecutor failed to show up. Either he just failed to show up or else there was no Crown Prosecutor to send out -- I don't know what the situation was. But I simply want to ask the Attorney-General whether this is an isolated incident or could he tell us whether there have been other cases where the Crown has been forced to drop charges because of no Crown Prosecutor in attendance or present.

MR. PETERS: Mr. Chairman, I would like to ask the Minister one question, and it deals with uniformity of sentence. I was wondering if he could tell us if there's being anything done where they get the magistrates together and try and work out a system. I know that every charge that is laid against different people, there are different circumstances. But I know of a case that happened a few years ago where a man was charged with armed robbery with violence; first time he had ever been in trouble, he was sentenced to four years. About a week later there's a fellow charged with the same charge who had a criminal record and his sentence was only 30 months. And that's what I'm getting at. Has there been anything done in that regard?

MR. DOW: Mr. Chairman, the Attorney-General brought something to my mind in

(Mr. Dow, cont'd.) regards to the jurors. The question was made that the legislation was amended in 1958 as to the pay, but I'm wondering if any thought has been given recently as to the process of selection of jurors. He mentioned the fact that one chap wanted to know how he could get back on again, but I don't know how many in this House know how you do get on but I've heard it said that if they ever did find out how they were selected, why instead of trying to get on it, it would be another matter. But nevertheless, I think that the process of selection has now, in our present day, come to this conclusion that there are far too many exemptions claimed by the selectors of juries, and I would like to see the regulations of selections revamped so that it cuts down, because I think I'm correct in this that a jury list is made up and you can't appear only once in every three years. You have to select a percentage of the population that's on a voters list and by the time you do this once in every three years, it's pretty difficult to suggest that you are getting the men that you should get, because the exemptions are too many and too select. And I would like the Attorney-General to take under consideration that some consideration be given to revamping the regulations as to the selecting of jurors.

MR. SCHREYER: Mr. Chairman, I thought we were adjourning at eleven and I understand it's not till twelve. I do have another question under this item. It has to do with the matter which I raised under the Department of Mines and Resources, namely, the stuffed deer incident. Now I don't like to be repetitive but I didn't really get any explanation at that time as to just why the Crown did proceed to press the charges and obtain conviction in that matter. Because -- I know the Attorney-General often likes to quote in this House the old Latin maxim that the law does not concern itself with trifles, I believe. Well this is an isolated incident but nevertheless it deals with a very fundamental principle of law and the enforcement of law. The Attorney-General has the capacity for clear explanation, lucid expression; I'd like him to tell us at this time, to give us the logical reasoning behind the action of his department in pressing the charges that they did. I'm completely surprised. I don't know whether other members feel as strongly as I do, but I never thought that under the system of common law we are so proud of that we would try to enforce the law by pre-emption, by pre-emptive action, because in effect that's what we're doing there; we're striking first, so to say, in order to enforce the law. I never thought that we would resort to entrapment and in effect that's what we have done. Now, a mistake can be made by humans obviously but it also can be rectified. It would seem to me that at that time what should have been done was to simply drop all charges. Even now it is not too late to make restitution, if not of the fines at least to restore the hunting licence privileges which, I understand, have been withdrawn or taken away from these people for the course of the next twelve-month period. To me this seems to be just more than a little unfair and I would really appreciate hearing from the Attorney-General, the legal reasoning or the logic which they followed, in getting a conviction based on evidence obtained by pre-emptive action by the Crown in the first place. I would say it is very unfair.

MR. DESJARDINS: Mr. Chairman, I'd like to ask the Honourable the Attorney-General, offhand, if he remembers how many part-time magistrates they have in Manitoba; how many magistrates, and how many part-time, and the salary of these part-time magistrates.

MR. LYON: Mr. Chairman, I can start at the back and work forward. The question of part-time magistrates; there are either 20 or 21 who actively serve in court -- I'll find it here -- out of approximately 37.

MR. DESJARDINS: Mr. Chairman, I think this is something that should be looked into. Now before the Attorney-General turns this around against me and tells me that I'm accusing these part-time magistrates, I might say that I'm not referring to any members at all but I feel that this is a wrong thing, where people would be part-time magistrates. They are judges one minute and then they are lawyers defending clients at another time. I don't think that this is quite proper. It's certainly not to the advantage of the people of Manitoba, to have that kind of protection. I think that they'll be fighting a case against a lawyer one day and then they'll have the lawyer in front of them another day. I think that maybe there should be some other arrangements and the government should look into that. It might be some arrangement might be made with the federal government and maybe the County Court judges could do some of this work. But surely this is -- I think this should be looked into; it's something that's been going for a while and now we're spending enough money in this province that if we have to spend a

(Mr. Desjardins, cont'd.) . . . little more in this department to give adequate protection to people in Manitoba, we should.

MR. LYON: Mr. Chairman, on the question asked by the Honourable Member for St. Boniface, there are 37 police magistrates in the Province of Manitoba. Of this number, 20 are paid salaries. These are, and I can give their names, Messrs. Andrews, Buckingham, Edwards, Crawford -- Edwards should be struck from that list because he still is a police magistrate although not on salary -- Lauman, Forrest, Lacerte who is full-time, Hawkins, Dubien-ski (City of Winnipeg Magistrates Court), Webster, Kyle (in the Provincial Police Court in Winnipeg), MacPhee, Heaney, Taylor, Stordy, McDonald, Duncan, Bedford, Rice (City of Winnipeg Magistrates Court) and Hunt. Two are paid under a different classification, that is, they are full-time civil servants who also act as police magistrates; the high sheriff for Manitoba, Mr. Manwaring and Mr. McKenzie, the District Registrar of the Boissevain Land Titles Office. There are six fee paid magistrates, that is, those whose sole remuneration is that received from cases they hear and they are all in northern areas; at Bissett, Grand Rapids, Norway House, Princess Harbour, Snow Lake and Wabowden. There are nine other appointments who are appointed for various reasons, the Clerk of the City of Winnipeg police court, the three juvenile court judges are also police magistrates. Three psychiatrists are police magistrates for the purposes only of apprehension procedures with respect to persons suffering from a mental condition; and there's a relief magistrate at Brandon in the person of Mr. E. D. Alder.

The point that the Honourable Member from St. Boniface raises has been spoken of before in the House, that is, the question of having full-time police magistrates servicing various districts in Manitoba, and certainly it's one to which we have been giving very close attention. A good argument can be made out for it and I'm not necessarily opposed to it. I do raise this question for the committee to consider, because it's a problem that we have to consider within the department in arriving at policy on this matter. Very often you can get a first class barrister who will devote part of his time to the duties of a police magistrate. If you were to go to that same man and say, "Well, now, we'd like you to come on staff full-time as a police magistrate," he wouldn't consider it because quite frankly we couldn't offer him enough remuneration to make up for what he is making in private practice, or for other responsibilities that he might have in his private life. And so very often the case has been in the past and is at the present time that we get part-time men. But I don't want it to be thought that in getting part-time men we're not getting good men. I think we're getting, in some cases, better men than we could if we had a full slate of full-time magistrates. Now that is casting no aspersions on anyone, present, past or future, but that is the fact of life that we have to face up to when we consider this question of full-time magistrates. But as I say, I don't disagree ideally with the Honourable Member from St. Boniface, because I think that the suggestion is certainly one that we have considered and may well try to implement in those areas where we can find suitable people who will take on the responsibilities on a full-time basis.

The Honourable Member for Brokenhead raised again the question of the stuffed deer. This, of course, was an enforcement procedure that was undertaken by a member of the staff of the Department of Mines and Natural Resources, not acting, may I say, on instruction from our department or for that matter on instructions from his own department. At the outset, let me say this, that I agree with him that wherever possible the doctrine of entrapment which he speaks of should not be used except -- and I make this exception with no hesitation at all -- except in those cases where it is extremely difficult to bring to heel those law-breakers who are operating in very difficult fields such as the Opium Narcotic Drug Act and other fields where one must use -- the police officers or other enforcement officers must use, from time to time, various subterfuges to obtain convictions against the persons whom they are seeking. And when I use the word subterfuges, I don't use it in any bad sense at all, but they sometimes must pose as being persons other than they actually are. They must pose as persons who, for instance, want to buy dope and go around to -- they're known in the trade as dope pushers, and thereby try to establish a chain of relationship with these people in order that they may garner the necessary evidence leading to the laying of an information. I don't hardly think that one can say that this type of device is necessary in Game and Fish. I'm sure that the reaction of the Honourable the Minister of Mines to the situation when he heard about it was in accord with what the Honourable Member for Brokenhead would have had it be. He immediately

(Mr. Lyon, cont'd.) ordered that this practice should cease and desist. It was not carried on with his authority.

Now we come to the question as to what should flow from that type of enforcement. Well the obvious thing that occurred was this, that some three or four cars stopped -- came to a very abrupt and grinding halt when they saw this deer, stuffed deer, in their headlights. People piled out from doors on both sides; guns were aimed and shots were fired. This occurred, as memory serves me, some time between midnight on a Sunday night and 4:00 o'clock on the Monday morning of the opening of the season. It's a fact it was a Monday but as I recall, the shooting took place on a Sunday night leading into a Monday morning. Well now, these people who got out of the cars they weren't getting out just to test their rifles. The way the cars stopped the actions of all the people indicated that the people who got out of the cars and fired their rifles were under no misapprehension as to what they were doing. They were firing at what they believed to be a deer. It was a very well stuffed deer apparently. And certainly in considering what should be done with these people, the first charge that came to mind was that of night-lighting because had that been a live deer that's in fact what these people were doing -- night-lighting, because they turned in one or two cases, as I recall the facts, and I haven't the file in front of me -- in one or two cases the cars were even angled a wee bit and the high beam was put up on to the button eyes so that they could see better the object at which they were aiming. Well I think one would agree that it might have been rather difficult to charge night-lighting there because night-lighting carries with it confiscation -- licence, cars, everything else -- and I always consider this against the background of the entrapment device. On the other hand persons conducting themselves in this way should not expect to get off scot-free, whether or not one agrees with the particular mode of enforcement that was used in that particular case, and always remembering that that mode of enforcement is no longer being used. So the charges that were laid, as I recall, were shooting on Sunday or shooting before the season, because that's in effect, what the people did -- they shot, they fired their rifles before the season was open. They weren't charged with shooting at the deer, they were charged with firing their rifles before the season was upon them; and in those circumstances, I do not feel that the charges could be classified at all as being onus. Again, I point out the fact that had that been a real deer, they would have been charged with night-lighting. No question about it at all. I would also make this point that there was never any question or any doubt at all in the minds of anybody as to what they were doing. Obviously they were out trying to locate a deer at that hour of the morning and when they saw it they got out and fired at it. So I do not feel that much criticism can accrue because those charges were proceeded with, remembering always that the law acknowledges the doctrine of entrapment and the law says that there is nothing wrong with the doctrine of entrapment. Not too many people know that. The doctrine of entrapment is well known to the law of this country and indeed of the whole British Commonwealth or any country which operates under the general British Commonwealth system. So legally, from a hard legal standpoint, there's no question about it at all charges could be laid. I think the modifications that were made in the handling of the situation (a) by the Minister of Mines, ordering that this type of device not be used in the future and (b) charging with a lesser offence which was quite justified in the circumstances, I think would take these few cases out of the category of the description of onus.

The question by the Honourable Member for Elmwood about uniformity of sentence -- he will recall that I mentioned that Magistrates will be meeting again this year. They meet approximately every two years at two or three day meetings, and that is one of the important subjects they do talk about. Uniformity of sentence is a wonderful catch word, but uniformity of sentence I don't think will ever come about until you have one judge doing all the sentencing in the province. --(Interjection) -- And then you won't have it, as is quite properly pointed out, because each case has different circumstances. No matter how similar the charge may be, there are different circumstances attaching to each case -- to the accused; the size of his record; the mode of his operation; why he was motivated to do what he did, and so on. So for any person to say that two people charged with the same offence get varying sentences and that this is wrong, I think is completely a fallacy because you've got to look at the two accused. You've got to look at the mode of the offence -- the way it was carried out. And then of course when you have two different magistrates handing out sentence you've got two different outlooks.

(Mr. Lyon, cont'd.) Because I'm sure that if the Honourable Member from Elmwood and I were privileged to sit on a Bench and have these cases appear before us, he wouldn't agree with me anymore than I would agree with him on certain cases; and that's not something that we should feel is bad, because that in itself is but a manifestation of human nature. Every human is different. So as magistrates are different, so are accused different; and that's why you get sometimes disparities in sentence. But they do discuss uniformity of sentence with the idea of trying to have as much equality and as much equity in sentencing practices as is possible and to this end the conferences that they have had, I think, have been extremely valuable not only to the magistrates but to the whole system of the administration of justice in the province.

The Member from Brokenhead raised the question of the -- I believe it was the Rattai case at Beausejour. Again, I do not have the file in front of me, and going only from memory, but that was a case where one or more persons were charged with night-lighting, approximately 18 months before the charge was finally disposed of. After the charge had been outstanding for approximately a year, and after attempts had been made by the Crown to have it brought on to trial, the Crown appeared before the Court -- the County Court Judge's Criminal Court -- no that would be in the County Court itself, because it was an appeal -- and moved in May of 1961 for dismissal of these charges for want of prosecution and the court at that time saw fit to disallow the Crown's application and to permit the defence a further period in which to mature and to bring on its appeal. This was after the case had been outstanding approximately a year. I'm not saying this is a critical fashion at all, because that is the actual disposition of what happened. Well then a trial date was subsequently set on appointment by the County Court Judge in question; the appointment was given to the defence counsel; the appointment was duly sent to the department, to the Crown Attorney charged with the responsibility for the file. It was on the file; he didn't see it. On the morning in question, when the trial came up he was home ill in bed completely unaware of the fact, because he had just overlooked it -- Why, he doesn't know -- he had overlooked this appointment for trial that was on the file. The case came on for hearing, the defence counsel was then in a position to say to the court "well now, the Crown is not here to proceed with its appeal, I move for dismissal of this action for want of prosecution." And the judge dismissed the action, as he could properly do. Where does the blame lie? Well obviously the man who didn't see the appointment for trial was in error. But, again, he's human like the rest of us. I've made errors -- I don't think I've missed any cases -- but I've made errors, and I suppose every member of this House has. And one of my Crown Attorneys made an error in that case and that's the very simple answer to it -- (Interjection) -- It's an extremely isolated case I can assure you. I can assure my honourable friend it's extremely isolated and I know that in the case of the particular Crown Attorney, and he is one of the very good young men that we have on our staff, I'm sure that this circumstance will never be duplicated again in his life because he felt, naturally, quite badly about this. But it was a human error; it took place. To the best of my knowledge it's never taken place before but that's exactly what happened.

I've gone over the question of a Prosecutor with the Member for Inkster in years gone by. I still hold to my position and I see he still holds to his and perhaps 'never the twain shall meet', but certainly I appreciate him raising this question. I don't feel too many people are too worried about the appellation of Crown Prosecutor. More often than not they're designated in the civil service manual as Crown Attorneys and they're more often than not called Crown Attorneys. I think the word "attorneys" perhaps a little better suits the taste of my honourable friend a little better than prosecutors, so when I'm referring to them, I'll refer to them as Crown Attorneys -- at least in his presence.

The Honourable the Leader of the Opposition raises the question about the staff of the department. I'm happy to be able to tell him that we have at the present time more lawyers on the staff of the department than we've ever had before. It's true we've lost in the past year, two men -- one who went to Alberta and is now in practice there; the other went to join a law firm in Winnipeg after being with us approximately five or six years. It's always a matter of regret when we lose men -- especially men of experience -- but this is one of the facts of life. I'm happy to be able to say that by and large we are not losing men today because they're not being paid enough. By and large the people -- those few who leave the

(Mr. Lyon, cont'd.) department from time time, and we have had turnovers in staff, are leaving for what they consider to be better opportunities, a different line of practice and so on. Having passed through this experience myself I can assure my honourable friend, the Leader of the Opposition, that there are many, many factors that go into it. I can well imagine that he can visualize some of the thoughts that were going through my mind when I left the position of crown attorney in this department at one stage. --(Interjection)-- Well I wish them well and I hope they stay out of politics. But I have no hesitation in saying at the present time we have a full complement -- a full staff of lawyers. The senior crown attorney on staff has been with the department either seven or eight years, and I'm referring to Mr. Pilkey, who has held that --(Interjection)-- well I always hate to disagree with my honourable friend, but I was in the department when he came and I won't match my memory against his written facts, but I'm willing to -- I won't say bet, but I'm willing to suggest that he has been in the department for at least seven years. I can certainly check that. In any case, he has been senior crown prosecutor of the department since 1957. He was put into that position within a matter of a year or two of his coming into the department so I don't know what the concern of my honourable friend arises from at the present time because it was his government that appointed him to his present position. --(Interjection)-- He came from Dauphin.

MR. MOLGAT: I'm not complaining about any of the men, I'm just saying

MR. LYON: I wasn't aware of this incident where somebody from the staff has refused to acknowledge his identity and had I been aware of it I could have quickly assured him that he wouldn't have been in any trouble at all because I started taking inquests in the Department of the Attorney-General when I was in first year Law with the full co-operation of the then Attorney-General and the staff of the department -- that's been the practice over the years. I prosecuted cases for the department -- I was a crown attorney before I was called to the bar, and again this is how the men gain experience -- in fact sending law students out to inquests is a particularly good way for men to gain experience. And this is done, not only in the Attorney-General's department but it's done by private law offices downtown. I know my honourable friend wasn't finding fault with that at all, it was just the reaction perhaps of the student in question who didn't know that he was fully within his rights to be attending an inquest on behalf of the crown, representing the crown, and thereby gaining experience which will make him a better lawyer when years go by. At least I think some of us who had that experience can hope that we were made better lawyers as a result of the experience.

I'm not familiar with the details of the one case that he mentioned, except to say this, that if it's the case I'm thinking of that it is either in court or ready for court at the present time. I think it's a bankruptcy case. I don't pretend to know the details of it, but as I understand -- if it's the one I'm thinking of it's a bankruptcy, and a rather complicated bankruptcy case. If he wishes any further information on it I'll be happy to supply it for him. I don't believe that there were any other questions at the present time that I haven't covered or attempted to cover, Mr. Chairman.

MR. GRAY: Mr. Chairman, may I direct a question to the Attorney-General? Why is it necessary for the Attorney-General's department to appeal a case where the magistrate or the judge dealt with it? In other words, if he gave them a year or two or three, why should the Attorney-General feel that they have to appeal the case -- he should get ten years?

MR. LYON: Magistrates again, Mr. Chairman, are only human and even though the magistrates are appointed by the department, they don't always hand down decisions that the department agrees with. The department's attitude must be the over-all administration of justice within the province and whether or not a sentence is in accordance with what the departmental officers feel is a proper sentence for the circumstance; and the crown very often -- or most often, appeals in those relatively rare instances where it feels that too light a sentence or something approaching perhaps a miscarriage of justice occurred because of a disposition of the case by a magistrate or by an other court for that matter. The crown is always free to appeal in a criminal matter any case where the law provides an appeal being made. I don't think any particular importance should be attached to the fact that the crown appeals cases from time to time. It does, acting on behalf of the state, in those cases where it feels that the disposition made by the judge in question was either not in accordance with the law or perhaps the sentence was too light according to the opinion of the crown for the circumstances of the case.

MR. GUTTORMSON: Mr. Chairman, I have obtained some figures that reveal a serious lack of uniformity in the administration of justice in this province. In 1961, in the provincial police court, there were 159 convictions for impaired driving. During that same period there were six convictions for drunken driving -- a ratio of a little better than 26 to 1. In city magistrate's court there were 301 convictions for impaired driving and 110 convictions for intoxicated driving -- a ratio of less than 3 to 1. Now I'm not suggesting for a moment that there is anything wrong with these sentences of the magistrate because they only deal with the charges that are brought before them, but why is there such a large discrepancy in the charges laid in city magistrate's court and provincial police court -- a ratio of less than 3 to 1 in one instance and more than 26 to 1 in the other court? You're dealing with the same people in the same metropolitan area and there's this big discrepancy. I think there should be some explanation for this.

MR. LYON: Mr. Chairman, is that there are more drunk people in the City of Winnipeg than there are in suburban Winnipeg.

MR. GUTTORMSON: Mr. Chairman, that isn't a satisfactory answer, because the people that are being prosecuted in city magistrate's court, many of them are from the urban area; and many of those that are being prosecuted in the provincial police court are residents of the City of Winnipeg. But there is a wide discrepancy in the way justice is handled from one court to the other and just to say that there are more drunk people in Winnipeg than the suburbs is just a totally inadequate answer.

MR. LYON: I'm sure that no answer that I could ever give on any question to the Honourable Member for St. George would be considered by his extremely intellectual mind as being adequate, but I hasten to assure him a fact of which he should already be aware, if he isn't, that in the City of Winnipeg police court you're dealing with one police department; in the provincial police court you're dealing with the police departments of the nineteen area municipalities plus the RCMP who lay the charges usually in the first instance. The procedures, the advice, and the way that the crown attorneys work with respect to both courts is the same. They have equal instructions -- the instructions I think that were given by my honourable friend the Member for Ethelbert, when he was Attorney-General with respect to second offences and so on, still obtain, and certainly there's no change there. The answer I gave to my honourable friend was, of course, a facetious answer but the fact is that you are working with a varied number of police departments. They lay the charges in the first instance and the crown looks at the charges. Aside from that, each case depends on its own set of facts. I haven't looked at each of the cases in the 301 in Winnipeg and the 110 intoxicated. I don't know how those came about but I can only presume that the crown attorney in each case who reviewed those was satisfied that on the evidence the charges were justified and I would make exactly the same presumption with respect to those cases that appeared in the provincial police court with the exception that they were probably laid, instead of by one department, by a whole series of police departments, municipal and RCMP, who service the suburban areas in Winnipeg and who deal through the provincial police court in the Law Courts Building.

MR. GUTTORMSON: Mr. Chairman, isn't it a fact though that all charges must be approved by a representative of the Attorney-General's department before they appear in court?

MR. LYON: They're all looked at when they appear in court or concurrently when the charges are laid.

MR. GUTTORMSON: Mr. Chairman, the crown launched an appeal today against the sentence of two men charged under the Food and Drug Act for trafficking in drugs and the counsel representing the Attorney-General's department is a man in private practice. Why would a man in private practice have been asked to handle this rather than a member from his department, or was this done through the federal government?

MR. LYON: I think this is federal legislation and to the best of my knowledge it's not our prosecution -- it's a federal prosecution.

MR. GUTTORMSON: Mr. Chairman, earlier in the session there was a question raised about the borrowing of money at the Brandon Gaol by a guard from a prisoner. The Minister indicated he would give us a report on his findings. Is he in a position to do that tonight?

MR. ORLIKOW: Well, Mr. Chairman, if this is the proper place for that matter I would like to ask some questions about it. If the Minister wants to leave it to item (d) -- I think it

(Mr. Orlikow, cont'd.) . . . really comes under item (d) but if the Minister wants to reply to it now I think -- I raised the question, Mr. Chairman, the day that the matter was reported in the press. I made it clear then that I was not particularly concerned with the criminal aspects of the case. The Minister reported then that the RCMP was being asked to investigate. I presume that they have investigated or they are investigating and if any laws were broken by people who work in the gaol I presume that the usual course of action will be taken. I'm not concerned with that aspect -- I'm certain that we will handle that in the proper legal manner, but I do think that the case as it's reported in the newspapers -- and I'm the first one to recognize that the entire story may not have appeared correctly in the newspaper -- but it does raise a number of important questions, and I would like the Minister to comment on some of the questions which it seems to me need to be answered.

In the newspaper story it was alleged that the prisoner was taken by one of the officers of the gaol to visit a private doctor and that he paid the doctor bill himself. Now the obvious question which occurs to me, Mr. Chairman, is what's wrong with the medical services which are provided to anybody who is a prisoner in one of our institutions? And if there's something wrong with the medical services which are provided in our institutions so that somebody who has money to pay for private medical examination and private treatment, it seems to me that we're back to what I said the other day with reference to another matter, that you have two kinds of treatment. One for the person who has money and one for the person who doesn't; and I think that's completely wrong.

The second incident which was reported was that this man was permitted to visit an establishment in Brandon where he bought power tools. Now I'm not suggesting that this is necessarily wrong, although if it's good for people to work then it seems to me that the gaol ought to provide the tools which people can work with. I don't think that because a person has money he ought to be able to do things which other people couldn't do. But even assuming that that's correct, it said in the story that he was encouraged to build furniture which would be for sale. Now this maybe is all right too, but apparently he kept on buying materials and building furniture which was sent on to stores in Brandon for sale, but which apparently were never sold, or very few were sold, so that in a course of a year he ran through a substantial amount of money. Now it seems to me that -- after all, a person lands up in gaol partly because he's not completely responsible for various reasons for his actions, and to let a man who is in gaol carry on this kind of course of action to me seems not only irresponsible on the part of the man concerned, but shows some lack of knowledge and some lack of concern and some lack of responsibility on the part of the people concerned in the gaol. Now if the newspaper report is substantially correct, Mr. Chairman -- and if it isn't I think the Minister should tell us in what way the newspaper story erred -- it seems to me that a number of questions have to be asked not just about this particular case. And the questions are obvious. If these things happened, did they happen with the knowledge of the superintendent of the gaol; and if he had knowledge of them, did he approve of the actions which were taken. If he did, Mr. Chairman, I question the qualifications of the superintendent of the gaol.

The second question I would like to know is, did the Director of Correction who on another occasion, the Minister told -- several sessions ago I asked if the Director of Corrections was in charge of all the institutions and if he was setting policy for all the institutions and the Minister said that he was. Now if this is so, did the Director of Corrections know that this kind of policy was being followed at the Brandon gaol; and did the Director of Corrections approve of it. And the last question -- and I'm going to come back to it when we get to the question of gaols in general -- is what is the policy of the department, or does the department have a policy with regard not only to this particular incident, but to -- it seems to me that this kind of incident illustrates one thing and, that is, that in terms of rehabilitation and correction if we have a policy that the policy is certainly not being spelled out in any kind of detail and transmitted to the people in charge of the gaols and the other institutions and discussed with them so that they really understand what the policy is. Because if it had been, I can't imagine that this kind of incident could have taken place.

MR. LYON: Mr. Chairman, a number of my honourable friend's questions, I now find could have been obviated had I answered the first question when the Honourable Member for St. George asked it. The RCMP have made an investigation into this whole matter and I think

(Mr. Lyon, cont'd.) . . . part of it is still in progress although, I think, the bulk of it is in our hands at the present time and I can give the honourable members the following summary of the situation.

The name of the prisoner was A. E. Matthews. He was transferred from Headingley gaol to Brandon gaol on the 26th of July, 1960. On the 8th of December of 1960, he received a cheque in the amount of \$1,900 from his brother, J. R. Matthews of Ottawa as his share of an inheritance. On the 8th of December, the same day in 1960 he was taken, presumably at his request, by Superintendent McPherson to the Toronto-Dominion Bank in Brandon where a savings account was opened in his name and the cheque was deposited. At this time Matthews kept out \$400.00 for the purpose of purchasing tools and hobbycraft materials--again, not at the suggestion of anybody other than himself. He was then taken where he made these purchases which totalled altogether \$125.72. As a matter of fact he bought himself some clothing, some cigars, some other personal things, some tools and some material because he intended to make certain articles and he hoped to be able to sell them. The receipts were placed on file from all of these purchases -- and may I say right at this stage that any monies handled by a gaol on behalf of a prisoner are kept in a ledger account and any receipts of this nature are always placed on account. The balance of the \$400.00 that he drew out was placed in his personal account in the gaol, again presumably at his request.

On the 13th of December he paid \$130 to a dentist for a set of dentures and had he not had the money, the dentures would have been bought by the department. He had the money in this case and the dentures were bought by himself at his own request. On a date unknown, he issued a personal cheque on his account without the knowledge of the gaol officials in the amount of \$200 and to the best of the knowledge of those who did the investigation, this was apparently sent to his brother settling the estate. On another date unknown, he issued a cheque to the gaol physician for \$15.00 for an electrocardiogram and a complete physical examination. The gaol physician did not consider this examination necessary and so advised the prisoner. However, the prisoner insisted, said that he wanted the examination, he was willing to pay for it. The Doctor went ahead then at the request of the prisoner; gave him the examination; the results of the examination were negative and that was that. Had the Doctor considered the examination necessary, the department would have paid the bill. The Doctor didn't; he went ahead with the examination and the prisoner paid the Doctor for it.

On December of 1960 to February 26th, '62, during this period he continuously spent money for hobbycraft materials and personal comforts. He would write cheques payable either to cash or to the senior guard officer whenever his personal trust fund became exhausted because he had money in the personal trust fund account. The cheques would then be cashed and the money credited to his personal account at the gaol in the ledger book. He acknowledged receipt of any money into his account and each time a deduction was made from this account he signed in the ledger account for any deductions that were made. Each transaction is accurately recorded in the books of the gaol and there were no inaccuracies or omissions in the recording of monies handled in this way.

He was advised on many occasions by the superintendent and by other officers not to spend his money as he was doing. And it was pointed out to him quite often that his hobbycraft was not selling and that he should stop making it and stop spending money on it. However, he failed to accept this advice and continued to spend his money in the manner indicated. As a favour to the prisoner, two stores in Brandon took his work after he had completed it and tried to dispose of it. The items taken by one dealer on consignment were destroyed by fire and the value of those items, calculated by the prisoner at \$57.00 will be paid over to him by the dealer when the insurance claim is settled. The fire occurred on February 10th of this year and the prisoner is apparently aware of this, or the ex-prisoner. The other dealer purchased items from Matthews paying for them at the time. At the time of the investigation these had not been sold despite the fact that they had been on display for some several weeks.

On the 22nd of January of this year, he wrote a cheque for \$125 and was taken down town by a guard to purchase clothing in preparation for his release. Fifty-one dollars and sixty cents of this sum was not expended and was replaced in his trust account in the ledger book in the gaol on his return. On the 26th of February this year he was released from gaol. At this time it was estimated that his personal savings account at the bank contained about \$175.00.

(Mr. Lyon, cont'd.) In addition, his trust account at the gaol contained \$158.40 for which he acknowledge receipt. Sometime prior to his release and anticipating his release, he attempted to sell his tools. More than one guard was approached by the prisoner in this regard and he finally prevailed upon a guard to buy the tools that he had purchased for \$50.00. This transaction was explained to the superintendent by both the prisoner and by the guard concerned and was approved by the superintendent before it was completed. A bill of sale was typed by the prisoner himself when the tools were sold to the guard. Following receipt of information, the guard officer had borrowed money from Matthews, and this, up to this date, March of this year, there was no information of this nature available or known to the staff. The superintendent made investigations into this. The guard officer in question and the prisoner were called before the superintendent. Both, at first, denied that any loan had been made and then subsequently the guard acknowledged that he had -- one guard acknowledged that he had borrowed -- just a minute now until I get this straight -- that he had sent \$50.00 of the prisoner's money at his request to the wife of another inmate. The superintendent then called the guard officer before him and asked if he had ever received a personal cheque from the prisoner. The guard officer admitted that he had. The superintendent then pointed out to the guard officer that he had committed a breach of the gaol regulations and the guard officer's resignation was requested immediately by the superintendent and it was immediately tendered in writing. It turned out that the guard officer in question who resigned from the staff immediately -- and may I say before this matter came to the attention of the press, actually borrowed a total of \$125 from the prisoner, of which \$70.00 had been repaid.

To sum up from the investigation as we have it at the present time, the actual dates of some of the transactions related are not definitely established. The ledger card for the savings account that Matthews had in the bank in question was not available. It disappeared from the bank and the bank just do not have it in order to verify when these withdrawals were made. As nearly as can be estimated, the disposition of the \$1,900 inheritance during his incarceration was as follows: On the 8th of December, tools, clothing, etcetera purchased \$175.22; on the 13th of December, 1960, he paid for dental work \$130.00; on a date unknown he paid to his brother for settling his estate \$200.00; on another date unknown he paid to the gaol physician for medical examination \$15.00; on dates unknown \$125.00 was borrowed by the one guard who resigned -- the amount of \$125.00 was borrowed on dates unknown. On the 22nd of January of '62 he paid for clothing prior to release \$73.40; on the 26th of February '62, in his savings account on release he had \$175.00; on the 26th of February '62 in his trust account in the gaol he had on release \$158.40. The total of all of those items is \$972.52 and then apparently expended by Matthews on hobbycraft and personal comforts during the period 8th December '60 to 26th of February '62, 14-1/2 months, \$921.48 approximately.

As I mentioned before, the prisoner's trust accounts are handled in a ledger account in the gaol and they're audited by the audit branch of the office of the Comptroller-General. The procedure with respect to the handling of monies in the various gaols is not uniform but in each gaol they have a ledger account of the nature that I have mentioned here. Honourable members will appreciate that the incidents of prisoners coming to gaol with amounts in excess of \$25.00, \$30.00, \$40.00 or \$50.00 is very, very rare indeed, and this type of case was an extreme rarity. The instructions that are followed at Headingley Gaol in this regard have been laid down for a number of years. They seem to have worked well in practice. Some variations of these instructions are followed at all gaols. It is now being made mandatory that the instructions laid down for Headingley gaol be followed in all other adult gaols in Manitoba.

MR. GUTTORMSON: Mr. Chairman, one thing I would like to ask the Minister is what is his policy in regard to speed traps? If my memory serves me correctly, he stipulated earlier that he was opposed to the use of speed traps in Manitoba. I'm not speaking against the use of speed traps, Mr. Chairman, but at the present time, speed traps are in use in Manitoba and the Minister says he is opposed to them. Now if he is opposed to them, then they shouldn't be in operation. If he is in favour of them, then he should say so.

MR. CHAIRMAN: . . . (a) passed.

MR. GUTTORMSON: No, Mr. Chairman, I would like to hear the Minister speak.

MR. LYON: My honourable friend in his usual cat and mouse way has suggested that speed traps are in use somewhere in Manitoba. Would he be kind enough to tell us where his

(Mr. Lyon, cont'd.) . . . categorical statement applies ?

MR. GUTTORMSON: I certainly will. There was a speed trap in operation on No. 6 and 7 highway two weeks ago. I saw it in operation. It was an unmarked car -- one of the officers was bending over the car as if he was repairing his car and this is certainly a speed trap. Now if he is in favour of them, say so, but don't say you're opposed to them and then let them be operated.

MR. LYON: Was the car parked on the side of the road or in the ditch, off in the bush?

MR. GUTTORMSON: The car was parked on the road.

MR. LYON: And it was still a speed trap then in my honourable friend's opinion, was it?

MR. GUTTORMSON: It certainly was, because it was not a mounted police car. It was a civilian car, and he was -- the man operating it was not in mounted police clothing.

MR. HRYHORCZUK: Mr. Chairman, in this respect, if the Honourable the Attorney-General hasn't any personal knowledge of speed traps being used, maybe some of the other Ministers, his colleagues, may have some knowledge.

MR. CHAIRMAN: (a) passed?

MR. ORLIKOW: Mr. Chairman, I'd like to ask just one more question on that Brandon case. The Minister's explanation was quite detailed and I'm satisfied, as I was right from the beginning that the department would take whatever steps necessary with regard to where a violation of the regulations took place. I think the Minister will agree that I'm not one who has expressed myself as being in favour of close confinement or harsh treatment, but I wonder if the Minister has given consideration to whether it is good to allow so much freedom that a man can spend \$900 in one year in what was really a foolish way. Now, sure when a man is living by himself, he has control of his own money, but surely when a person is in gaol -- I don't know why this man was in gaol -- but surely the staff should have some say more than just saying we don't think this is a good idea. Of course once he gets out he can spend his whole \$2,000 in one day or in one hour; but while he was in gaol it seems to me that in view of the close surveillance we have in other cases that something more could have been done and I think something more should have been done than was done in this case.

MR. GUTTORMSON: Mr. Chairman, would the Minister answer me, is he in favour or opposed to the use of speed traps in Manitoba?

MR. LYON: Mr. Chairman, very briefly, when the radar system of enforcement of the speed law was introduced, a number of briefing sessions were held by the RCMP -- a number of which I attended myself -- and at all times it was the statement of the RCMP that these would not be used as a trap device. When this information came to our attention last summer, through the courtesy, I believe, of the Winnipeg Free Press, I was in immediate communication with the RCMP officers in Winnipeg who, themselves, were unaware that the practice was being carried on. They advised me that it was stopped and I can only presume that their word still holds good. One of the cars that is customarily used -- I've seen the car on the road -- is an unmarked car. That doesn't make it a speed trap. Every parked car that you see on the side of a public trunk highway in Manitoba may have radar equipment attached to it, so look out -- but that's not a speed trap.

MR. GUTTORMSON: I understand you're opposed to the use of speed traps. Is that correct? Will the Minister answer?

MR. LYON: I answered the question I think --

MR. GUTTORMSON: You talked around it --

MR. CHAIRMAN: (a) passed?

MR. CAMPBELL: Mr. Chairman, I have one matter that I have been waiting to raise and I can be very brief on it. That's with respect to the report of the commissioner on mineral transactions. Now both the Honourable Leader of the New Democratic Party and I complimented the Minister on legislation that he introduced the other day -- I guess its passed already, as far as second reading is concerned -- and I certainly agree that that's a good step. But a recommendation of the commissioner was that the government should give assistance to those who felt that they had been deprived of their mineral rights by appointing legal counsel for them. It seems to me that this question -- the fact that the Minister has introduced this legislation -- it's going to be passed no doubt -- should be given good publicity and then that that recommendation of the commissioner should be followed up by appointing legal

(Mr. Campbell, cont'd.) . . . counsel for them. It's important enough by itself I think to give them legal counsel, but one of the major advantages that I see in it is that these are no doubt rather involved cases and I would think that, in addition to the financial benefit to the people who have the claims, would be the fact that special counsel appointed in that way would tend to become a bit of an expert on it -- more so I would think than the average lawyer would be who had had no special training in that regard. So, has the Minister made plans to appoint such a counsel?

MR. ROBLIN: Mr. Chairman, we have an understanding that we will rise at twelve o'clock and I would like to honour that, but I would suggest that it might be agreeable to allow the Minister to answer the question raised by the Honourable Member for Lakeside and then agree to pass item 42.

MR. PAULLEY: Item 42. I don't know about that Mr. Chairman. We might pass (a).

MR. ROBLIN: Well the whole thing of Gaols, Law Enforcement, Police Services and Police Courts have been pretty thoroughly gone into for the last two hours and on the preceding day.

MR. PAULLEY: I don't think so. The item that the Chairman has been calling, Mr. Premier, is item (a). I think possibly if the Minister, and I have no objections at all to it, to the Minister replying to the Honourable Member for Lakeside, and I would be then agreeable, as far as I'm personally concerned and I think that of my group, that we could pass (a).

MR. ROBLIN: Well, Mr. Chairman, I had hoped that the understanding we had about rising would have commended itself to members to the extent that they would be willing to make some progress with the business. However, I'm not going to insist on it. I shall simply move that the committee rise right now.

MR. CHAIRMAN: The answer of the Minister would cover 8 (a).

MR. ROBLIN: Well, I think he can answer it the next time. It's after 12 o'clock. If people don't wish to pass the item I'll simply move the committee rise.

MR. CHAIRMAN: Committee rise and report. Call in the Speaker.

MR. PAULLEY: Mr. Chairman, I think we should pass item (a) and allow the Attorney-General to answer the Member for Lakeside while it's fresh in our minds.

MR. ROBLIN: Committee rise, Mr. Chairman.

MR. CHAIRMAN: Call in the Speaker. Mr. Speaker, the Committee of Supply has directed me to report progress and asks leave to sit again.

MR. MARTIN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Swan River the report of the committee be received.

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

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

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Wednesday afternoon.