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THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, March 10, 1964.

MR. CHAIRMAN: Department VII. 5 (a)

MR. GUTTORMSON: When we got into estimates of the Attorney-General's Department last Friday, the Member for Lakeside dealt with a matter which concerned him considerably and that was the matter of a magistrate which he did not name at that time. This matter has not only concerned the Member for Lakeside, as it concerned me and many others, and I would like to deal with that matter at the present time.

The Minister spoke about this problem yesterday in the debate and I concurred with most of what the Minister said. He said when a magistrate imposed sentences which were not approved by a lot of people or the Attorney-General himself, it was difficult for him to perhaps have the man replaced and I can certainly agree with his statement in saying that. However, the fact remains there is a problem and, in my opinion, a serious one. The Member for Lakeside cited cases where he felt that inadequate sentences have been imposed by this magistrate.

The matter is becoming alarming to, I know, some of the authorities and I know the Attorney-General's department has become concerned with the matter because more appeals are filed by the Attorney-General's department in connection with sentences imposed by this magistrate than all the other magistrates put together. So I realize that they have a problem and, as I say, when the Minister says, "It's not easy for us to replace a man," I concur with his remarks. I know it's a difficult chore and particularly the Attorney-General does not, I am sure, want to start to interfere with the sentences that are imposed by a magistrate but when the sentences become so ridiculous in the eyes of higher courts, and the magistrate doesn't even impose sentences that he is entitled to pass, when I refer to suspended sentences; it is quite clear in the Criminal Code that you can't impose suspended sentences upon certain individuals if they've got a previous record within a certain period of time.

I have some examples of sentences which I want to bring to the attention of the committee at this time. I don't propose to name names in this instance because I don't think any useful purpose would be served by naming names, but I will cite charges and sentences that have been imposed by this particular magistrate. Here's one case where a man was charged with assault. I don't know just how severe it was. And the man in question was sentenced to two months in jail. The Crown obviously felt his sentence was inadequate and they increased the sentence to 12 months. In another case, this same magistrate imposed a 2-year sentence, suspended sentence, for the thefts. The Crown appealed again and the Court of Appeal imposed a 30-month sentence. Another case, this magistrate imposed a 6-month term. The Court of Appeal changed it to 18 months. Another case, a man robbed a taxi driver at knife point and he was given a suspended sentence. The Court of Appeal changed the sentence and increased it to 2 1/2 years. Mr. Chairman, had this taxi driver perhaps struggled it's quite possible he might have been killed. Here's another case of another robbery at knife point. The man got a suspended sentence and the Court of Appeal changed it to 30 months.

I have another case, where a man was charged with robbery. He was given a two-year suspended sentence. The case was appealed by the Crown and the man was given 2 years less a day. I have another case where a man charged with breaking and entering was given 6 months. It was changed by the Court of Appeal to 18 months. I have another case where a man was charged with breaking and entering, given two-years suspended sentence plus a three-year suspended sentence for breach of recognizance. The Crown appealed. Incidentally, this man was already on suspended sentence for robbery. The Crown appealed and an 18-month sentence was imposed.

Here's another case of two young men charged with robbery. They were given 1-year terms. The sentence was increased by the Court of Appeal to 2 years less a day. There's another case of a man with a series of breaking and entering charges, given a suspended sentence; it was appealed and he was given 6 months. Here's another case where a man was charged with indecent assault. He was fined \$200.00. The Crown appealed and the man was sentenced to 6 months. There are other cases where the sentences appear very inadequate and I know the Crown has now got these sentences scheduled for an appeal and they have not been dealt with.

As I said before, I appreciate the position of the Attorney-General. He has a difficult

(Mr. Guttormson, cont'd)... situation to deal with here but nevertheless, I brought this matter up at the last session, pointed out the inadequacies and the unfortunate situation that was prevailing and I've seen no evidence of any action. As I have said, I know it is a difficult one but I must impress upon the Minister that he must find some way to adjust this situation. I can tell the Minister that the situation is so ridiculous now that defense counsel and accused persons are jockeying for time so that their cases will appear before this particular magistrate. Now this is not good. It's tying up the courts and causing a bottleneck. I can recite one case where three men committed a burglary. The police caught them red-handed in the building. Two of them pleaded guilty and received stiff sentences for their offence. The third member of the group pleaded 'not guilty' and he stalled in every which-way until the other magistrate came on the bench and he immediately pleaded guilty to the offence and got a sentence of only half of what his accomplices got.

When I raise this matter, I don't suggest for a moment that the magistrate is doing anything improper. I think that this magistrate just hasn't got the stomach to do the job and I think that, in the interests of justice, that he should make the situation easy for the Attorney-General and offer his own resignation, because it's obvious that this man finds it difficult to do the job that is required of him.

Now I'm not going to suggest to the committee that he's not doing an adequate job because I say so. I suggest he's not doing an adequate job because the Attorney-General's department doesn't think he's doing a job themselves if you look at the number of appeals that they are lodging every year without fail. And the Manitoba Court of Appeal, I don't recall one instance, although there may have been, where they haven't seen fit to alter the sentence and increase it; and my experience from the practice of the Attorney-General's department, they don't usually -- they're reluctant to appeal a case against an accused unless they feel that the sentence has been inadequate and severely inadequate. This particular magistrate, as was pointed out before by the Member for Lakeside, is allowed to practice as well. Now, the Member for Lakeside said he didn't feel that a magistrate should be allowed to practice. I will only agree with him to a point. I realize that in outlying jurisdictions where a magistrate perhaps is only required one day a week, that it's difficult for the Attorney-General's department to say that you can't practice because he's only needed one day a week; but I think that in the case of magistrates dealing in courts such as Winnipeg magistrates court, where the abundance of work is increasing every year, a magistrate should devote his full time to the job, and I believe that this man is being paid on that basis. Contrary to what many people feel, I think that the magistrate in a police court is every bit as important, and more important, than even the judges sitting in the Supreme Court of Canada. They are dealing with the little man, the man who is charged with petty theft, assault, drunkenness, traffic offences, and these people deserve the best attention, and only if the magistrate gives this proper attention to these cases will the little man get the attention that I think that he deserves. The Leader of the NDP suggested last night, after the Attorney-General spoke, that he didn't see why that a magistrate couldn't be removed by the Attorney-General if he didn't think his work was satisfactory. I find it difficult to agree that he should do it yet I can understand him thinking that something should be done. So I would urge the Minister at this time to explore some way as to rectify a situation. I know that the police officials are very disturbed by it. Many of the criminals are just laughing at the situation. As I said they're jockeying for position so that they can appear before this man and I think it's high time that he help the Attorney-General out of a difficult situation by offering his own resignation and that the Attorney-General can make an appointment of a man who is prepared to do the job in a satisfactory manner. As the Member for Lakeside pointed out, this man is imposing suspended sentences when the Criminal Code forbids such a sentence from being imposed. The Member for Lakeside cited the judgment of Chief Justice Miller who was severely critical of this magistrate for imposing suspended sentences upon a man who had a bad record, and the Criminal Code made it abundantly clear that a suspended sentence wasn't a proper one and he was not even entitled to use his discretion to that extent.

MR. MORRIS A. GRAY (Inkster): It is very hard for me to speak after accusations have been made by men who were in public life for years, served honestly for the years that I have known them here but all of a sudden making accusations which I think perhaps is not justified. At the outset, what is the crime that has been committed here? Nobody knows. No one explains. Everyone is being charged seriously, and if the charges are substantiated -- if the charges are

(Mr. Gray, cont'd)... true, I think the government should resign. But when they ask me why, I would tell them not to, because the accusations in my opinion are not supported. I would like to use a more severe language, but neither do I know the proper words to use it or the actual charges to be made. I think that we are wasting our time here, and I'm surprised at the government benches to allow it, to rehash everything that has been said in the last day or two or three. People may accuse me of misunderstanding. It's true that I haven't got the same brains and understanding of many of those who made the charges, and perhaps some of them would defend the charges. Maybe. But I'm speaking as a layman; I'm not even speaking as an NDP man. I'm speaking as one who feels that we are creating a disturbance unnecessary in this House, absolutely unnecessary. The questions raised by the last speaker may be justified, but it was not raised in my humble opinion, and if he thinks that I'm wrong, I'm prepared to apologize. It was raised, in my humble opinion, not for the purpose of improvements, but I'm afraid to say for political expediency which is being done here by myself, by my party and by others. The question however is, this political expediency is necessary. Why bring it up in this particular case? The Attorney-General, the first one and the second one, have made full explanations on any mistakes they have made, and justified their mistakes, justified their errors, admitted that in some cases they were wrong. Why bring it up again? Why raise this question again? I cannot understand. I cannot understand. I feel that we are sitting here in the Legislature, which I have all my life considered a Holy Shrine, where all matters of Manitoba, and matters of Canada and matters of the whole world could be discussed and helped as much as possible, but instead of this everyone is trying to dig on the case of the others, to ignore them, to belittle them while they've been serving for years in the interests of the people of the Province of Manitoba. I can't understand it. The trouble is I'm too old; but at the same time I feel that now one of us, and particularly I say that the Liberal opposition make any definitely constructive suggestions for the improvement of the people of the Province of Manitoba, but their very interest is to hang by the market square Mr. Lyon tomorrow morning. That's who they're interested in. Now, whether he'll be hanged or not I do not know, but there is no constructive suggestions of anyone how we could get along, how we could improve the conditions of the Province of Manitoba, how we could improve the conditions of the world, how we could feed people of the world when they are going hungry to bed day after day.

Mr. Chairman, I think I've said more than I should, and they'll agree with me, but it hurts me-- it's in my heart-- it's in my soul. I'm not an academic individual. I've never been at university, but I feel as a layman, as a common individual. I feel that we're wasting our time in this general discussion. We are not doing anything for ourselves and we are not doing anything for the people of the province.

MR. PETERS: Mr. Chairman, there's only one question that I want cleared up from the Attorney-General, and that is, in these cases that the Honourable Member from St. George has stated, was there a report made by the probation officer to the magistrate? And if there were no reports made to the magistrate by a probation officer I want to know why they weren't made to him.

MR. McLEAN: Mr. Chairman, I would think that what I could say without having examined the particular cases, that there would be a probation report made. In all proper cases, a probation officer is attached to the Winnipeg magistrates court.

MR. SHOEMAKER: I would like to ask my honourable friend if he has anything to do with the 'using the mail for fraud'. I don't know whether this comes under the federal government or the provincial government or both, but I have before me here

MR. McLEAN: It's federal.

MR. SHOEMAKER: Well, fine, Mr. Chairman. They're using the mails within the Province of Manitoba, and perhaps my honourable friend could take note of what I have to say and see that it ceases, because I have just written a letter to the firm who mailed out this parcel. Now, Mr. Chairman, I don't know how many similar parcels went out in the Province of Manitoba, but this chap from Eden -- a Mike Nestor, Box 103, Eden, Manitoba -- brought this into my office one day and he said that he had been notified by the Eden Post Office that there was a COD parcel there for him. He let it rest there for two or three days and then curiosity got the best of him and he went in, redeemed the parcel, paid \$11.83 and found what appeared to be a very good wristwatch. He kept the wristwatch for about a week and it stopped, as you might expect -- interjection -- That's right, it didn't run half as long, though. And he

(Mr. Shoemaker, cont'd)... took it into a jeweller. The jeweller said, "It is absolutely worthless. There's no point of spending a nickel on it." Now, he swears up and down that he never ordered it, he never filled in a coupon or anything, and my point is, how many thousands of these went out all over this province and the other nine provinces in the Dominion? I have, as I say Mr. Chairman, I wrote a letter to the distributors, and I'll ask my honourable friend from St. Boniface to read this out because it's in French, and I am not bilingual.

The letter was read by Mr. Desjardins. Translation will appear in the next issue of Hansard.

MR. SHOEMAKER: Now, I have written to this company, and I won't try to -- interjection -- It's not in there -- I won't try and pronounce it again. I have written a long letter to these people and suggested that if I did not hear from them within ten days, that I would refer it to the Attorney-General of this province. I have not heard from them. I am now referring it to my honourable friend, and I can send that over to him and perhaps he can investigate that matter. That's No. 1, Mr. Chairman, and -- interjection -- Well, someone should look after it -- interjection -- Yes. Mr. Chairman, I note that there is a resolution on the Order Paper relative to unethical practices or something of that nature, and I don't think that it has been spoken on up to now. Has it? Well, that's good. I'll speak on that. I'll say the same story over again as I'll give you now I suppose when we get to that. Where is it? Well anyway, it doesn't matter where it is, Mr. Chairman, you have no doubt noted it, along with another two or three dozen there.

Now, the material that I have before me indicates that there is some excuse, some excuse for having this resolution on the Order Paper. I have before me here the Western Producer, Thursday, January 9th, 1964, headed "The Fast Buck Boys are At Work Again in Manitoba". The Western Producer I believe, is a Saskatoon paper, and this article goes on to say -- it's referring to discount salesmen that have been calling on the farmers throughout the province and selling their goods or services to the farmers -- interjection -- Pre-arranged funeral, my honourable friend says. Could be doing that as well.

In the annual submission to the Government of Manitoba by the Manitoba Farmers' Union for release January 21st, 1964, page 16. Nearly the whole page has to do with business ethics -- interjection -- You have read it, no doubt. My honourable friends here, they -- the Farmers' Union met with them. If they haven't read it, they should have read it. I've read it all. But I will read this paragraph to point up how serious they consider it to be. "During the last two years," I'm quoting now, Mr. Chairman. "During the last two years we can conservatively estimate that the farmers in Manitoba have paid out over three-quarters of a million dollars to business operations which class themselves as so-called discount clubs or wholesales' associations, and whose business operations have no relationship whatsoever to that which their respective salesmen present to the individual farmers." That's what they say here. That's what they say in the Western Producer, and I believe it is said in the resolution that is before us. Now if it is as serious as these articles suggest, then Mr. Chairman, I suggest that the Attorney-General look into this matter.

Now Mr. Chairman, it appears to me that certain other provinces have what is known as a Consumers' Guide or something of this nature, to warn the public of outfits and renegades like I have suggested. Now it is true that we have the Better Business Bureau in Manitoba, and last year when we were in Law Amendments Committee, two or three officers of the Better Business Bureau appeared at that committee, and I spent some time with them after the committee meeting was over. The purpose of my meeting with them then was to discuss with them a certain outfit whose head office is in Winnipeg here, that went out through the country selling aluminum siding and roofing of some kind. I forget their name. They had an office down on Fort Garry there somewhere. The Better Business Bureau told me in no uncertain terms that they knew of the outfit, they knew of their goods and services, and they certainly could not recommend either of them. Now this outfit has been out around through my area and it seems to me that they are only able to sell their goods to people who have little or no money, and they tie them up with about a five-year contract, a sizeable one that they are unable to pay for. Mr. Chairman, I can tell you of one specific case where the chap come to me before they had put the siding on the house, and it was a blessing that he did come to meet that time. They had signed a contract with him for something like \$5,000.00. I think it was over \$5,000.00.

(Mr. Shoemaker, cont'd)...It was spread over a 60-month period. His house with the siding on it wouldn't be worth more than \$2,000 in the Village of Franklin. You couldn't get \$2,000 for the house and \$5,000 worth of siding on it. Now these are the kind of people that this firm is taking advantage of. They have made several sales in the town of Neepawa, principally to people who should know better but don't seem to, and I think that this kind of unethical business practices should be looked into, Mr. Chairman.

I have one other matter that concerns myself and a lot of other people. Myself to the tune of \$25.00, and a lot of other people to a greater or lesser degree, but just nearly every week somewhere in the Province of Manitoba, there's somebody around forging and cashing worthless cheques, and lo and behold, I got stuck once, and I'm not going to get stuck again if I can help it -- interjection -- For \$25.00 about three years ago, and probably it was a cheap lesson, but the funny part of this one was that this chap came along, produced his calling card that he was working for the Paymaster Corporation. Now, Mr. Chairman, you would think that when a fellow come along trying to sell you a Paymaster cheque-writing machine -- in fact we had bought one two or three years before. He had come around to see if he couldn't ink it up for us, and he tinkered around with it for a little while, and then he said now could you cash my cheque for me; and I thought, well by golly, if he's working for a Paymaster cheque-writer, his cheque ought to be some good. It was no good. It was no good. Now I phoned the RCMP. I traced him down to Calgary. He's not working for Paymaster, I can assure you that. I had a nice conversation with the RCMP and I said, "Well I suppose in keeping with your motto that you will no doubt get your man, but will I get my money?" He said, "Well, that's a horse of a different colour," and it is, and we didn't, and I'm still waiting for this money. How, is there no way that these fellows can be made to -- interjection -- pay back, yes to pay back, Mr. Chairman -- interjection -- Personally I would think. -- interjection -- Well now, Mr. Chairman, the Honourable Member for Elmwood asked who paid for the phone call. Now I must say this, it was not the taxpayers of this province. Do you know what happened? Because this does raise an interesting point. I phoned the Paymaster people. They admitted that this fellow had worked for them. They admitted that he was no good. They said, "Phone the office collect in Calgary, our office collect in Calgary." I said, "Will they accept the long distance phone call collect?" "Certainly, go ahead and phone them." I did and I'll bet you I spent fifteen minutes on the phone and the outfit in Calgary paid for it and not the taxpayers of this province. Well, Mr. Chairman, if I am encouraged I may speak a little longer, but I think that that will do for the time being and I hope that I will have an answer to the three queries that I have put to my honourable friend.

MR. PETERS: Mr. Chairman, I'd like to get back to the probation officers again. The Attorney-General assured me that in cases that the magistrates have the services of a probation officer. Now I know of one case in particular that happened oh, three or four years ago, where a fellow on his first offence, and I admit it was a serious charge, but there were no services of a probation officer offered in that case. He pleaded guilty, and immediately was sentenced; and I think that in this case that there was a miscarriage of justice and I might say, in fairness to the Law Society they did provide a lawyer to take up an appeal, and his sentence was cut down to less than a third of what he was originally given, but had the magistrate had the services of a probation officer, probably he wouldn't have imposed the sentence that he did in the first instance. I would appeal to the Attorney-General to make sure that in all cases that before a sentence is passed, that the services of a probation officer are given to the magistrate, not just saying that they're available, but they are made use of, so that there is no doubt left in anyone's mind that the fellow or person accused, and although he has pleaded guilty, that they have the report of a probation officer, and he gets every benefit of the doubt. I'd like that assurance from the Attorney-General, that he will make sure that in every case that they do get the help that many, many of these people do need in the first instance, because putting them in jail is not going to do us any good. The person that I'm talking about was 51 years of age, and I don't think he was on the road to a life of crime; his life was two-thirds over, and if he'd have had the services of a probation officer, things would have worked out different than they had.

MR. CHAIRMAN: (b)

MR. ARTHUR E. WRIGHT (Seven Oaks): Mr. Chairman, I would like to ask some questions about jurors but I was wondering whether the Minister would care to reply to the previous

(Mr. Wright, cont'd)... question before I do. Would it be all right to ask him now?

Well, Mr. Chairman, last year I rose and read a letter from one of my constituents who had been asked to serve on two consecutive murder trials, and after reading the letter a certain amount of interest was generated; in fact, Val Werier of the Tribune went to see my constituent and wrote quite a story on it, and everything that he said was considered to be true. I just want to read an editorial in the Winnipeg Tribune of last March because it puts it very succinctly. There's a word I wish Mr. Chairman, we could get the committee to adopt for the rest of this committee here. It's headed "Jury Reform", and I quote: "Attorney-General Sterling Lyon has promised to investigate complaints of the juror who served on two murder trials. The juror criticized the inadequate sleeping quarters in the Law Courts building for jurors locked up during a trial. He also objected to being forced to serve on two murder trials. Both of these complaints are valid. The province should do better than provide overcrowded dormitory facilities for those chosen for one of the highest responsibilities in citizenship. There is also no reason why a juror should be compelled to serve on two murder trials during one assize session. The number of those empanelled can be easily increased if necessary. A great deal of time and energy is spent on preparing the list of jurors. Outside of Winnipeg, a number representing one twentieth of the voters list is compiled. In Winnipeg one thousand names are chosen by the City Clerk's staff from the city directory, divided equally from the letters of the alphabet, and finally these names, all numbered, are selected at random under the jurisdiction of the senior County Court Judge, the Sheriff and Prothonotary. All it requires to increase the number of jurors is to pull a few more numbers out of the hat, and while the Attorney-General's department is looking into the reform of the Act it might also enquire into the great number of exemptions from jury duty. Women, for example, may be called but can refuse. All bank employees and undertakers are not eligible. It is hardly conceivable that bank employees or undertakers would have a vested interest in the life or death of a man on trial for murder." The article ends up, Mr. Chairman, by saying, "the juror's complaints may set off more changes than he anticipated."

Well, Mr. Chairman, I'm merely following up what I said last year to find out whether or not anything has been done. And while I'm on my feet I'd like to say that last year I submitted that one of the reasons why women were not called for jury duty in Manitoba was because there were no adequate housing facilities in which to keep them; and my colleague from Brokenhead in speaking to a group of women the other night, told me that they were certainly interested in finding out why women were not called for jury duty in Manitoba. I'm just wondering whether the same conditions exist.

I also wish to ask the Minister, has any consideration been given to exempting farmers from jury duty during the months of May to October because I understand this exemption does exist in other provinces? I spoke about the remuneration for jurors, pointing out last year that the fee of \$9.00 a day was not sufficient and it's all right to say that a citizen surely wouldn't mind doing this for his country once in awhile. I say again that it's not much comfort to a man buying a home with a large mortgage and trying to raise two or three children, when he has to -- he's probably making at least \$2.00 an hour if he's a mechanic -- and when he is getting \$9.00 while he is serving on a jury, it's of little comfort to him. Last year in the Speech from the Throne, it was mentioned that the government would propose increasing the amount paid to jurors and, if I remember right, a juror could, if he felt the \$9.00 would not be sufficient to cover his expenses, he could make application I believe to the court, to cover his additional expenses. Now I'd appreciate if the Attorney-General could help me in following up this matter to be able to go to my constituent and explain that the government is doing something about this. I'd be interested to know about it.

MR. McLEAN: Mr. Chairman, I can't say that anything has been done toward exempting farmers from jury duty. What the Honourable the Member for Seven Oaks said now is the first that I've heard of that suggestion. I would certainly agree that one person ought not to be called for two juries in one assize; in fact I would -- at the risk of getting in trouble with my friends in the Law Courts building -- I would hope that they would have enough sense to see that that didn't happen, and I certainly will make my views on that subject known if there's any suggestion. I am informed that following the discussion on this topic which took place a year ago, that my colleague the former Attorney-General had examined and inspected the quarters for the jury at

(Mr. McLean, cont'd)... the Law Courts building, and that some improvements have been made. I have myself not seen them; I must say I'm not familiar with them at all, and I would think that certainly nothing has been done that particularly would make the quarters attractive for women. I'm an old Tory when it comes to this matter of women on juries. I always thought that was just a fiction to begin with and I don't really think that women want to be on juries. I might be wrong but certainly it's part of the law now and the quarters ought to be such that they can serve on the juries if called upon to do so, and provided of course they don't ask to be exempt.

MR. PETERS: Mr. Chairman, I would still like an answer from the Attorney-General and give me some assurance, insofar as probation officers are concerned, that he's going to give me the assurance that every accused person, before sentence is passed on him, that they will get the service of a probation officer, because justice will not be served by just putting someone in jail and saying, "You have committed a crime, you go there and you sit there 'til you've served your sentence and when you come out you better be a better guy or a better woman." There are times when people have made a mistake and they've committed a crime, and where the services of probation officers would be of very good service to the magistrate -- help him in making his -- we don't want to put people in jail. It's not going to do us any good to put him in jail. It's going to cost us money. If we can make a good citizen out of that person, that's what we are trying to do, not just to put him in jail and say, here, you've committed a crime, go and serve your sentence and then come out and behave yourself. I want the assurance from the Attorney-General that in all cases we're going to get this service.

MR. SCHREYER: Mr. Chairman, I came in in time to hear the Attorney-General say two things; that, first of all, he was a Conservative when it came to having women on juries, and secondly, he made the point that he's not at all sure that women would want to be on juries. And I say to him that there is a difference between being a Conservative and a mossback, and he appears to be the latter in this regard because who would want to argue in this day and age that it's not desirable to have a balance of view of the kind that only women can give in their capacity as jurors? The other point he made, that he's not sure that women would want to serve on juries. I can tell him that one of the reasons why I'm late is because of a discussion on this very point with a group of about 65 women, and it was on this precise point that they are thinking of making presentations so that the Province of Manitoba will get around to providing the adequate facilities so that women could serve on juries in the first place. I understand that the reason why our present legislation is such that women can obtain an automatic exemption from jury duty is not because of our particular interest in giving them some sort of special favour, but for the very simple and mundane reason that our jury facilities are inadequate insofar as providing accommodation for women jurors. And I simply want to let the Attorney-General know that, from what consensus of opinion I could gather from this fairly large group of women, he is completely wrong when he says that he doesn't think that a good many would want to serve in that capacity.

MR. J. M. FROESE (Rhineland): Mr. Chairman, before the Minister answers, I would like to have an answer to my question that I put to him last night in connection with the qualifications or requirements that have to be met in order to be appointed as a Justice of Peace, or as a police magistrate in this province. I put the question to him last night. I didn't receive an answer. I hope I do get one. I also raised the matter of tax exemptions in connection with police cars. I understand the federal police, and apparently this is also extended to city police, do get an exemption when cars are purchased for this purpose. However, this is not extended to the police in rural areas and the smaller centres in the province here would like to have the same exemption. Could the Minister tell us what the score is, and what is being done about it, or can be done about it, to secure these exemptions?

MR. McLEAN: Mr. Chairman, the tax referred to by the Honourable the Member for Rhineland is a federal tax. We don't have a sales tax in Manitoba, and I would be unable to offer him any help in that regard. Qualifications of a Justice of the Peace, perhaps not too easily described. The functions of a Justice of the Peace are really quite minimal now in the administration of justice and, generally speaking, their duties relate to that of taking information, swearing out warrants, dealing with minor cases, traffic offences and the like, and persons who bear a good reputation and are known or thought to have good common sense are, generally speaking, the people who are appointed Justices of the Peace. A magistrate, under

(Mr. McLean, cont'd)... the provisions of our Magistrates Act, are required to be qualified lawyers, because under the terms of the Criminal Code and many of our statutes, certain offences may be tried before a magistrate. Over the years there has been a considerable extension of the jurisdiction of magistrates. Many cases that say fifty years ago would have been tried by a judge and a jury are now tried by a magistrate, so that magistrates are required to be people with legal training. There are only one or two instances where people who are not lawyers are appointed magistrates. They're referred to as Justices of the Peace with extended jurisdiction which brings them fairly close to the position of the magistrate. That is only done in special circumstances in isolated places, and in those instances where the person is considered to be able to exercise discretion and good judgment. Now in all of these instances, both Justices of the Peace and magistrates are appointed by the Executive Council which means the Cabinet, by Order-in-Council, on the recommendation of the Attorney-General. I'm not too certain whether the Honourable the Member for Brokenhead was looking for any comment from me, mossback or no mossback. I have a strong suspicion -- and I suppose Mr. Chairman, if he and I have to have any differences of opinion this is about as unimportant a matter as we could have. Women, when they think about jury duty, they're thinking about the juries that sit for the Perry Mason cases on television. Jury duty in our system of justice is a very stern and a very important and sometimes a very demanding thing, and there are many men who don't like to have to serve on a jury and I think that perhaps it doesn't have quite the appeal. However, I'm not wanting to reverse the clock. The law is here and our job is to make it work.

With regard to the assurance that the Honourable the Member for Elmwood has asked, I'm not just too certain I can give him that assurance in exactly the terms that he asks it because, first of all, he was speaking of a case that occurred some three or four years ago and that's certainly quite possible; the probation staff has been increased tremendously in that period of time, but of course in this, as in all matters of this nature, there has to be some exercise of good judgment. I would presume that in cases where the magistrate is going to impose, for example, a suspended sentence, that the services of a probation officer are not really too important. Where the accused is represented by counsel who has undertaken to present his case, there may be many instances there where the services of a probation officer are not required and then there are many cases -- more cases sometimes than the Crown Attorneys get credit for -- there are many cases when the Crown Attorney, very properly in the exercise of his task, makes certain that necessary facts which are helpful to the accused person are brought to the attention of the magistrate so that the services of a probation officer would not be required.

Now all I'm trying to say is that one can't say that every individual person is going to have a probation officer sitting at his right hand because not every individual person needs a probation officer. What we do say is that there are a fairly large number of probation officers -- somebody's going to say not enough and I agree -- but there are a fairly large number of probation officers who are available, and I would think that there is no case in which an accused person asks for the services of a probation officer that it is not available and there are many other cases where the services are made available to him through the magistrate, through the Crown Attorney, through his own defense counsel or through other officers of the court.

MR. MOLGAT: Mr. Chairman, the statements of the Minister with regards to women on jury duty are certainly a good example of the progressive thinking on the front benches opposite. My honourable friend admits readily that the only reason he doesn't turn the clock back is that he can't. I think this is certainly a good example of the type of thinking we frequently are getting now from our friends on the opposite side.

Earlier this evening, Mr. Chairman, certain comments were made by the Member for Inkster, imputing motives to our group. I was tempted to reply to them at that time but in view of the present situation I think possibly the less said the better. I would hope however, Mr. Chairman, that members in this House who wish to impute motives to others might pay more attention to the debate in the House -- they might find out what is going on.

MR. PAULLEY: Mr. Chairman, I wonder if the Honourable the Leader of the Opposition would explain exactly what he means, because I listened very intently to my colleague from Inkster, and I, while not wanting to debate the Honourable Leader of the Opposition, am quite prepared to on this or any other subject. The honourable gentleman who made the statement,

(Mr. Paulley, cont'd)... I think, has no basis whatever to make them on, and I refute them totally.

MR. MOLGAT: Mr. Chairman, I am interested in the matter of administration of justice by the government so far as some of the activities of its own ministers. I am referring to an article that appeared in the Winnipeg Tribune on the 9th of September this year. The title is: "Minister Ignores Subpoena. Manitoba's Labour Minister, Dr. O. B. Baizley, has ignored a subpoena to appear before an arbitration board. The subpoena was issued by the Court of Queen's Bench under a section of Manitoba's Arbitration Act which permits either party in a dispute to take legal action and to get witnesses to appear before an arbitration board," and so on. Then it goes on: "Mr. Baizley said today that he was subpoenaed to appear before the Board which he appointed, and he proceeded to say that he refused to appear on the subpoena." And I'm interested in knowing on what basis a Minister of the Crown can, any more than any other individual in this province, refuse to accept an order of the Court of Queen's Bench, and appear on subpoena.

MR. McLEAN: The Leader of the Opposition had better not equate an order of the Bench and a subpoena, which he's just done in his very final comment. Many people oftentimes refuse to obey a subpoena for whatever reason they may consider fit. It's a civil matter, and the reasons -- while I'm not familiar with the case in question, I assume that the Minister of Labour had reasons for doing so just as many other people who don't wish to observe a subpoena do. A Court Order, on the other hand, is another matter, and I'm assuming we're not discussing that.

MR. MOLGAT: Mr. Chairman, is it not correct that in most cases where a subpoena is not answered that a warrant is issued?

MR. McLEAN: Sometimes, if applied for by the party who has taken out the subpoena.

MR. MOLGAT: The Minister then agrees that subpoenas should not be answered by people who receive them.

MR. McLEAN: Now, Mr. Chairman, somebody had something to say about imputing motives a few moments ago -- interjection -- I'm not -- quite frankly, I'm not interested in that kind of debating. I've answered the question. I have nothing further to say.

MR. MOLGAT: Should people not answer subpoenas, Mr. Chairman? That's a very simple question.

MR. SCHREYER: Mr. Chairman, I don't want to pursue the matter of woman jurors at this time, but I do want to ask some miscellaneous type questions of the Attorney-General. First of all, I want to protest the apparent lack of liaison between this government and the federal government when it comes to the matter of fixing salaries of Surrogate Court judges and the County Court judge who is one and the same person. Last year, the former Attorney-General drew up before this House legislation which called for the upgrading of the salary of a Surrogate court judge and just a few months later the federal government increased the salary of the county court judge substantially. This is something which the Attorney-General should have been looking into before he recommended the legislation to this House. Now, one can argue that these gentlemen are not being overpaid, and for the most part I would accept that, but the very fact that we're asked to provide for the increase of salary up to a level, which is then considered to be adequate obviously, and then a few months later to have the salary of that one and the same persons, to have it increased again substantially by the federal government must mean that they are now drawing a salary that was not anticipated at all by the government, by the former Attorney-General. So, my question then very simply is this: Doesn't the Attorney-General make any kind of inquiry to Ottawa as to what their intentions are with regard to the remuneration of County court judges? That's the first question.

The second is -- is there a mandatory retirement age for police magistrates; and conversely, is there a minimum age? I don't suppose that there is, but in view of some of the past appointments of the Attorney-General, I suggest perhaps there should be a minimum age for appointment of police magistrates.

MR. CHAIRMAN: 5 (a) passed.

MR. CHERNIACK: Mr. Chairman, the Honourable the Leader of the Liberal Party and the Honourable the Member for Brokenhead both referred to the Honourable Minister's comments about women in juries, and neither were inclined to press it further than they did, but I'm

(Mr. Cherniack, cont'd)... afraid that I too, had my attention flagged by the Honourable Minister's remarks, and I can't let the opportunity go just the way it has gone so far. I feel that the Honourable Minister should have a look at what he said, possibly tomorrow, and reflect as to whether or not what he said was a statement which bears repeating by him. I think he said that the task of being on a jury was not like a Perry Mason show but rather stern, important and demanding, and had no appeal. From that description, I think that he implied that it was not likely that a woman would want to, or -- maybe I'm putting words in his mouth when I say "should" participate in jury work. Well, I am glad he is shaking his head, because although I paid very scant attention to the news reports of the jury selection in Texas on the Ruby trial, I was yet much impressed by many of the answers given by prospective jurors where they indicated the seriousness with which they approached the problem as to whether or not they were qualified to sit on that jury; and I noted that women were interrogated and women seemed to take the position that they were prepared and felt able to deal with a matter, and I am sure that the women of this province would also -- not look forward, not seek out this type of work but would not reject it if they were given an opportunity to act on a jury, just as the men do, not with a pleasurable anticipatory attitude but rather one of a responsibility which they would not want to slough off. I hope that the 65 women to whom the Honourable Member of Brokenhead spoke today will make sure to let the Honourable the Attorney-General know their reaction to the thought as to whether or not they ought to sit on juries.

And he said that, Mr. Chairman -- there are two other matters that I would like to raise. I recall that last year the Honourable Minister and I had some disagreement about certain amounts -- dollars. As I recall it last year, there was some disagreement involving figures of either 30 million or 150 million, or some such figures as that. I have some figures to discuss with him today, and I waited with some patience for Hansard to come out to confirm to me some of the things I thought were said. And I'd like to refer to last night's brief discussion that I had with the Honourable Minister. It was very brief -- reported on page 901 of Hansard-- wherein I raised the question of the payment if disbursements to counsel appointed by the Law Society to act for indigent accused; and I suggest that Mr. Frank Allen, in his letter which was read at length here yesterday, had indicated that he did not feel sure that he would be repaid for the disbursements which he might feel bound to lay out, and I am quoted at the bottom of page 901 as saying "Well, then the Honourable Attorney-General suggests that the letter of Mr. Allen's is an unusual one in connection with what he says is to his own gambling on whether or not he'd be paid," and the Honourable Minister replied, "I'm sure, Mr. Chairman, if Mr. Allen meant by his letter that he was gambling on what the province was going to pay him, he was quite wrong." So, having received the Hansard, I looked back to page 893, at the bottom, and the quotation of the letter from Mr. Allen reads in part as follows: "In the only other murder case that I have conducted as a result of having been appointed by the Law Society, I hired and called as a witness a psychiatrist to whom a fee of \$100 was paid. The Attorney-General's department refused to compensate me for this, but did at the same time make an allowance of \$50.00 that I received over and above that they would normally allow." This seems to be some sort of contradiction as between what Mr. Allen said in his letter and what I understood the Attorney-General to mean as a reply to my question, and since both are people whose word I respect and who are honourable in this regard I'm sure that as between the two, one of them is correct and the other is mistaken, but innocently so.

But having raised this question of a difference between \$50 and \$100, I would like to raise another question involving money with the Honourable Minister and I waited with some impatience for Hansard of Friday evening to tell me just what was said then. I had asked the Honourable Minister about the results in the budget which might be found from the report of the committee on services for juvenile and adult offenders of the Community Welfare Planning Council. And in the Hansard on page 847, the Minister replied, very briefly, so that I can repeat what he said: "I have checked and certainly studied the report of the committee in the welfare report. In fact, Mr. Chairman, I can inform the Honourable Member for St. John's that he will be interested to know that our first calculation of the cost-- and it will be recognized that this is approximate only--of the recommendations that have been made, amounts to \$17,539,890. That figure has given us a little pause."

Well, Mr. Chairman, I suppose it gave them a little pause, because in the next paragraph the Honourable Minister says that in the Speech from the Throne there was reference to a new

(Mr. Cherniack, cont'd)... detention home, "and I presume" he says, "I presume that in part at least the answer to the question he has asked." Well, since he indicates that that answer is only in part I am now looking forward to the balance of the answer, because this report is made by a committee of very highly respected citizens who have received briefs from some 20 governmental and voluntary agencies in Manitoba, which met at great length and came up with a report of some 40-odd pages containing some 50 recommendations, most of which would be referred to provincial governmental action. And, according to the Honourable Minister, they have read the report, at least to the extent where they already have a figure, and although, as he says, the figure is approximate, yet it is a pretty exact figure if it comes to ending with the numbers \$890, because if it were \$10.00 more and be around \$900, then of course it wouldn't be quite as accurate. Therefore, I am forced to the conclusion that these figures, the \$17,539,890 can be traced back to a dollar for dollar accounting of the costs which are estimated here, and I therefore appeal to the Honourable Minister to make us all aware of just what these figures are, recognizing as we must that they can only be estimates, yet it would be of interest because I would have liked to have felt that before the figures of cost were calculated to this extent, that the figures of savings might have been calculated as well, so that there should be some comparison.

I would guess that if these recommendations are justified in some way, then surely there must be a suggestion made that the administration of justice might become a less costly one or that the administration of the jails or of the institutions of incarceration would be reduced in some way. I would hope so. I would hope that possibly the cost of crime as it is to society would be reduced in some way, and I don't think that we ought to allow ourselves to be frightened by a figure of 17 million and -- I needn't repeat the exact figure again; I'm sure my honourable friend knows it. So that I would like to feel that, rather than having what I think is a scare figure of 17 million and some dollars, we should be given the positive side of the values that are seen in this program, and I bear in mind the fact that in my opinion there is money in that budget that could be made available for much more than just that detention home, and I'm glad that the Honourable the Provincial Treasurer is here because he will no doubt be interested to comment on my suggestion that there is a very substantial amount of money set aside in the budget for an item which I think is called Floodways, Etc., of some millions of dollars, which could be 14 or 15 million -- I forget -- which I suggest to him will not be spent next year -- no, it's \$9,259,000 -- which I suggest will not be entirely spent and could be made available for necessary work. Now, I'm not suggesting that it'll be a terrible task to find the money. I'm suggesting that the Honourable the Attorney-General could make us familiar with the nature of these costs and with some idea of something that can be done about it and can be done this year, rather than wait for another budget period.

There is throughout this report a great deal of food for investigation, and I presume this report is available or could be made available to all members of this committee, but I want to take the liberty to read just little portions and excerpts from it which I think should be put on the record so that we will know what we have to aim at, and I am assuming, rightly or wrongly, that the people who presented this report are people that are fully responsible and are not making a rash statement. Well on page 8 I find the statement, the paragraph starting out: "In the matter of penal reform we are lagging far behind the improvements made in other programs of social welfare in Manitoba. There is as yet no properly constituted correctional system in this province. Some of the services for offenders are based on the concept of remedial treatment, but others are merely of a custodial nature. The presence of gaps in services often prevents the reformation of offenders who could respond to rehabilitative measures." At the bottom of the page, Mr. Chairman, -- "A positive step towards improving the correctional program in Manitoba appeared to be taken when the province appointed a Director of Corrections in 1957. However, this appointment did not carry with it the statutory authority to develop a comprehensive correctional program." Further, on page 9: "We recommend that legislation be enacted to provide the principles and the authority for the development of a comprehensive correctional system in the Province of Manitoba." I find on page 10 the sentence: "Because of these differences" -- which he deals with before that -- "we believe a special police youth detail with officers trained in problems unique to the juveniles should be established." I find on page 13: "However, the government should place much greater emphasis on expanding juvenile probation

(Mr. Cherniack, cont.d)... services so that more juveniles could be placed under probation and probation officers would have more manageable case loads." Further on the same page: "The somewhat lower salaries paid in Manitoba are undoubtedly a barrier to obtaining professionally trained staff. Salaries should be increased."

Mr. Chairman, throughout this report are most challenging recommendations which, as I say, cannot be set aside or brushed aside lightly with a scare figure of some \$17 1/2 million.

Sentence on page 17: "Since the 1955 report parole services have been expanded. However, staff shortages and their work with probationers' skills make it impossible for parole officers to keep sufficiently in touch with parolees." Page 18 -- and I say this, we note that the amount given to the John Howard-Elizabeth Fry Society is the same as it was last year -- on page 18 a sentence: "Although the John Howard and Elizabeth Fry Society was organized as a voluntary 'after-care' agency, it has so far limited its activities to working with adult offenders because of insufficient financial resources. An after-care service for juveniles is needed, and we recommend that steps be taken to meet this need." At the bottom of page 21, Mr. Chairman -- "If we accept the goals of rehabilitation as described earlier, then present facilities in Manitoba for the detention and classification of adult prisoners are completely inadequate to achieve those goals. Suitable detention and classifications of some of these for adult prisoners should be provided." On page 22, dealing with the courts: "In view of the importance of speedy trials, this is a matter of concern. In the interest of justice, we would recommend that cases be transferred to another court when there would otherwise be long delays in hearing of cases."

There is much more, Mr. Chairman, but I think I have already indicated the importance of this report on this entire question. I will only end with one of the matters with which I started, and that is, reference to what is said, in part, on legal aid. On page 23: "Nevertheless, it is reported" -- Oh, I might as well give the sentence preceding. "Instructions have been issued to all magistrates and crown attorneys to advise accused persons in need of free legal counsel. Nevertheless it is reported that there are some indigents appearing in court who are unaware of the Law Society plan. We are informed that some of these persons would have asked for counsel had they been advised by the court of the existence of the plan. We understand also that there have been instances of cases not receiving the attention they deserved, particularly because of shortages of experienced lawyers whose services are available under the plan. This may account for some accused not requesting the services of free legal counsel and going to trial without representation. One proposal made to this committee is that the Law Society plan be supplemented by a public defender system to handle the more difficult cases. The whole subject should be examined and re-assessed.

Now this committee was sufficiently responsible not to say that there shall or should be a public defender system, but this committee did indicate that in its opinion, the subject should be examined and re-assessed, and I must say, Mr. Chairman, that I am forced to the conclusion, based only on the answers that I heard from the Honourable the former Attorney-General last year, from the Honourable the present Attorney-General this year, that there is a feeling of satisfaction in connection with the nature in which free legal aid is being offered today. I have the feeling that unless prompted or prodded further, that there will be nothing done to carry out this recommendation that the question of legal aid be re-examined and re-assessed, and if I am wrong I'll be happy to discover next year that I was wrong; but I would hope that the honourable Minister will give this committee the benefit of his study, or that of his department, which must have gone on, in relation to the report which I think is a monumental contribution to the whole problem in this province and one which I am sure that the Minister is not prepared to brush aside. I think that we are entitled to know that not only is it being studied and studied seriously, but that it is being studied from the viewpoint of immediate action in those matters which can be dealt with now, and with a proper sense of proportion of the returns that one gets from the improvements that are suggested in relation to the costs which have been suggested to us. I am looking forward to knowing what these costs are, so that we -- I mean broken down -- so that we, and the committee which has given of its time voluntarily over a long period of time, will be able to assess and evaluate the costs which the Honourable Minister has indicated to us.

MR. PAULLEY: Mr. Chairman, surely the Honourable Minister is going to answer...

MR. GUTTORMSON: If the Minister wishes to answer I'll... Mr. Chairman, I have some figures here that I find rather disturbing and I'd like the Minister to explain to me the reason

(Mr. Guttormson, cont'd)... for them. During 1963, in the provincial police court, there were 170 convictions for persons charged with impaired driving, or having care of an automobile while impaired. During that same time, only four persons were charged or convicted of driving while intoxicated, which is two percent; which means that two percent of all those persons charged with impaired or drunken driving, were drunken drivers. Now in the same City of Winnipeg in city magistrate's court during 1963, we had a total of 340 convictions for impaired and drunken driving, a total, which that means 27 percent. I should give a breakdown of the figures, the drunken drivers, or have care while intoxicated, were 103, while the impaired convictions were 237, which means, Mr. Chairman, that 27 percent of all those persons charged for impaired or driving while intoxicated, were charged with a more serious offence. The point I'm raising that, why is there such a wide discrepancy in the handling of these cases in the same city. Twenty-seven percent are charged with drunken driving in the City Magistrate's Court. 2 percent in provincial police court. Now both courts deal primarily with the same general population, and I suggest that this is something that we should have an answer to. Now I'm not suggesting that the 27 percent is correct, or the 2 percent is correct. I don't know which, but there's certainly something very wrong, in my opinion, when you have such a wide discrepancy in two courts within approximately one mile of each other in the same city. Both these courts are administered by the Attorney-General's department, and I think that we should have an explanation for the discrepancy in these figures. Last year I raised a similar point. I had similar figures for 1962, and unfortunately when the Minister of the day he replied, he gave me a flipant answer and did not deal with the matter. I'm hoping that the present Minister will deal with this matter in a more realistic manner, and perhaps try to explain why there is this discrepancy.

..... Continued on next page.

MR. McLEAN: Mr. Chairman, while it is quite true the courts are under the jurisdiction of the Attorney-General, the police forces are not, in the area referred to by the Honourable the Member for St. George, and I am afraid that I can give him no help as to the basis on which the charges are laid. I think we would have to assume that the police forces concerned are carrying out their duties and responsibilities in accordance with the law; but in any event they don't report to the Attorney-General and I would be quite unable to assist him in any way in explaining the figures that he has given us.

Mr. Chairman, just a word or two to the Honourable the Member for St. John's, I'm so sorry that he has chosen to put the worst possible construction on the information which I gave the committee the other night. I did not give any figures with the intention of suggesting that it was scare figures. I'm always curious as just a fellow from the country -- apparently sometimes it doesn't pay to be frank and disclose what information you have. I only wanted to indicate to the committee the -- sort of the dimensions in terms of dollars and cents of the task of working with the report which has received the attention of a large group of fine people who have given it a great deal of time and attention. One of the things I didn't do, and I hope the members of the committee will not misunderstand this, was to give the breakdown and I looked at the wrong sheet. I gave the correct total to point out that our present estimate of the costs for capital amounted to 15.1 million just leaving off any odd dollars at the end, and the total annual recurring expenditures, for carrying out these tasks, amounted to 2.3 million dollars, the two of them making up the figure of 17.5 million which I mentioned to the committee. Now, Mr. Chairman, I would think that any off-the-cuff decision that I would have made by this time, would be quite valueless to this committee, and more particularly quite valueless to the Province of Manitoba, and even though the Honourable Member may be distressed that final decisions have not been made as to action to be taken, I must say that, in my opinion, it is well that all these measures be considered very carefully.

It may be of interest to him to know that even those who prepared the report, are not fully -- I gather don't believe that their task is completed because they are only now in the process of appointing what is called an action committee, to further study and develop their own proposals in the reports. In the meantime, the Honourable Member has my assurance that I've read the report through several times. I understand that for the time that I'm in my present post, that it's up to me to come to some conclusions about priorities and how to proceed, and I intend to do so. I did say the other night that, of course, capital provision was being made for the detention home, and that's correct. It is. That decision has not been made as a result of this report. That recommendation was a fairly obvious one for the committee to make, and those of us who have had some responsibilities here were aware of this need of course, and provision is going to be made.

Now with regard to Mr. Allen's letter and this matter of disbursements, I don't want to get into any discussion about that, except to say that unless the Honourable Member is able to give me the name of the case or the person to whom reference was made, I can give him no explanation for the comments made by Mr. Allen, nor do I know if the comments were correct or accurate in the particular case. If he wishes on some occasion to give me the details, I shall certainly be glad to get them.

With respect to women on juries, Mr. Chairman, in the face of the views expressed by the Honourable the Member for Brokenhead and the Honourable Member for Seven Oaks, and the Honourable Member for St. John's, and in accordance with what my wife has always told me, I certainly am prepared to withdraw from those terrible statements I made and to say that I will be quite in favour -- quite in favour, of women being on juries. In fact, I am just thinking that maybe we ought to have an all-women jury on some early case, just to show that my heart is in the right place.

With regard to the retirement age for magistrates, I think that we have no official retirement age, although for those magistrates who are "full-time", they would normally retire under the retirement provisions of the Civil Service, and that would be age 65, subject to any extensions that may be granted. For magistrates who are part-time magistrates, there is no age limit, and there is no policy. It's not like the case of County Court judges, or Queen's Bench judges, where there is a fixed retirement age in their cases; of course the age of 75. I believe that my colleague, the Honourable the Minister of Mines and Resources is prepared to explain

(Mr. McLean, Cont'd.) . . . to the committee, Mr. Chairman, the consultations which were held with the Minister of Justice at Ottawa, at some considerable length, before the increase was made in the salaries of the county court judges for the duties which they perform as judges of the Surrogate Court.

MR. CHERNIACK: Mr. Chairman, if I might thank the Honourable Minister for his comments, the remarks he made regarding the letter from Mr. Frank Allen should have indicated to him that he knows as much as I do, because all I did was read the same letter that was read to us, and I think if Mr. Allen is interested enough in knowing the extent to which his name is discussed here, maybe he will get in touch with the Honourable Minister, and he will look after his own claim for \$50, and not even pay me a commission if he collects it. I do want to suggest that the remarks about having an all-woman jury are almost as bad as the remarks about not having a women's jury, because one doesn't get juries on the basis of whether they -- of what their sex is, but rather on the basis of the contribution they can make to the administration of justice.

Finally, I want to say that I'm a little bit appeased by what the Honourable Minister said on the question of the report which I read. I think again that the remarks that he made on Friday were pretty casual and almost appeared to slough off the effects of the report. I am glad that he gave some indication today that it is receiving the attention that it deserves, and I am still looking forward to the results.

MR. PAULLEY: I was greatly interested in the remarks of the Honourable the Attorney-General, particularly in respect of the amounts of money that would be required in his opinion, or in his department's opinion, to institute those things that have been recommended by the Community Welfare Planning Council Committee. If you recall, last evening, just before we rose, there was a slight discussion between the Honourable the Provincial Treasurer or First Minister and myself in respect of what is being done in the Province of Manitoba on forwarding the desire in treating our juvenile delinquency and the whole problem of juvenile and adult delinquency.

If you recall, Mr. Chairman, I suggested to my honourable friends opposite that they had just taken a few feeble teensy weensy steps, and this seemed to rouse the ire of the Honourable the Provincial Treasurer, who stood up in rebuttal and gave us a long history -- although it wasn't long in the space of time -- of what the present government had done -- (Interjection) -- Oh, I loved to hear it, Mr. Chairman. I loved to hear it -- but it wasn't the answer to the still problem that we have before us here in the Province of Manitoba. My honourable friend, the Premier of the Province, with great gusto, as he's quite capable of displaying, did indicate to us that some steps had been made in slum clearance long overdue, even for a young vigorous government such as they presume that they are and some of us on this side doubt. He also, with just as fervent gusto, informed us that some housing had been provided for others that were not in receipt of it previously. But, Mr. Chairman, I still think I am correct, when we take a look at the figures and, as I mentioned last evening, I did not have the remarks of the Honourable the Attorney-General of the amount that he suggested that the implementation of the report of Welfare Committee would cost the people of Manitoba before me. I do now. Approximately \$17 million -- and what are we spending in the Department of the Attorney-General this year? Approximately \$5.7 million. And how much of the \$5.7 million is going towards the provision of those services and recommendations of the Thompson Committee? I would suggest a very, very little; so I think that when one couples the report of Hansard of last Friday evening with the explanations that have now been given by the Attorney-General, that my remarks of yester-evening of teensy weensy steps on the part of the government have been substantiated without any question of doubt.

The Honourable the Attorney-General was not able to give any concrete answer to my colleague for St. John's as to how he arrived at his estimate of 17 million. He did mention something to the effect, Mr. Chairman, that he arrived at it by a figure of \$15.1 million, if I jotted his figures down right for capital expenditure; \$2.3 million for the servicing of the capital expenditure. But, Mr. Chairman, the recommendations of the -- what we will call the D. A. Thompson report -- had but very little insofar as capital expenditures are concerned. It was dealing with the necessity of new programs, increased services in the field of juvenile delinquency, probation and parole. As a matter of fact, I think the only reference -- in this I may

(Mr. Paulley, Cont'd.) . . . be wrong -- but as I read the report, the only reference to the D. A. Thompson report insofar as a capital nature is concerned, deals with the question of the location of a new Home for Boys, in which the report mentions on page 16 that when establishing a new Home for Boys we would question the advisability of retaining it at Portage la Prairie. There is an advantage to locating the Home in the Winnipeg area, where more supporting agencies and services are available. This is what the Thompson report had to say in respect of the expansion -- (Interjection) -- centralization where services are available. And I can well imagine, Mr. Chairman, why I receive the interjections of my reactionary friend from Lakeside in respect of this matter. I have listened to them for a considerable number of years.

But, Mr. Chairman, I would suggest to the Honourable the Attorney-General that the answer that he has given is not sufficient, and I want to commend even further the committee that made this report, comprised as they were, Mr. Chairman, of leaders in the community life; and I don't think that they have been mentioned in this committee as yet as to who they were, for the committee was established with the approval of the Attorney-General, Sterling Lyon, Q. C. -- the previous Attorney Lyon. The chairman of the committee was D. A. Thompson, Q. C. Other members were N. Elliot Rodger, Vice-Chairman; Most Reverend Howard Clark, Archbishop of Rupertsland, a primate of the Anglican Church of Canada; Reverend Gratten Feehan of the Roman Catholic diocese of St. Boniface; Samuel Goodman of the Winnipeg and District Labour Council; Mrs. Leslie Hancock, representing the Winnipeg Council of Women; the late Abram Kravetz, Chief Rabbi of Winnipeg and Western Canada; Rabbi Philip Shnairson, of the Council of Rabbis of Winnipeg; Mrs. S. P. McArton, of the Manitoba Association of Social Workers; W. Scott Neal of the Winnipeg Chamber of Commerce; J. A. Scollin, a member of the Law Society of Manitoba; Mrs. O. W. Struthers of the Manitoba Provincial Council of Women; and Alderman Edith Tennant of the Council of the City of Winnipeg. And I would suggest, Mr. Chairman, and I'm sure that the committee would agree, that each and every one of these people were very responsible people. They were not spendthrifts and were only concerned with what is needed and desired for the treatment of delinquents both at the juvenile and adult level in the Province of Manitoba. But to me, Mr. Chairman, it's very significant what the Honourable the Attorney-General said this evening, and this is the point which we in this corner have attempted to establish. And the point that I'm referring to, Mr. Chairman, is the fact that the Honourable the Attorney-General said that this group have formed an "action committee" to endeavour to see that their propositions are enacted here in the Province of Manitoba.

MR. McLEAN: I didn't say that.

MR. PAULLEY: Oh yes you did!

MR. McLEAN:

MR. PAULLEY: Then why -- my honourable friend the Attorney-General, Mr. Chairman, said he didn't say it. Then what does he mean by an "action committee"? -- (Interjection) -- The only necessity for an "action committee" is to prod the government into accepting the recommendations as laid down -- the fifty of them -- in this report. And these people whose names I have now read out I'm sure, Mr. Chairman, are not members of the New Democratic Party, although I welcome them and I welcome their advanced thinking because it coincides with ours. They feel that it's necessary to have an action committee to constantly prod the Attorney-General, the Provincial Treasurer, until such times as those items and recommendations which they have made in this report are enacted or established here in the Province of Manitoba. And I want to assure the Attorney-General and the First Minister of this Province and this committee, that because none of these people are able, by virtue of not being public representatives, to be able to stand in this House and prod the government, that they will find champions in some of us in this corner, and we will not rest

MR. McLEAN: This corner too!

MR. PAULLEY: Ah, "this corner too," my honourable friend the Attorney-General says, Mr. Chairman, and I have no doubts -- I have no doubts whatsoever, Mr. Chairman, that -- if we wait long enough -- if we wait long enough if we have the patience of Job, and two or three succeeding elections, then they will be adopted by my honourable friends opposite. But I want to say, Mr. Chairman, that we will not be satisfied with this type of activity.

Now I want to ask, because I see no reference to it in the estimates of the Attorney-General's

(Mr. Paulley, Cont'd.) . . . Department, I want to ask in conclusion a specific question of my honourable friend. The Throne Speech mentioned appropriations for the erection of a new detention home, I presume in the Greater Winnipeg area but I may be wrong in this assumption, but the Throne Speech definitely did mention a new detention home would be built. In the lack of any evidence that I see, I would like to ask my friend the Attorney-General or the Provincial Treasurer what will be the appropriation for this new home; where will it be built; and will the government, if it's a new home for boys, a detention home for boys, whether or not the government will be taking into account the recommendation of what I call the D.A. Thompson committee that it not be a further extension at Portage la Prairie.

So in conclusion, Mr. Chairman, I want to say to my honourable friend the First Minister, when I was speaking last evening of teensy weensy and he added on the adjective "deensy" footsteps, I don't think that I was too far out, for I repeat, the Honourable the Attorney-General has said the implementation of the recommendation would be about \$17 million, of which he says it's mainly capital, and we have before us estimates for the department of about \$5.7 million. One more question -- it just came to my mind. Is there provision in the estimates that we have before us for increases in salary to our probation and parole officers as recommended by the report to at least bring the salaries of these persons up to the medium which is being paid in other jurisdictions, or are those who are concerned with parole and probation here in the province of Manitoba still going to be on the bottom of the totem pole insofar as wages are concerned?

MR. LYON: The Honourable Member for Brokenhead raised the question to which the Attorney-General gave notice that I would attempt to answer with respect to the increase in emolument to the county court judges which was voted at the last session of the Legislature. I believe the essence of his question was because of the subsequent changes that took place in these salaries from Ottawa, that is the portion paid by Ottawa, that this indicated that there had been no consultation between Ottawa and this province with respect to salaries. I merely rise to assure my honourable friend that before the bill was introduced in this House last year raising the provincial portion of their emolument, I believe the figure was to \$3,000, that I definitely was in touch with the then Minister of Justice, the Honourable Donald Fleming. There was an election which took place I think some time after our bill was passed in this House -- a change of government at Ottawa -- that government saw fit to increase the salaries of the superior court judges and the county court judges and we were not consulted about that, but I did want my honourable friend to know that before our bill was brought in and passed, this consultation did take place. The other increases came along after, and we didn't know about them until they came along.

MR. SCHREYER: Mr. Chairman, I'm sorry. I take it that it was an unco-ordinated increase but through no fault of my honourable friend.

MR. CAMPBELL: I would like to ask the former Attorney-General, Mr. Chairman, what had been the result of the discussions that he had with the then Minister of Justice at Ottawa? Had they been planning on an increase for the judges?

MR. LYON: No.

MR. CAMPBELL: No increase?

MR. LYON: No.

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MR. ROBLIN: Mr. Chairman, I would like to resume the dialogue that my honourable friend the member for Radisson and I began last evening in connection with this general question of the best public policy that can be devised and fitted in to the general budget of the province with respect to this whole question of crime prevention and particularly as it affects juvenile delinquents, because there's no question in my mind that this is a very important subject, and I fully respect the rights of all members of the House to raise points of criticism with respect to what the government is doing and in particular to bring to the attention of the committee the report that has been the subject of much of our discussion tonight.

I really don't think there is any difference in principle among any of us here with respect to our desires in connection with this particular matter. I think, however, that one has to fit the perfect into the possible, and we should never let, as I'm very fond of saying, we should never let the perfect become the enemy of the good, and if we cannot or do not do all the things that are suggested to us at once in connection with any field of public responsibility, that really doesn't mean we're disinterested. It really doesn't mean that we may even disagree with the people who make the recommendations. It does mean, however, that we have the task of fitting all these demands from all points of the compass into the total demands that we make upon the goodwill of the people of Manitoba in raising our revenues.

And not only that, we have to make judgments as to what comes first, and really in dealing with so many of these matters you get not into an argument about desirability, you get into an argument with respect to priorities, and those are the places where we bog down. Anyone who has had the responsibility of trying to divide up a budget of \$151 million or any fraction of that large sum among the various responsibilities of provincial government will clearly understand the kind of problem which faces us when we make decisions in respect of the amount of money for example that we're going to spend in the Department of the Attorney-General. Now I know that we should really be discussing this item some place else, either on the Minister's salary when it came up because we're all over the lot here, but we can't really avoid it when we get talking about this report that is before us and I think perhaps it would be in order for me to make a few remarks about it.

First of all, and I can say this, this report was prepared with the full knowledge, understanding and co-operation of the government of Manitoba. In other words, we feel that in a sense we are partners in the preparation of this report. We felt it would be wise to allow people who are not saddled with the responsibilities of the government to have a free reign with respect to what they saw and did and what they discussed, but our services, our facilities were freely open to this body and we have no apologies to make for that whatsoever.

Now this report is a valuable document and it certainly is going to bring to the attention of the public many of the ways in which we can improve matters in connection with this whole field of the Department of the Attorney-General. In the report, if you will look at the recommendations, you will see that quite a number do refer to very large capital investments indeed, and if members will take the trouble to turn to the recommendations which are on Page 41, they can see what some of these capital recommendations are. If you look at item 4, "The facilities of the court should be separated from the police facilities or so organized as to ensure a maximum disassociation of the judicial function from the police function." Now that is a recommendation which I think we would find some agreement in, but it calls for a great deal of new facilities in the way of capital construction that we do not have. To carry this into effect, a considerable program of construction will be called for.

Looking on page -- the next page of recommendations -- Page 8, "A new provincial detention home for juveniles is urgently required to replace the unsatisfactory facilities at the Vaughan Street Detention Home." That's been the subject of many discussions here. That is the item for which a sum of \$1,200,000 will be asked for in the capital estimates. That is the first major project with respect of the recommendations that this report talks about that will be undertaken. My honourable friend has explained that this is something that has been before us not just on this occasion but on previous occasions, and we have now come to the stage where we feel we can recommend that this project be proceeded with.

Then there is the request for a new home for boys, and a very sound argument is put out for the establishment of a new home for boys. But members recall what it cost us to build the new home for girls which we did a few years ago, something in the neighbourhood of a million,

(Mr. Roblin cont'd) two million dollars -- a large investment. That too will have to be considered in its correct order of priorities with respect to all the functions that we are called upon to perform.

Recommendation 11. "A correctional institute for juvenile offenders from northern Manitoba should be established in the north in a similar manner to the new jail for women at The Pas." There again, you have a considerable capital investment that will be required. Turning over to recommendation 27, "Suitable detention and classification services for adult prisoners should be provided." We would like to do this. One of the things that is holding us up is not only the money involved but the fact that for years now, in fact it's trying our patience -- it must be trying the patience of other people as well -- we have not been able to come to a conclusion with the federal government with respect to the Fauteux report. Until we do that we are reluctant to proceed with this matter because if the Fauteux report is implemented, it may not be necessary for us to make a new investment of this sort but we can convert some of our present facilities in respect of this matter. Maybe we can, maybe we can't, but this is one item which is closely related to the decisions on the Fauteux report.

Now I have been to a number of Dominion-Provincial conferences and at every one we have asked for implementation of that report, and I shall do so again on March 31 of this year.

A MEMBER: Want some help?

MR. ROBLIN: Well, I'll be glad to have my honourable friend help because I think it's time that matter was settled. Either they're going to implement it or they're not. And if they're not going to implement it, then we're going to have to struggle on as best we can, but I think that it is sensible for us to do everything within our power to get a decision. Now we're trying to do that.

Turning to Page 32 -- Recommendation 32 -- "New facilities for the care and treatment of women prisoners should be provided to replace the Women's Jail at Portage la Prairie." Well I'll agree that the Women's Jail at Portage la Prairie is no rest home. It's a jail and it may very well be that it should be rebuilt and replaced, but that is not a recommendation which one regards as outrageous. It is probably something that has a degree of importance but it has to be fitted in with the other capital requirements or other demands for money that the provincial government has.

Then again, No. 40. "Minimum security annexes at Headingley Jail should be expanded to provide for recreational and educational facilities." We've already done that once. Members of the committee know that we have expanded the minimum security regulations at the jail at Headingley and that we have improved the recreational and educational facilities. I'm not claiming that we've done everything that might be desired in a perfect world but we have done something there, and we have to fit this new demand for increased facilities there into the rest of the various requirements that we have.

Now it's not necessary to go through every recommendation and analyze it in this way, but a mere recital of those recommendations that I have mentioned will indicate to the committee something of the financial obligations that we will have to assume if this report is to be implemented in full at once. Now I think that this report, like so many other things that governments are called upon to do, have to be examined from the point of view of priorities within the Attorney-General's Department and then again priorities within the government as a whole. It was our decision this year that the first priority under this report should be -- in connection with capital construction -- should be this new detention home of which we spoke, and we are prepared to recommend to the Legislature that this large sum of money be appropriated for this purpose, and as time goes by and as we are able to do these things, we are going to do our very best to implement, in what we deem to be a suitable order of priority, the recommendations of this very valuable report. So nobody is down-grading it. Nobody is ignoring it. It's being considered as carefully as we can, and we're doing our best to fit what improvements we can into the financial structure of the Province of Manitoba.

Now I want members to recognize that these jails have to compete with the hospitals; these jails have to compete with the schools; these jails have to compete with the universities; these jails have to compete with all the various social responsibilities which are placed upon the government of the province, and while I don't dispute that members have a right to take a different view of the priorities that we do, and I don't dispute that members may call upon us

(Mr. Roblin cont'd) to spend more money in a particular priority than what we actually happen to be doing, nevertheless, we have the responsibility of trying to find the best order in which these matters should be tackled; and we are going to approach that report in that way, and as far as follow-ups are concerned on the part of the Welfare Council, I know the Welfare Council and I know the people on this report well enough to say that this is standard procedure. The Welfare Council don't let us forget any of the recommendations that they are interested in, quite properly so, and they take upon themselves, I think, a legitimate public function in reminding us from time to time what they think, where they think we may be wrong in our priorities, or wrong in our assessment of what we should be doing from time to time.

So let's not approach this from this sort of attitude that we don't appreciate this report, or that we're ignoring it or down-grading it, or don't intend to do anything about it. Because that isn't true. We're going to do our best to proceed with the recommendations in what we think to be an appropriate order of priorities, and we trust that our decisions in this nature will carry the judgment of the people of Manitoba, because you have to fit what you are going to do about the administration of justice into all these other things that are going on. I don't know why I should have to say this, because I'm sure that members of the committee understand this just as well as I do. And I don't object to my honourable friend or anyone else opposite saying 'get along a little faster.' I don't object to them saying 'you should be doing something that you're not doing this year.' That's what we have oppositions for. But I want to explain to them the fact that these must be fitted into the total priorities which are placed before us, and our obligations to spend in an appropriate manner the very large sums of money that we collect from the taxpayers of this province.

Now another thing that I want to do while I am on my feet. I want to give the committee some idea of the progress that is being made, and I do not say this because I want anyone opposite to stand up and congratulate us when I'm through. I'm not saying this because I believe that I'm going to present some perfect record to the committee which they can applaud, but I do think that it is useful from time to time to just see where we come from, and just see what we have got in these various fields, most of which are fields which have been touched upon in the details that are given to us in this report. And just let me give you this record of progress in this department, and I think that if I do that, I have some grounds for saying that having made this progress so far in this field that it is legitimate to expect that we continue to make progress as we are able to do so, and as the financial resources of the province allow us. In dealing with this, I want first of all, to make reference to the fact that, in writing this report, the authors made the very important point that what they are talking about has to be looked at in the context of the whole of the social spectrum -- the social welfare spectrum in the Province of Manitoba. They told us quite rightly, that it isn't good enough to say "I spent more money on jailers", or something like that, or "we built a new jail to keep all these criminals in, that come to the surface in this particular province." They tell us that it's necessary as well, in fact more important, to go back to the basic principles of family life, of public education facilities, of welfare facilities, and of the services that we make available to families, to try and minimize any problems that were likely to arise in this field of social conduct. And I think that's right. And I'm going to give you some figures on what has been done.

I think first of all you have to look, as I say, at the whole spectrum of human resources, and I think they all have a bearing on one another, and if you take what we have spent on education, health, welfare, and in this particular computation labour happens to be thrown in, though perhaps it's not germane to this discussion, you can discount that; but in the last five years, our expenditures in this social field, this field of human betterment, this field of human resources has risen from \$42 million to \$92 million. From forty-two million, that's \$50 million, \$50 million, in the last few years. That's an enormous increase, and on one hand we're berated because we're spending so much, and we're berated because we've had to raise the gasoline tax and the corporation tax and income tax, and things like that, and it's true, we have -- (Interjection) -- Well you'll have to wait -- sales tax on tobacco if you want to call it that way. Well, these things have happened, but they have provided, among other things, the sum of fifty million dollars, and that has been the increase that this Legislature has authorized in this grand field of social welfare. So I give you that as a background of the sort of thing that has happened.

Now let me give you a few particular items that have a bearing on what's said in this

(Mr. Roblin cont'd) debate. The item mentioned the other night that there has been steady expansion in our facilities, there's been a new home for girls constructed, and we talked about that. I told you that there's been improvements made in Headingley Jail for these minimum security regulations. Everybody knows that we've established a number of work camps, rehabilitative work camps, for prisoners with short sentences, or would be usefully sent to a work camp in order to give them better habits to facilitate their re-entrance into society. Everybody knows about that. Those things have been done. Everybody knows that there have been two increases, apart from the regular increments in salaries, two general pay increases for the probation officers, indeed for all the civil servants who serve the Government of Manitoba, and they have not been neglected. Everybody knows that we have expanded the services in relatively minor ways, but important ones, in the establishment of a full time psychologist, in the Attorney-General's Department, in classification officers at Headingley Jail, in chaplains at Headingley jail, and that there has been a general increase in all those various types of expenditures and services in this respect.

Now let me give you some assessment of some of these improvements in terms of dollars and cents. Now I said last night, and I say again, that isn't the only way to measure these services, but it's helpful, because they either indicate that we are giving support to more people at a higher level in the general society, or that we have more employees working for us in connection with this matter. Now take one important field that has a bearing in respect of the whole question of crime, and the whole question of delinquency and that kind of thing. The improvements that have been made in psychiatric services in the Province of Manitoba. Four or five years ago for the out-patient services for psychiatric institutions, we spent \$125,000, and we employed four persons. Now we're spending over \$1 million and we're employing sixty-six persons to help people adjust to society. Some of those perhaps are being helped who might otherwise have been problems in this particular field. There has been a tremendous increase in that particular aspect. In the Child Guidance Clinic, we had twenty-seven people working in the Child Guidance Clinic. There are now thirty-six. Maybe there ought to be a hundred and thirty-six. I won't debate that, but I will say that some substantial improvement has been made in staffing that clinic and providing services for children who need it. In the field of -- take the grants of the John Howard Society -- \$12,400.00. Not much you say. Well it was \$5,000, and it's more than doubled in this period. Perhaps it should be more, but at least it isn't \$5,000 any more, it's \$12,400.00. Take the juvenile and family courts and the probation and parole services. Extremely important. Everybody urging us to do more. I think that's a legitimate thing that we should be urged to do more, but a few years ago we were spending \$156,000 for this purpose. We're not spending \$421,000, mostly for salaries of new probation officers. We are continually expanding the probation service. More money is being asked this year for this purpose. I don't claim perfection because it's gone up from \$156,000 to \$421,000, but that is quite an improvement over the period. Take our detention homes. Our detention homes were costing us a few years ago, \$389,000.00. That's what we spent on detention homes. One of the important facilities in this department. We're now going to be asked to spend \$775,000.00. Again, the world won't come to an end on this account, and we don't think the millenium's been reached, but that's a pretty substantial increase in that period. Then again, in ward maintenance which has to do with children, making sure that they're supported in foster homes, making sure that the Children's Aid Society and others have money and people to deal with the case-load of children who need the kind of care which only the state is today in a position to supply. A few years ago we were spending \$235,000 on ward maintenance. What are we spending now? -- \$1,887,000 on ward maintenance. Again I don't suggest that perfection has been reached, but that is an improvement, and I think the committee's entitled to take note of that. Children's Aid Society -- they were getting \$235,000.00. This year we are asking for \$666,000 for that particular purpose. In total, the Department of the Attorney-General last year, as members can see by looking at the book, got about \$5 million. This year we're asking for over \$5,700,000 for the same department. That's an increase of \$700,000 in one year. Add to that the \$1,200,000 which will appear in the capital estimates, and you get an increase of getting close to \$2 million in one year appropriated for this department over the 5 million that they had on the previous occasion. Again I am not going to make any claims in this committee that this represents anything about which we can expect to be satisfied about.

(Mr. Roblin cont'd) I want to make that clear. I'm not satisfied with that. I don't suppose any member is satisfied with it; but I do say that when you consider progress has been made in recent years and the financial responsibilities that we had, that we can present to the people of Manitoba a fairly substantial record of improvement. A few years ago there was nothing spent for physical fitness, and for all that that involved. Youth sports activities and extra curricular activities throughout the Province of Manitoba. There was no policy for that a few years ago. Now we are spending, as members will know, over a hundred thousand dollars in this particular field. And you can go on, over the whole range of the estimate. In the general administration of justice, we were spending \$661,000 a few years ago for jails. It's now \$1,338,000.00. I don't know whether anyone should be very happy that we're spending twice as much on jails now as we were in 1958-59. I don't think that's really a cause for much congratulation, except to say, that it does indicate improved facilities as far as they go, it does indicate increased staff, and it does indicate the increasing size of the burden for the management of jails which the people of this province are expected to shoulder.

Now, in Enforcement -- \$750,000 up to over a million; our police courts from \$104,000 to \$224,000.00. Many of these increase are on account of staff. We had 123 people running our jails a few years ago. We now have 210. Some of those are there for reasons apart from the plain custody of the prisoners concerned that have to do with the efforts that we are making to assist them in making some kind of rehabilitation of their lives. And I've given you the figures for the Probation Services and for the Juvenile Detention and Correction, and you know the figures for the overall Administration of Justice. And we have been supporting on a far more generous scale than ever before institutions like the Knowles Boys' Home, the Home for Girls and the Home for Boys, the Hugh John McDonald Hostel, the Roslyn House and all that kind of thing. The Salvation Army, for example, are getting \$20,000 this year to look after people who drink too much, and that is one of the big problems in the crime prevention field. There was none of that money available a few years ago. It's a drop in the bucket, you may say, but nevertheless it indicates the steadily increasing demands that are being made on the taxpayers of Manitoba to try and provide these services that are necessary for this field of public activity.

Well, I don't think I should burden you any more, Mr. Chairman, with figures of this kind or with any further statement on this whole deal. Suffice it to say that in terms of dollars and in terms of the number of people that we are employing in this general field that the Attorney-General is responsible for, there have been very substantial increases in my opinion in the last few years. I sincerely hope that that trend will continue, not because I want to see crime continue, but because I want to see the probationary, the parole effort, the methods of dealing with young children and with young men and women before they get into the crime channel so to speak -- I want to see all those facilities improved. I take second place to nobody in the House with respect to my hopes in this field, but I come back to the same point, that this year we are actually going to spend in the Attorney-General's Department, not the \$5 million we spent last year, but something closer to \$7 million when all is taken into account; and I say that when you compare the needs of other public services that have to compete with the services of the Crime Prevention and Detention section of our activities and all that kind of thing -- when you understand the other demands that are on the Treasury and the people of Manitoba -- then you have some appreciation of the problem; and I know that members in the Opposition are entitled to ignore that, and I'm not complaining about that. They're dealing with one particular point that's before the committee right now, and they can beat the tar out of it. That's their game. That's the way this committee operates, and I have had enough experience in it not to have any objection to that kind of thing, but I think that the public at large are entitled to know the general picture in which we have to operate, the increases -- the substantial increases that have been made in recent years; the substantial increase planned for this year -- and also to know the desire of the government to, as far as its budgetary position will permit, to continue an expansion of these services where we think they will do good to people. We're not particularly interested in keeping people in jail. We're much more interested in trying to deal with the root causes of crime. I doubt, however, whether any government will ever succeed in perfectly accomplishing its aims in this field, because we are dealing with a segment of human nature which largely falls without the scope of government, which largely depends upon family life, the general atmosphere of the community and all that kind of thing; and I don't

(Mr. Roblin cont'd) think any member disagrees. We have our sector of responsibility. While we don't move fast enough to suit the Honourable Member for Rhineland, I think we can fairly say that we have made substantial progress in the years, we plan to make progress this year, and I'm morally certain that we will continue to make progress in this whole field of the Attorney-General's estimates.

MR. PAULLEY: Mr. Chairman, it was quite interesting to listen to the remarks of the Honourable the First Minister. You know, comparisons are rather easy to make. I remember it wasn't so many years ago as time flies, that the producers of eggs -- I don't mean the chickens -- were getting eight cents a dozen for them; when you could buy a pound of butter for 15 cents or a beefsteak for 25 cents a pound. So one can use figures to substantiate any argument that one wants to substantiate. And I don't think anybody in this committee, Mr. Chairman will dispute that there has been progress made in the Province of Manitoba in the past few years. But what I do dispute, Mr. Chairman, is the flippant manner in which my honourable friend the Provincial Treasurer uses figures. --(interjection) -- Yes, flippant. We had a discussion the other day on how he manipulates his budget. --(interjection) -- No, I'm not -- oh, I -- no, I'm not anticipating it. I'm awaiting most -- with great interest, your rebuttal, but I suggest, Mr. Chairman, there's one part of the rebuttal that even such a well-qualified individual as my honourable friend, the First Minister of this House, will find it very hard to overcome, and that is the fact that in the estimates in the Department of Agriculture and Conservation that there was a surplus of \$4 millions created as the result of figures that were proposed to this committee a year ago. And I also suggest it is likewise this year, and I have said so; and I suggest to my honourable friend that while he took us on a Cook's Tour all over waterfronts of what his government has provided in the field of education, the field of hospitalization, social services and the like, that it didn't draw the tears to my eyes that the Honourable the Provincial Treasurer hoped that it might, because while he can use figures, he still has got figures in his estimates of this year, and I refer back again to the floodway. He admitted the other day that he is going to have -- not he, but the taxpayer of the Province of Manitoba -- is going to have to subsidize the federal government in respect of the floodway. I raised the point that the contribution from the Federal treasury was going to be \$5 million in respect of the floodway. After these figures had been raised by myself in the House, my honourable friend gets on the wire down to Ottawa and I don't know what happened, who he got in touch with, but he found another two million for him. It's now apparently been announced from Ottawa that the \$5 million has been increased to \$7 million -- still short however, Mr. Chairman, of the \$11.7 million that is provided for within the estimates.

MR. CAMPBELL: Mr. Chairman, would you announce to the committee what item my honourable friend is discussing at the moment.

MR. PAULLEY: What I am dealing with, Mr. Chairman

MR. CHAIRMAN: but I was hoping that he'd come to this point soon.

MR. PAULLEY: Mr. Chairman, my honourable friend the First Minister was privileged without interruption by the ex-premier of this province, which is all for the betterment of Manitoba. My honourable friend the First Minister toured the waterfront insofar as the finances are concerned, and I'm attempting to only give one illustration of where I would suggest that monies might be forthcoming to implement to a degree the recommendation of the Thompson report. I know my honourable friend and many in the area are quite concerned of the building of the Red River Floodway. We have a target goal -- I believe it is 1968 -- for the completion of the floodway. But I will suggest that if it comes down -- and this is a point that my honourable friends made -- as to a proper area for allocations of funds, I will suggest to my honourable friend that a more proper allocation of the funds available in the Province of Manitoba should be in the field of human endeavour and the Attorney-General's Department, rather than subsidizing the federal government in respect of the floodway at the present time. And this is my point, Mr. Chairman.

Now then, my honourable friend was talking of staff increases. I have here, Mr. Chairman the staff counts over the years in the Attorney-General's department. My honourable friend the Provincial Treasurer is perfectly correct when he says that we have had to make provision for increased staff in the various departments of the Attorney-General's department. But what my honourable friend did not tell the committee, Mr. Chairman, that the greatest

(Mr. Paulley, Cont'd.) . . . increase in staff has been in personnel required to retain in confinement law-breakers in the Province of Manitoba, and the whole essence of the Thompson report and the whole argument that we're attempting to make in this corner is that if the emphasis was on prevention and not detention, then the dollar of the taxpayer of Manitoba would be better used. And this is where this government is failing, because Mr. Chairman, if one reads the opening paragraph of the report of the Thompson committee, it says this: "The committee on services for juvenile and adult offenders was appointed by the Community Welfare Planning Council in September 1961 to bring up-to-date the 1955 report." Now then, six years passed between the 1955 report and the time that this committee started on the new report, and Mr. Chairman, I suggest to my honourable friend the First Minister, if those things that he's tried to outline to us this evening had been accomplished, it wouldn't have been necessary for the committee to start back in 1955, but they could have started from the year 1961. That is what we are desirous of here in this group.

Again, the emphasis should be laid and stressed, not as my honourable friend the First Minister says on the increases in staff for confinement, but an added incentive in the field of prevention and then, and only then may I suggest, Mr. Chairman, will the expenditures for the Attorney-General and the Province of Manitoba start showing a decrease.

MR. ROBLIN: Mr. Chairman, I would like just to -- well, go ahead, I don't want to monopolize it.

MR. HRYHORCZUK: Thank you. Mr. Chairman, I'm glad to see that at long last I have some support from that corner in the field of prevention. I've been talking prevention for quite a number of years now and until this year I haven't had that support, and I'm certainly glad it's coming from there and probably it won't be long before we'll get it from across the floor of the House also.

There is no question about the fact that this government is spending considerably more money than it did four or five years ago, or one year ago, and that is true of all the services of government. It doesn't make any difference whether we're in this department or some other, we'll find that the estimates, the cost of the government is continually on the increase, and there would be something drastically wrong if we could start the trend the opposite way. But the point remains, Mr. Chairman -- and this is what the government does not seem to grasp -- the fact remains that if we took the total number of offenders under probation in our custodial institutions and in the after-care agencies, we would find that the numbers of our offenders have about doubled in the past six years. Now what does that indicate to me? That indicates to me that in spite of the additional custodial institutions, in spite of everything that the government has done, the end result has not been what we would like to see, and I think it is the end result that we are concerned with, and that was my point yesterday.

The Honourable Leader of the NDP Party points to the report and rightly so. This committee which has given this matter a great deal of consideration is telling the government that this is what you should be doing if you wish to decrease the numbers. Probably by that it means you'll also be able to decrease the amount of expenditures you have for this department and attain better results than you are doing at the present time. That is the point that we have been trying to make on this side of the House.

There are certain recommendations in there that, as far as I can see in these estimates, those recommendations are not covered by these estimates. The works that are intended by those recommendations are not covered by these estimates, and we mustn't just be uniform and doing what others are doing. If we find that that isn't the solution to the problems that face us in this department -- and I'm talking about this department, none other -- if we find that our approach to the whole matter is not producing the results that we would like to see, then I say let's turn to our experts. Let's turn to these people that study this question and give us advice, let's try that advice. I say that this government is not taking that advice, not to the degree that it should be taking it in any event. I think that we're missing the boat and I do hope -- I do hope that the Minister takes a different attitude towards prevention than he took yesterday, because he just took it in a sort of a humorous vein as if it didn't amount to anything, and he wondered how it was possible that you could tell that a young man may be a potential delinquent or criminal. The answers are before him if he wants to study them. He can easily find out who can tell him who they are going to be. There is no problem there at all. I

(Mr. Hryhorczuk, Cont'd.) . . . want to repeat once more -- I didn't intend to get up in this debate again -- but I do want to say once more, Mr. Chairman, that the Honourable Minister would be well advised to really give the recommendations of that report an honest try, then we'll know whether we're going in the right direction or not.

MR. ROBLIN: Mr. Chairman, I just want to make one or two brief comments. If my honourable friend the Member for Radisson thinks that we can somehow avoid spending that \$4 million he keeps talking about on the floodway and still build it, he's wrong, because we can't. That money has to be spent and we might just as well make up our minds that if we are embarked on the floodway we have to spend it. The second thing that I'd like to say to him is that it isn't me that produced the mysterious \$2.4 million he talks about. It was always there if anyone cared to look at the federal estimates and see. That's where I got it from -- the federal estimates.

And as for my subsidizing -- or the Provincial Treasury subsidizing the federal government, while I don't wish to appear as any defender of theirs and while I regret that they have not seen fit to match us dollar for dollar in the particular year in which the construction is taking place, I must in common decency to them say that they have undertaken to pay their full share over the period, though they're not paying it in the exact year that we wish it to be paid, and we're not subsidizing. It is true that we are financing them to the extent that that money may be necessary, but we're not subsidizing them and there's a great difference between those two things. In common fairness to the federal government, I don't think that that charge should be laid against them. If my honourable friend wants to say that they should be paying as we have to pay out the money to build in any particular fiscal year, I'll go along with him. That's what we'd asked for but we didn't get that. What we did get was an undertaking that they would pay their full share over the period, and I want to put that on the record because it's only fair to them that I should do so. The implication of his remark of course is that we should either stop building the floodway or slow it down.

MR. PAULLEY: I didn't say that.

MR. ROBLIN: Well I took that, I don't see what else we could do. If we took that money out of there we'd have to slow down building the floodway.

MR. PAULLEY: I didn't say that at all.

MR. ROBLIN: Well that just depends how things turn out.

MR. PAULLEY: You slowed down yourself.

MR. ROBLIN: If there's a -- No, we didn't! We are adhering to our original plan.

MR. PAULLEY: The Minister of Agriculture admits that you did.

MR. ROBLIN: There may be one year because of engineering difficulties, but we are proceeding as fast

MR. PAULLEY: I thought it was the weather.

MR. ROBLIN: Well, never mind. We're proceeding as fast as we can on this thing and if there is a flood between now and the time it's completed, we'll get no thanks from the people of Manitoba if it isn't done. Neither will anybody else. We're going to go ahead with this just according to our plan that we -- and if it were so easy to squeeze some money by the method suggested, well we could certainly find a good place to spend \$4 million not only in this department but in other departments as well.

Well let me give you figures on staff here. The staff in the jails -- and I'm not talking about the time when eggs were six cents a dozen or beefsteak 20 cents a pound, that's not within my term of reference. -- (Interjection) -- Eight cents, I'm sorry. It's not within my experience as I recall. But I'm talking about the last few years, the last five years to be precise, and our staff in the jails has gone up from 123 to 210 over that period, and that's because as the Honourable Member for Ethelbert Plains has said that the jail population has gone up. Now if anybody knows any sure-fire method of keeping that down, I'd wish they'd say it. It's not said in this report. This report clearly indicates and sensibly indicates that you need a concerted plan over the whole broad horizon of social activities if you're going to make an attack on this problem. We agree with them, and that's the kind of attack that we're trying to make.

Our population in the probation branch has gone up from 41 to 78. Now there are none of them required for people in jails -- that's quite an improvement. Juvenile detention and

(Mr. Roblin, Cont'd.) . . . correction, which is an important part of the preventative services, has gone up from 65 to 102; and the prison training programs, apart from the custodial care, has gone up from 12 to 37; and if you want to throw in the two chaplains for good measure you can do that if you wish. Now again, I'm not on my feet to indicate that this represents the goal of policy or the final end in all these matters; it doesn't, but it indicates that real and substantial progress is being made.

So in spite of what has been said, we are taking the broad view here. We are spending \$92 million out of our total budget in this field of human relations, the whole aspect of the matter, and crime prevention can hardly be disassociated from that whole field -- \$92 million out of a budget of \$151, that's \$50 million more than we were spending five years ago -- more than double. Now I don't apologize to anybody for that record. I'm quite willing to grant -- if somebody says you should be doing more and there are other things to be done, there are, but within the limit of our financial resources and the tax structure of this province, I feel this is a substantial record.

MR. CAMPBELL: Mr. Chairman, oddly enough I had been looking at some of the same type of figures that my honourable friend the First Minister has been delving into and I had thought of giving some comparative figures just as he has, but he got his in first and he covered a wider range than I intend to encompass.

I agree with him when he mentions the fact that the government must of necessity look at the whole field of public service and they can't confine their attention to just one department or to one or two areas of a department. The thing that I think has to be given some serious consideration by the tax-paying public is, where are we going in total in these public expenditures? And the next question to it: Are we getting value for our money? I think this latter one is the question that we should address ourselves to in connection with the Attorney-General's department.

I had checked those same figures that my honourable friend was quoting and I had noted also that, taking some of these specific items in the last year that our government had the responsibility for submitting estimates to this House, the figure was as he stated. It's not surprising that the Honourable the First Minister picked out that year as a comparison either, that's the one I was using. The estimates for jails that year was \$390,000 in round figures. I think the Honourable the First Minister gave it as \$389,000.00. I had it put down here as \$391,000 in round figures. It's now -- the comparable item -- \$865,000-odd. I had noted the figure for police courts. We had \$61,000-odd; it's now \$134,000-odd, well over double in both of those cases as you will see. Juvenile and family courts, probation and paroles - we had \$157,000 in round figures; it's now \$421,000 in round figures. Detention homes, we had in round figures \$390,000; it's now \$775,000.00.

The question I ask of the government and of the people who are working in this field, and it's an important field and it deserves consideration, is; are we getting value for this money that we're spending, because the population continues to go up. Now we're glad, I'm sure, of the fact that we have more people in school. That's a development that's costing us more money but we're all glad to see it. This is the place we want the young people to be. We're glad to see them in university. We're glad to see them in a good many other activities. We're not glad to see people in hospitals, of course. It's fine to have the hospitals, but we're not pleased to see the population is increasing there. We're certainly not glad to see them increasing in jails and the various juvenile institutions and the penitentiaries and all the rest. Now, what's the trouble? This tendency has been going on for years. If you go back another six years and look at them six years before the six years that are being compared to the present time, you'll find an equal expansion.

Now, Mr. Chairman, in all seriousness, what's the answer to this? The same things have been said all the time. The same things have been said by the people who represent the group here. The same recommendations have been made. The same recommendations have been coming from the people who were supposed to be experts in this thing, and when we sat on that side of the House we were giving pretty similar answers to what these folks are giving. Of course we didn't have as much to answer for as they have, but we gave pretty similar kind of answers because we said: "We're following the advice of these experts too." And where's the advice of the experts taking us, with all of this extra expenditure? The jails continue to have

(Mr. Campbell, Cont'd.) . . . more people. The juvenile institutions have more people. This system isn't working, Mr. Chairman. I don't blame the government particularly and I'm not trying to make a partisan speech in this. It didn't work when we were there, because go back the other six years and you'll find that the rates of increase were just the same.

Now, what have we got to do? I don't think we can assume that the advice that we've been getting from the experts is the last word on this subject, and to just go on having more and more people, more and more paying more taxes to have more and more people doing the same kind of thing and more of it all the time, and yet we have more for them to do and more people in the institutions. Now what are we going to do? I don't know, but I think that we need to look at this question pretty seriously and I think that we need to take a bit of a look at the advice we're getting from the experts in this field. I think that we've had in recent years a proliferation of the services and the personnel in these various welfare agencies that keep recommending bigger and bigger and more and more programs that perhaps are not the answer at all.

Maybe -- maybe there's something even more basic than the study that's been made and that's had so much attention paid to it here tonight. I have the utmost respect for most of the people who were named on that committee, a remarkably good group of people, but my guess would be that the most of them lent their names and their prestige to that committee and that the basic spade-work on it was done by people who were the experts in this social service field and who have for years been recommending more and more and more of this type of thing that we have now. I would kind of like to see what the Don Thompson and the Elliot Rogers and a few of the rest of them would say if they had to write that report themselves.

I think that we need a new approach on some of these things. I don't think that the results justify what we've been doing here. I don't think that the record shows that we're getting value for our money. If you went back another six years from the six that the First Minister and I have been working with -- and I haven't done that -- but if you went back there and took the projection and projected it another six years ahead and then another, you'll find a staggering figure here. This isn't the -- as the First Minister has said quite properly, this is not the only field of endeavour that the people in Manitoba have to keep account of. We have to make projections in the other fields as well. I don't know what the answer is, but I'm pretty convinced that we haven't got it yet. Perhaps it lies along the lines my honourable friend from Selkirk was mentioning this afternoon. Perhaps we have to get some kind of a ground swell going with the young people themselves and show them that they've got to take charge of a job that we their seniors haven't done too well.

Now having said that, and kind of in line with what I've been speaking about, I would like to ask the Minister first and foremost -- there's quite a reduction, I see, in the grant to the Canadian Congress of Corrections -- that's Item 4 here -- they're being given only \$100 this year, they were given twenty-one last year. I presume that that's an international organization that receives a specific grant for some purpose and they're getting only a token one now, but I would like to know what the fact is.

I would like to know in connection with the grant to the John Howard and the Elizabeth Fry Society of \$12,000 -- which was \$5,000 six years ago as the First Minister has mentioned -- I would like to know what their total budget is. If we're giving them \$12,400, we should have their budget available to us and I would like to know what it is. I'd like to know how many people get it and I would like to know why this type of a service couldn't be merged with the Directorate of Probation and Parole. You'll see, Mr. Chairman, that what I'm meaning in that, I'm coming back to what I said a little while ago that it seems to me there's a proliferation of services and organizations in this welfare field that is not in the interests of the administration as a whole. So I know that it -- does my honourable friend -- does my honourable friend want to say something?

MR. ROBLIN: I was just hoping that we might -- I have a motion that I want to put to the House that I think we will be able to unite upon without any difficulty, and I was hoping to have the committee rise just a few minutes before 11, so perhaps we could continue this particular debate tomorrow.

MR. CAMPBELL: I think probably I was about through anyway, so I'll gladly yield the floor to my honourable friend.

MR. ROBLIN: Just one comment before we rise. I think that the basis of our problem

(Mr. Roblin, Cont'd.) . . . here is urbanization. That's the basic problem we're facing in this social readjustment, the great urbanization of our province. We can't stop that and we're trying to learn how to cope with it, but this will be the topic for a discussion on another occasion. I move the committee rise.

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

Madam Speaker, the Committee of Supply is considering a certain resolution, directed me to report progress and ask leave to sit again.

MR. MARTIN: Madam Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the report of the committee be received.

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

MR. ROBLIN: Madam Speaker, I expect that it is general knowledge in the House now that we have had the news of the birth of the Royal Prince. This is one of these occasions which I think brings us all very close together, because in spite of whatever differences we may have from time to time about the affairs of the Province of Manitoba, we can unite in our expression of loyalty to the Sovereign, the Queen of Canada and her Consort and her family on this family occasion. There's nothing I think that touches the hearts of people, and it is good that it is so, more than this domestic happening, this happy event, the birth of the Royal Prince. I know that all the members of this House, and I'm certain the people of this province as well, are happy in this news and would wish us formally to convey good wishes to Her Majesty and to speak for them on this occasion.

And so I have a good deal of pleasure, Madam Speaker, to move, and I couple with this motion the name of the Honourable the Leader of the Opposition as a seconder, a motion of good wishes and greetings to Her Majesty and Prince Philip in the following terms: "That we the members of the Legislature of Manitoba in session assembled, and on behalf of all the people of Manitoba, beg to extend our best wishes to Your Majesty and to His Royal Highness Prince Philip, Duke of Edinburgh, on the occasion of widespread rejoicing and happiness over the birth of the Royal Prince." There may be some members of the House that would wish to speak on this occasion, associating themselves with this resolution. I know we'd welcome that and when we conclude those remarks, it would be appropriate I think to sing the National Anthem.

Madam Speaker presented the resolution.

MR. MOLGAT: Madam Speaker, I wish to thank the Premier for asking me to be the seconder of this resolution and it is with pleasure that I do so, and a pleasure to associate my group to the statement made by the First Minister. It is an infrequent occasion that the House is in session when such a marvellous occasion should happen and I think it's entirely fitting that the representatives of Manitoba here assembled should, on behalf of the people of Manitoba, extend these most sincere good wishes to our new Royal Prince.

MR. PAULLEY: Madam Speaker, it's on occasions like this that I only wish the rules permitted the thirding of a resolution in order that it would be properly proscribed. I'm happy to join in the tribute to Her Majesty the Queen and to her Royal Consort, for I think in Elizabeth II we have an individual who exemplifies true motherhood and true parenthood. I had the honour and privilege of meeting Her Excellency a few years ago at Government House, and also Prince Philip, and I can almost picture them even today, Madam Speaker, as they were on that occasion. Truly, a real royal couple, in any clime, in any land. It is an honour and a privilege for me as Leader of this group to join in this expression of congratulations to the head of our great Commonwealth.

MR. FROESE: Madam Speaker, I fully endorse what the First Minister has said. I wish to extend them my greetings on this occasion as well.

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

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