

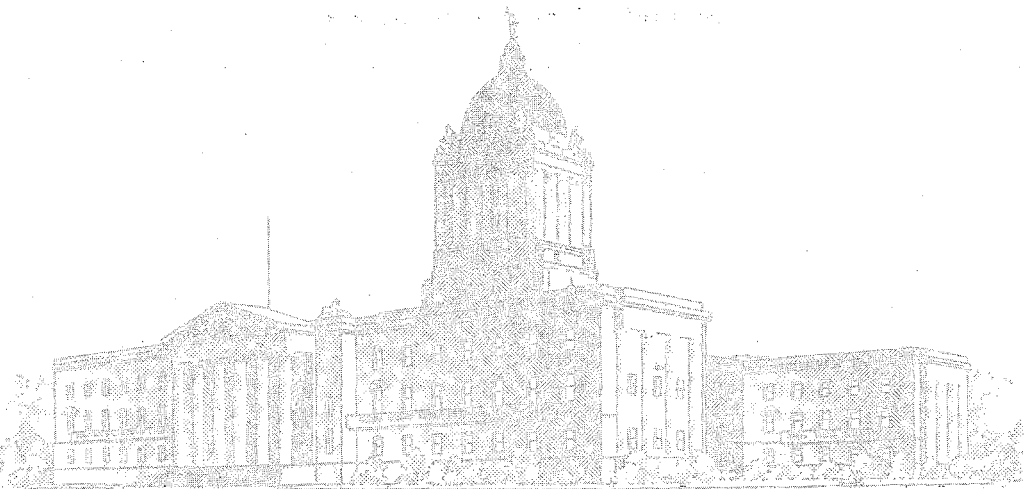


Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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2nd Session, 26th Legislature

**DAILY INDEX**

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THE LEGISLATIVE ASSEMBLY OF MANITOBA  
2:30 o'clock, Thursday, February 25th, 1960

Opening prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions  
Reading and Receiving Petitions  
Presenting Reports by Standing and Select Committees  
Notice of Motion  
Introduction of Bills

MR. W. H. HAMILTON (Dufferin) introduced Bill No. 97, an Act respecting the Town of Carman.

MR. W. B. SCARTH, Q.C. (River Heights) introduced Bill No. 101, an Act to amend the Public Schools Act (2).

MR. R. SEABORN (Wellington) introduced Bill No. 51, an Act to amend The Margarine Act.

MR. SPEAKER: Orders of the Day.

MR. GEO. WM. JOHNSON (Assiniboia): Mr. Speaker, before the Orders of the Day I have pleasure in introducing to you and to the Honourable Members of the Legislature a class, with their instructors, of 40 pupils from St. Charles Convent. They are located on the left, Sir, in the first two sections of the gallery and are made up of pupils from Grades IX and X, and XI and XII. They are under the supervision of Sister Mary of the Incarnation and Sister Ste. Felix and Sister Mary Du Cenacle. I would like to say to the Sisters and to the pupils that we welcome you here today and we trust that your tour throughout this beautiful structure has been interesting and that your visit with us in this Chamber will serve to you, in an educational way, the manner in which your Provincial Government enact under democracy the laws which provincial-wise govern you. Among the pupils, Mr. Speaker, is a daughter of the Honourable Member for Rupertsland, who I understand will now address welcome to them in his native tongue. Thank you.

MR. J. E. JEANNOTTE (Rupertsland): Monsieur l'orateur, comme vous venez d'etre averti vous avez a votre gauche un groupe d'etudiantes du couvent de Saint Charles. Ces jeunes filles font part des grades 9, 10, 11 et 12 et sont sous la direction pour ce tour de la Reverende Soeur Marie de l'Incarnation accompagnee de Soeur St. Felix et de la Soeur Marie du Cenacle. J'aimerais aussi monsieur l'orateur vous dire que parmi ce groupe se trouve ma fille ainee Jeannotte et aussi j'aimerais a vous dire qu'elle est pensionnaire au couvent depuis trois ans. Ca me fait plaisir aujourd'hui de leur souhaiter la bienvenue et j'espere que leur sejour parmi nous a ete tout a fait joyeux.

Mr. Speaker, as you have just been informed, to your left is a group of students from St. Charles Convent. These young girls are made up of pupils from Grades IX, X, XI and XII and are under the supervision of the Reverend Sister Mary of the Incarnation accompanied by Sister St. Felix and Sister Mary of the Cenacle. I would also like, Mr. Speaker, to tell you that amongst them is my eldest daughter Jeannette, and to tell you also that she has been a boarder at the convent for the last three years. It gives me great pleasure to welcome them here today and I hope that their visit with us will have been a happy one.

HON. DUFF ROBLIN (Premier) (Wolseley): Monsieur l'orateur, j'aimerais moi aussi souhaiter la plus cordiale bienvenue aux eleves du couvent de Saint Charles ainsi qu'a leurs trois institutrices qui sont avec nous aujourd'hui. Je voudrais aussi mentionner que parmi elles se trouvent Mademoiselle Jeannette Jeannotte, la fille de mon cher collegue le depute de Rupertsland. Qu'elles soient donc les bienvenues dans cette Chambre cette apres-midi.

Mr. Speaker, I would also like to extend a warm welcome to the students from St. Charles Convent as well as to their three teachers who are today with us. I might also mention that amongst them is Miss Jeannette Jeannotte, the daughter of my dear colleague the member for Rupertsland. May they therefore be welcomed in this House this afternoon.

MR. EDMOND PREFONTAINE (Carillon): Monsieur l'orateur, je crois que je manquerais a mon devoir si je ne disais pas quelques mots au nom de l'opposition dans cette Chambre, au nom du parti Liberal. Vous avez entendu parler trois representants du parti Conservateur qui sont plus nombreux, qui sont plus forts en Chambre mais je vous rapellerai la fable de

(Mr. Prefontaine, cont'd.).... Lafontaine qui dit que "la raison du plus fort n'est pas toujours la meilleure." A present je vois que mademoiselle Jeannotte est ici present et je lui demanderais peut-etre de le lever.....

Mr. Speaker, I believe that I would be shirking my duty if I did not say a few words on behalf of the Opposition in this House, on behalf of the Liberal Party. You have heard three representatives of the Conservative Party who are more numerous, who are stronger in this House, but I would remind you of one of Lafontaine's fables which says that "the sense of the strongest is not always the best." Right now I see that Miss Jeannotte is present and I would ask her to stand up .....and I would like to tell Miss Jeannotte that if she is as popular in the Convent of Saint Charles as her father is popular in this House, she must be very popular.

HON. STERLING R. LYON (Attorney-General) (Fort Garry): Mr. Speaker, before the Orders of the Day I should like to call to your attention, Sir, and to the attention of the members of the House, another visiting group, this time of young men donned in very attractive green jackets whom you will see, Sir, sitting directly in front of you in the Speaker's gallery. There are 31 boys from Grades V and VI of St. John's Ravenscourt School, which is located in the very beautiful constituency of Fort Garry. I think we would want to pay them and their instructors, Mr. Stewart and Mr. Orvis, a particular welcome on visiting us today and, along with the girls, beautifying the Chamber in the way that they are.

MR. ROBLIN: Mr. Speaker, it's not often that I have the opportunity of welcoming visitors in the House as I have had the pleasure of doing already today, but I feel that it would be appropriate if I were to add my words of welcome to those of my colleague the Attorney-General in respect of our visitors from St. John's Ravenscourt, because I claim the honour of being an old boy of St. John's College school in the old days, which is now part of St. John's Ravenscourt, so it's a double pleasure for me to join with my colleague in welcoming them on their visit to this House.

MR. D. L. CAMPBELL (Leader of the Opposition) (Lakeside): Mr. Speaker, I would agree that the House should make the boys welcome here in spite of what the First Minister has said.

MR. SPEAKER: Orders of the Day.

HON. GEO. HUTTON (Minister of Agriculture) (Rockwood-Iberville): Mr. Speaker, before the Orders of the Day I would like to make public to the House the first report of the Flood Forecasting Committee for 1960. The Flood Forecasting Committee held its initial meeting for 1960 on Wednesday, February 24th. The committee met to review the situation concerning flood prospects on the Red and Assiniboine Rivers. The following information was available to the committee for its appraisal of the situation: (1) the results of a snow survey made by the Water Control and Conservation Branch during the period February 15th to February 20th in the basins of the Red and Assiniboine Rivers in Saskatchewan and Manitoba; a soil moisture survey made by the same branch at freeze-up last fall; records of fall and early winter flow in both streams as recorded by the Federal Water Resources Branch; meteorological information on fall and winter precipitation obtained by the Meteorological Service of Canada at stations in the watersheds of these rivers in Manitoba and Saskatchewan. The committee's conclusions are, that on the basis of calculations made using the above data and assuming normal conditions up to and throughout breakup, the river stage at Winnipeg is expected to reach a level about three feet below the generally accepted first flood stage of 18 feet, city datum, which is well below the tops of both major and secondary dikes in the Greater Winnipeg area. On the Assiniboine River indications are, that with average conditions up to and during break-up, spring peaks will be above normal at most points along this river but no serious flooding is expected. The committee advises that a subsequent meeting will be held in March to again review the situation as regards flood prospects.

MR. SPEAKER: Orders of the Day, Adjourned debate on second reading of Bill No. 62. The Honourable the Leader of the CCF Party .

MR. R. PAULLEY (Leader of the CCF) (Radisson): Mr. Speaker, I think that this Bill is one of the most far-reaching that we in this House have had to deal with for some period of years. I say far-reaching because it can have an effect on over half of the population of Manitoba, and this ratio is likely to increase that is, the comparison between the total population of the Greater Winnipeg area and the rest of Manitoba at least if the present trend in shifting

(Mr. Paulley, cont'd.)...populations continues. I can appreciate the difficulty that has faced the government, and indeed faced the previous one, in attempting to find some solution to many of the problems which have faced the Greater Winnipeg area. The former government set up a committee, back in 1951 I believe it was, to give consideration to many aspects of municipal government, and that committee which reported subsequently made many recommendations in respect of municipal government, some of which were accepted at the time and brought into force, others which still require legislation or further consideration. The one that I have -- or the recommendation that I have in my mind particularly at the present time was the one that dealt with the reorganization, or a suggestion of consideration being given to a reorganization, of municipal boundaries in the province in order to try and bring about what may be considered a more economic unit of administration. Not much has been done in that regard to this date. And then, of course, we had the commission that was set up to investigate the situation insofar as the Greater Winnipeg area is concerned, and it made its report, which it is agreed in this House was a very comprehensive one, and now we have before us another alternative which embodies some of the recommendations of the last commission and which appears to me to be a step in the right direction.

I can appreciate the difficulties with which the government were faced, because in this Bill there is to be established a second municipal governing body over top of the local bodies which we have at the present time. As I read through the Bill it appears to me that, while the government were considering what to do in respect of the recommendations made to it, that rather than go into a legislation which would bring total amalgamation to the Winnipeg area that they have in this Bill set up legislation whereby it would be not too difficult, insofar as legislation is concerned, to achieve full amalgamation. And I'm not saying, Mr. Speaker, that I agree with some advocates of total amalgamation, but what I am saying, in effect, is that it seems to me that the direction within the Bill could be interpreted as leading to final complete amalgamation of the Greater Winnipeg area. I say that because in the Bill itself there is the suggestion that five years hence that a commission should be established to review the results of this legislation, and it would seem to me that that is an indication that if this first stage or two is found to be successful, then other stages, which in my opinion only mean total amalgamation, would follow.

We have heard in recent days many comments from those concerned in respect of this Bill in the matter of the omission from the Bill of the amalgamation of our police and fire departments. And I would suggest, Mr. Speaker, that this poses quite a problem at this stage, particularly in reference to our fire department, because the suburbs in respect of fire departments have been able fortunately, so far, to have relatively small fire departments because they're only looking after their areas which, in many cases, have very few large industrial areas or large buildings. And I feel that in respect of fire that the day of the total amalgamation in respect of fire is concerned, is still a considerable distance away. It may be easier and I'm not suggesting this should be done, but it may be easier to bring about an amalgamation or the setting up of a metropolitan police department. I think of the two, that if the members of the House are going to give consideration to the question of Metro fire and police in committee, that they should be very, very careful and consider these aspects, and as I say, that if any consideration is going to be given at this time to police and fire, that in my opinion for what it is worth, the only one that should be considered or is possible for consideration would be that of the police department, because they are full-time operations in respect of that, I believe, in all of the municipalities.

It appears to me, Mr. Speaker, in studying this Bill, and I may say I have given great study to it and many hours, that the government is still retaining too much power unto itself in the Bill, for throughout the Bill there is reference to certain things that can be done by the Lieutenant-Governor-in-Council. I can appreciate the fact that in the starting up of the organization, and I have no objections to the Lieutenant-Governor-in-Council setting up the first Chairman and also in setting up the organization to provide that when the council is elected that they ought to be able to, at that time, take office and sort of start operations right off the bat. But I do think that in reference to many of the other aspects, and while I will not debate of course as indeed I cannot, the various sections of the Bill, but I will use this as an illustration and I think I'm in order to do it, Mr. Speaker, that in respect say of the question of the

(Mr. Paulley, cont'd.) . . . proportionment of the business tax that is going to be allocated to the municipalities by a decision of Metro, that they haven't got the power to put that by-law into effect until it has been approved by the Lieutenant-Governor-in-Council. Now I would suggest to the government that outside of the reference to them apropos of the setting up of the organization, that wherever possible that they get out of the dealings of Metro entirely, for after all we must recognize that the Lieutenant-Governor-in-Council are politicians, and I would suggest that rather than it be the Lieutenant-Governor-in-Council that we have set up, and reference is made to them or to it in other aspects of the Bill, to the municipal board, that the municipal board rather than the Lieutenant-Governor-in-Council be given the rights of approving the by-law. And that is true in many other respects throughout the Bill.

Also, as was pointed out yesterday by the Honourable the Leader of the Opposition, I don't think that the Lieutenant-Governor-in-Council should have any say at all in setting up the boundaries -- the electoral divisions of Metro. I think that the government should divorce themselves entirely from that and I think that the suggestion of the Honourable the Leader of the Opposition is a valid one, that this should be referred to the Electoral Boundaries Commission, if possible, to get them to operate in order to divorce even from the setting up of the boundaries any question of politics. We have done that now in respect of our provincial boundaries and I think we should carry through that same philosophy insofar as Metro is concerned. I'd also like to make this suggestion too in respect of the voting in the electoral divisions, that rather than have the transferable or preferential type of voting, that we adopt in the electoral divisions of Metro the same type of voting which we now have in the province and also which prevails in many of the municipalities which are part and parcel, or will be part and parcel of Metro. I know that it can be argued that the City of Winnipeg has the preferential system of voting and has the greater majority, but I think that it would be far better if we had the straight "X" vote now that we're setting this up, and that it would be then the same as we have for our Dominion and Provincial elections, and will assist the voters in making their decision.

I do not agree at all with the Honourable the Leader of the Opposition in respect of holding a referendum in respect of setting up Metro. I think that when we in the Legislature have thoroughly considered all aspects of this, when after listening to arguments pro and con in law amendments, that it would be superfluous to have a referendum, and I doubt very much it would achieve what I think is in the mind of the Leader of the Opposition. I do not belittle the ability of the citizens or electors in the areas as to whether they can make up their minds pro and con, but I do suggest this, that there have been many a referendum in the past that has not achieved the desired result of being an expression of considered opinion, and I don't mean, as I said, any reflection. But the point is this, that we here are trying to make, and I may be stating it very very poorly but the point that I'm trying to make, Mr. Speaker, is simply this, that this is a very, very vital matter and I'm sure that every member in this House and every person who will be appearing before the Law Amendments Committee have given detailed study to this, and I think that that having been done should be sufficient and that it should not be necessary for a referendum at this stage in the game.

There is one big omission I note in the Bill and that is that the Government of the Province of Manitoba, while prepared to set up a Bill and set down the broad principles on which this organization shall operate, has withheld, or has not indicated, anywhere at all in the Bill, that it will pay any grant to the setting up of the organization. It is spelled out in the bill that the government will advance monies for such things as the organization, the setting up of the first chairman, and other aspects of organization, and then places the council in the position of that having been done by Order-in-Council you'll pay us back for all of this. I think surely that the government, if they are so convinced that this is a good thing, should at least, until such time as the organization has been set up, by way of grant give to the corporation, without the necessity of reimbursement, for that period of time sufficient monies to go ahead.

There's one other thing that I want to draw to the attention, and this not only affects my municipality in particular but it does affect the municipalities of Fort Garry, St. James to a considerable degree. It may be in my interpretation of the reading of the Bill, and maybe my honourable friend the Attorney-General could put me straight insofar as the legal technicalities are concerned, but it does appear to me that in the Bill in reference to crown corporations, that where these corporations are exempt from taxation within the municipality, under Metro they are

(Mr. Paulley, cont'd.)....considered in the assessments for the levy of the mill rate and it doesn't seem to me -- now just to illustrate, in the Town of Transcona about half of the assessed value in the Town of Transcona is exempt because of the fact of the Canadian National Railways there. Now then it's true the town gets a grant from the railroad, and in respect of the assessments I believe for the water district, the return to the water district on this land is only based on the relative level of the grant computed into assessment for the purpose of the water district. And it seems to me that in this Bill there's no provision for that at all, that the whole of the area, and I think, Mr. Chairman, or Mr. Speaker, you could see that where in the Town of Transcona, and I'm only using that as an illustration, where about half of the assessed value in the town is tax exempt by virtue of the crown having all of this vast extent of land in there, that if my interpretation of the Bill is correct then in effect the citizens of the town would be paying double tax because they would have to pay it on the mill rate based on the full assessment, and I suggest that the drafter of this legislation take that into account. I might say that I've had one or two of the legal fraternity look at the Bill and they seemed to indicate to me that the way I have read it is the way that it could be interpreted in the Bill. However, Mr. Chairman, I appreciate the fact that that can be considered again.

Another thing that most likely -- I note in the principle of the Bill that in the limitations of the powers of Metro there appears to be in the Bill itself no provision whereby Metro, through their planning commission, can reorganize areas and decide on a method of planning within Metro. There is no provision in the Bill that I can see whereby Metro can make any financial contributions in respect of rehabilitation after the planning commission has done. It may be an oversight on my part because it may be in the Bill, but I could not find anything at all.

One other general point to the Bill, it seems to me that in this Bill we will be setting up two traffic authorities in the metropolitan area because it seems to me that Metro in its street system will have the authority to control metropolitan streets that they take into their system, and then of course the side streets would be under the control of the local council and the area council, and it seems to me that there could be a conflict of authority respecting traffic, and indeed to carry it right through to policing, because there is sections in there that give them certain authority insofar as Metro is concerned of policing, and it could develop into a sort of a conflict and I suggest to the drafters that they take a look at that also.

There's one other point, Mr. Speaker, that I would like to say, and this can be considered fully when we have the Bill before us in law amendments. It seems to me that in respect of the protection of the employees of the respective municipalities on being taken over partially by Metro, that the Bill is not specific enough to spell out so that the employees in the respective municipalities and Metro itself are protected insofar as all their rights are concerned. It's true that there are sections that where Metro takes over fully the employees will go along with it. What I have in my mind at the present time, Mr. Speaker, is where Metro only takes over a portion of the job that local councils are doing at the present time, and just by way of illustration, Metro is going to take over garbage disposal and leave garbage collections within the local areas, and in taking over employees, who and what are they going to take? It may mean that some of the employees may not be as fully protected as I am sure that the drafter of the Bill felt they should be.

Now Mr. Speaker, having said these things and pointed out one or two aspects of the Bill, I may say that in general I agree with the contention and certainly am not going to oppose the Bill in going forward to law amendments. I do say this, however, that the committee are going to have a tremendous task before them because there are many of the municipalities I am sure that are going to feel that many of the rights that they have had for years and years are going to be taken away from them. It may be that in the drafting of this bill that the government and the author should have made more provision for a greater liaison between the local council and Metro. It may be that when we get in to Law Amendments Committee that such aspects as that can be resolved. So in conclusion, Mr. Speaker, again I say I still think that the government is reserving too much power unto itself within the Bill. I say that after we have considered the Bill and after the public and their representatives have had the opportunity of considering all of this Bill in law amendments, we should pass it without any reference to a referendum and get on with the job of establishing at least a start to bring together all the municipalities in a closer knit unit in the Greater Winnipeg area. It's not perfect, I'm sure that the First Minister agrees,

(Mr. Paulley, cont'd.).... indeed he said that, but I think that by proper representation and forgetting about little sectionalisms in the areas, that through this medium that we can in the year 1968 in the general progress of the Greater Winnipeg area.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Speaker, I, the member for St. Boniface, am opposed to this Metropolitan Act. Now if after listening to me make this statement the members think that I'm going to start a long tirade against the government they are mistaken. It would be unwise; it would be unfair. The First Minister, the two last Ministers of Municipal Affairs, and all the members of Cabinet I am sure spent many long hours listening, studying, discussing and preparing this Bill. I'm sure that they've done their best to bring in a fair and honest Bill. For this, Mr. Speaker, for having shown the courage that they have in introducing this controversial Bill, I think they should be commended. The First Minister, in introducing this Bill made it clear that he did not say that it was perfect. He also said that the members of his Cabinet as well as he himself would listen to every comment, would listen to every opinion offered in this debate. He also said that he would keep an open mind, which is very important. The First Minister gave the members of this House and the municipalities concerned ample time to study this Bill. Mr. Speaker, may I personally and in the name of my constituents, thank him for the fairness they have shown so far.

Before getting on with the Bill I would like to go on record as stating that this Act would have many advantages but, unfortunately, many disadvantages also. It could be a Godsend for some municipalities; it could be detrimental to others. I'd like to say also that I'm not interested in battling with the City of Winnipeg, its representative here, members of their council, its voluble mayor. I respect their intentions, their sincerity and their judgment, and I do not blame them a bit for advocating total amalgamation. Winnipeg is surrounded by prosperous municipalities. It is as we might say being strangled, and in order to breathe it must grow; it must expand. It needs more property for housing and industrial development, and if this isn't done there is a danger that neighbouring cities such as St. Boniface and St. James might well, in the not too distant future, overshadow the capital. Winnipeg, to keep up with its rising costs without over-taxing its citizens, needs new sources of income and needs someone to share the costs. I do not say this sarcastically, Mr. Speaker, I believe it, and I must admit that if I was representing Winnipeg I would do everything I could to fight for the best interest of my city. I respect their sincerity but I am not awed by their statements and I don't think for a minute that they intend me to be.

Mr. Speaker, I could go on and read the briefs of all the municipalities concerned. This would only serve to prolong my speech in this debate. Many municipalities, after opposing all forms of Metro or total amalgamation, have changed their minds. All municipalities concerned also have a voice in this Legislature and it would be pretentious for me to try to speak for them. I would rather express my own humble ideas, and I would say, Mr. Speaker, that they will be sincere and straight to the point.

Let me first of all warn this House that because other areas might enjoy some measure of success with a system of Metro this is not a true guarantee that it will work the same for Greater Winnipeg. We all realize that some improvement, some changes were inevitable, and I would say that we had three alternatives, total amalgamation; a system of Metro as could be brought in by this Act; or the setting up of an inter-municipal committee that would administer the services of inter-municipal character. The citizens of St. Boniface, Mr. Speaker, believe that the third alternative is the best and the most democratic one. It would have jurisdiction over the services decided by this government. It would be a council composed of representatives of different municipalities. It would be proportional representation. Each branch, each service, sanitary district, water district, would have a director. It could have a chairman, of course it would have a chairman elected, chosen, or named by the government. The council could be under the Municipal Utility Board and the Municipal Commissioner would be the final arbitrator. Mr. Speaker, I will not elaborate on the different services or phase of government that would come under this council. I think it would suffice to say that all municipalities -- that some municipalities should share in the commodities and services they receive even though not located within its own boundaries. For example, St. Boniface should share in the cost of keeping Assiniboine Park Zoo; East Kildonan and other municipalities should share in the cost of the Disraeli Bridge. This method would be less costly and it would have most of the advantages of Metro without



(Mr. Desjardins, cont'd.)....having the disadvantages, and it certainly would be a better way to preserve autonomy.

May I interject here, Mr. Speaker, that regardless of the system that we might have, Metro, total amalgamation, I feel that the education subject should be absolutely divorced from this government. Metro or any other total amalgamation or any other form of government should not enter the education field at all. This would be a step backward. If help is needed the Provincial Government should assist in such ways such as guarantee of loans, or debentures, or any other ways possible.

As I oppose this Bill, Mr. Chairman, it would not serve any purpose for me to expound the merits of this plan. Others who favour it will do it much better. I would only want to enumerate and discuss some of the disadvantages. Although the Honourable the First Minister does not agree with me, there is no doubt that if this Act is passed it will open the door to total amalgamation. Perhaps we will not see it in 5, 10 or 15 years, but surely it will come, and the First Minister knows it. It would be extremely difficult at the moment to have total amalgamation immediately. Politically it would be impossible, but this Act in establishing a super government can be compared to anaesthetic before the operation or a sleeping pill that will lull us to sleep to complete the transition. I feel that the government should make it clear, and Winnipeg is justified in asking for that also. They should make it clear and tell the people that this Act is just a beginning and that there is a very strong possibility that we will have the total amalgamation. The government should ask for a referendum also, I agree with my leader, before imposing such a radical change, especially when the government intends to have this Metro pass money by-laws without going to the ratepayers.

Mr. Speaker, it would also be wrong to keep-not to have these proposed divisions public knowledge before we pass this Act, I think this is a very important thing. I don't say that the government should pass it, but those divisions should be public knowledge before this Act is passed. The salaries are also inadequate. I think we are just fooling ourselves in there, maybe trying on paper to keep the costs down, and I think that we should put more realistic figures for the salaries. Another error would be to elect the members for four years. Yes, I know the members of this House are elected for four years, but here the government is elected for four years and also an opposition that will keep the government on its toes; that will inform the people; tell the people what would be going on. I think that we should reduce the number to 9 or maybe increase it to 12, and that 1/3 should be elected each year. I think we should be more like a team. You have teams that will win championship after championship and then all of a sudden they change the whole team and they're in the bottom of the league for many, many years. Instead of that, if we would just keep the same team, but just add and replace the odd member, I think it would be much better.

This system certainly lacks liaison between Metro members and municipal officials, and the power granted is arbitrary. There is no room for co-operation between the Metro authorities and the municipal councils. If we are to believe the newspaper reports, the Honourable the First Minister admits himself that the taxes will go up, and one important point, Mr. Speaker, this Metro Board might well become a Frankenstein, created by the government to turn against the government. It could become too powerful and can dictate to the Provincial Government. There are not enough cities in Manitoba and the population of Greater Winnipeg is, or soon will be, greater than the rest of the population of Manitoba. We are supposed to be in a democratic system of government and this is taking us away from democracy. If the only important things are to centralize government and to save money, well then why don't we do away with the present system of municipalities and local government? The Municipal Commissioner could govern and rule all the different districts such as Unauthorized Territories are done at present. Then the Federal Government would be justified in placing all its eggs in the same basket. It would be justified in abolishing the provinces. It would be less costly; it would centralize; but would it be a democracy? Would it be democratic? It might be true to say that dictatorship is a more efficient way of government, but in Canada and in this free world we still feel that in the long run democracy is the best form of government. This system would not be less costly, Mr. Chairman. The administration and operating costs would be much higher if there are two different governments instead of one, and if this system is adopted it certainly will encourage party politics in civic affairs. Do we want -- is it right to have party politics in civic affairs?

(Mr. Desjardins, cont'd.).... Soon I think that the Conservatives, the CCF's and the Liberals would have their slate of candidates -- (Interjection)-- I hear the CCF say hear, hear. I wonder if they remember that not too long ago Mr. Blumberg, a very well respected and dedicated member of the city, was always ignored when it was time to choose a Deputy Mayor. Why? Deputy Mayor is just an honorary title, but still this courtesy was never extended to him because he was a member of a minority group, because he was a member of the CCF. Year by year, little by little, all the municipalities would lose their autonomy until only the name would be left and even this might soon go.

Mr. Speaker, I've talked in general so far about the disadvantage of Metro. It is possible that the government might know and be well aware of all these existing disadvantages, but still feel that they are outweighed by the advantages. If this is so my speech does not serve very much. It might be that some of this might be used--might be received as constructive criticism and that some different laws might be modified. It might help. There might even be a little chance that if enough of the members feel as I do the government might consider setting up an inter-municipal committee instead of this super form of government. As I said previously, Mr. Speaker, it would be pretentious for me to try to represent the other municipalities, but on the same token it is my duty and my responsibility to be the voice of St. Boniface. At the start I congratulated the First Minister and his Cabinet, I would also congratulate the members of this commission, but I must however point out that they forgot problems of St. Boniface. Yes, I think that some objections might be valid only or mostly for St. Boniface, but we feel that they are very, very serious. On February 11th of this year on a television appearance, the Honourable the First Minister, after being questioned on this Metro government, said that the government had every right to establish a Metro form of government. The government was responsible for; the government was creator of the municipalities; the government could do whatever it wants. Technically he was right.

MR. ROBLIN: Mr. Chairman, I'm afraid my honourable friend is misrepresenting what I said.

MR. DESJARDINS: Well I don't intend to, Mr. Speaker.

MR. ROBLIN: Well you are.

MR. DESJARDINS: But I certainly say and I know that one word was said, that the government was the creator of the municipality. Now I'm not trying to battle with the Honourable Member either. As I say, technically he was right, but when that word creator was said I could not help but think of the Supreme Being. I know that he did not mean it thus but the first thing that I thought, my first impression was for a word of warning to the Honourable Minister of not playing God, but remember that he is also the servant of the people and that is his first job.

The constituency of St. Boniface was not created by the government. It was in existence long before the Government of Manitoba and long before the other municipalities, perhaps not as a city, but as a settlement and a community. La Verendrye set foot there more than 200 years ago. I would like to read from the submission presented by the City of St. Boniface which I think is a true picture of what the people of St. Boniface wish. The City of St. Boniface is mentioned extensively more than 30 times in the report of the recommendations of the Greater Winnipeg Investigation Commission, Volume 1, in addition to its inclusion in all pertinent tables of statistics. This special attention is due to several factors which have a bearing on the attitude which St. Boniface must and does take with regard to the report. Among these factors are the following; the history of St. Boniface parallels that of the City of Winnipeg, in fact when Miles MacDonald took possession of the Selkirk Colony he did so on the east side of the Red River where St. Boniface now stands and he read the proclamation in both English and French. Here the first school in the region was established and here the first terminus of a railway connection from the outside world was built. More rapid development on the west side of the river was assured only in 1881 with the coming of the Canadian Pacific Railway to Winnipeg. In recent years progress has been more rapid on the east side of the river in terms of industrial development and residential construction. Standing today second only to the City of Winnipeg in most tabulations which compare the municipalities of the Greater Winnipeg area, St. Boniface stands second to none in historical origin and in years of vigorous life. St. Boniface is a cosmopolitan city comprising many ethnic groups but it has been compared in one sense with Canada in that it is a product of the two major strains, the English speaking and the French speaking Canadians,

(Mr. Desjardins, cont'd.)....an experience which is not duplicated to the same notable degree in other municipalities of the area. Most striking however, is the large concentration of French speaking Canadians which make St. Boniface a remarkable site of great religious institutions, the centre of French Canadian culture in western Canada, the natural rallying point of the French Canadian population, which from the earliest times has been an integral and important part of Manitoba. It is not by chance that the Provencher and Norwood bridges carry legion of both official languages, that one of the founding colleges of the University of Manitoba representing the French tradition, is situated on Rue de la Cathedral, that the first French language radio station in western Canada is located here, that a French language weekly, date line St. Boniface, serves its homes, that its monuments honour La Verendrye, Provencher, Tache, the Gray Nuns and Louis Riel. St. Boniface is neither Quebec nor Paris, since a large English speaking and cosmopolitan population makes its home in the city, but the French present strongly colors the thinking of all and gives the city a unique personality.

Since the earliest times at the Red River Forks the people of St. Boniface have wisely sought to express the character of their city to political and educational institutions delicately attuned to the religious, linguistic and cultural balance of the community, an effort which resembles in miniature the careful framing of national policy in accordance with the principles and consideration in a bilingual, bicultural country. Maintenance of a reasonable degree of harmony within the community and resistance to disturbing, clumsy or hostile pressures from without depend absolutely upon the prerequisite of local autonomy, on the sharp separation of city council and schoolboard and ultimately on localized control over revenue and expenditures, the final test of real political power. However, while unique, St. Boniface does not stand alone. As a city it is old enough and large enough to understand many of the problems which beset the City of Winnipeg which during the next few years may well lose its pre-eminence as commercial, professional, residential, educational and recreational centre. At the same time St. Boniface is prepared and progressive enough to share in the optimism of the other major municipalities of the area. Recognition of the importance of co-operation may be seen in the fact that of 11 inter-municipal boards mentioned in the report St. Boniface is a member of 10 which concern the city. There is in addition agreement on co-operation in fire fighting and continuous mutual help by police. St. Boniface has also contributed its share in obtaining an increased measure of participation by province in financing of truck routes, flood protection and other services requiring provincial aid. St. Boniface tradition gives most importance to voluntary co-operation as opposed to majority dictates. It prizes most strongly community of interest, neighbourliness, personal and social relationships between citizens and their representatives; suspects personal governmental interventions through fields of community, domestic and personal activity which involve moral, cultural and spiritual convictions; favours decentralizing and private initiative.

Mr. Speaker, St. Boniface is not North Toronto, York or Scarboro but rather the site of the first settlement of western Canada. Yes in 1738 on La Verendrye's order a trading post, Fort Rouge, was built at the site known then as the Red River Forks the habitat of the Assiniboine Indians. In the early years few freemen settled there because the fishing and hunting were good. A certain Jean Baptist Roy testified that before Fort Gibraltar was built in 1809 he had lived in the Red River country since 1773. Probably Mr. Roy was the first white resident of St. Boniface.

Now, Mr. Speaker, I'd like to quote from a souvenir program put out by the City of St. Boniface on its Jubilee in 1958. "The real origin of St. Boniface goes back to 1818 and the coming of the first missionaries, Father Provencher and Father Dumoulin who in answer to Lord Selkirk's invitation came to the Red River colony and occupied the vast property he had given them on the east side of the river. In the course of the conflict between the two great trading companies the Nor'west Company and the Hudson's Bay, Lord Selkirk had in his service some 20 soldiers of disbanded regiments to whom he made grants of land along the Seine River. Immediately after reaching the Red River, Father Provencher erected a modest chapel near the east river shore. This church was opened on November the 1st, 1818. Because of its admiration for St. Boniface and probably following the desire of Bishop Plessis of Quebec, his superior, he dedicated the church to St. Boniface. In 1819 a second church was erected. This was the first cathedral, Father Provencher having been appointed Bishop of the North West.

(Mr. Desjardins, cont'd.)....In 1833 Bishop Provencher built a stone church, the most impressive building of the colony for many years to come. This was the Turrets Twain of Whittier. It was destroyed by fire in December 1860, immediately a new church was built. This last one, dear to many survivors was demolished in 1908 when the present cathedral, later Basilica was built. The story of the successive churches in St. Boniface like those of the middle age is the story of its people, with their trials and progress. The presence of the Priest in St. Boniface immediately attracted from all parts of the country the voyageur of the fur companies and the independent traders, freemen. Most of them had married Indian women and had large families. Thus came into being the Metis who played such an important role in the history of St. Boniface and who remained the bulk of the population for some 75 years. From the beginning there were elementary schools in St. Boniface and Bishop Provencher soon inaugurated a secondary course in letters. In 1838 a technical school was opened in St. Boniface and the women of the country were taught weaving and other domestic arts. This school was in operation for many years and rendered great service to the people.

MR. SPEAKER: I would suggest that honourable member debate the principle of the Bill. He's got quite a long way away from it.

MR. DESJARDINS: Well, Mr. Speaker, I thought the main reason why I was against this opening the door of the total amalgamation was because of the history of St. Boniface but if there's lack of interest I'll move to somewhere else.

I have congratulated the First Minister for his fairness and I meant it. But I am sure that he did not realize how important and what these things could do to St. Boniface. I would only reproach him on one point. I feel that he knows that in passing this Bill he was opening the door to total amalgamation and he should tell the people of Manitoba. Politically yes, it is impossible or practically impossible to go directly in total amalgamation but let us be honest all the way, not lack courage now and tell the citizen what he is facing. Winnipeg is justified in asking for total amalgamation because if this doesn't -- pave the way for total amalgamation there's no use for this Act, it is useless. We already have the Greater Winnipeg Water District, Sanitary District, Transit Commission, Metropolitan Town Planning and these grouped together with a few other services could be taken care of by forming an inter-municipal committee. I definitely feel that the advantages are outweighed by the disadvantages. And as I said it is not for me to advocate what is best for Winnipeg and the Municipalities and I should talk only for St. Boniface. Mr. Speaker, I would suggest that it would be criminal to take a chance of allowing St. Boniface to disappear. This government or any other government would never live it down. It would be damned by many citizens of Manitoba, western Canada and all of Canada. St. Boniface is proud of its history, its accomplishments and the people of this province respect us for it. We do not wish to be divisive, just because we are interested in keeping a little corner of Manitoba where we will be permitted to feel at home a little more, where we will be permitted to have some majority. The people of French origin have had a majority in St. Boniface, they've never abused it. It is truly a cosmopolitan city. We have 19 aldermen and a Mayor of which 5 are Anglo-Saxon, 3 of French origin, 2 Belgian and 1 Ukrainian. We live in complete harmony, Mr. Speaker. We are satisfied and pleased with our schools. Mr. Speaker, although to very many this speech will be ridiculed -- St. Boniface doesn't mean very much -- but for some of us, for the French Canadian of western Canada, St. Boniface means a lot. It is a national shrine, our financial position is good and our future is bright. If we must have Metro -- if the City of Winnipeg must have Metro and if the other municipalities must have Metro, I agree with them it might be the best form of government but it should be optional and not compulsory for the City of St. Boniface. In return -- Mr. Speaker, we would be ready to co-operate to the fullest extent, we want to co-operate, we have to co-operate. We must and we are ready to work with a Metro body for a large Winnipeg. We want to work with, but not under.

Monsieur l'orateur, avant de terminer permettez-moi d'adresser ses quelques mots au premier ministre. Monsieur le premier ministre le 5 mai dernier vous disiez a monsieur Pierre Laporte du journal 'Le Devoir' de Montreal "nous savons que le Manitoba est une province bilingue depuis sa creation. Nous croyions que ce caractere doit se developper de plus en plus. Mon souhait c'est que tous les citoyens du Manitoba soit un jour en mesure de parler et l'anglais et le francais". Ces mots faisaient dire a monsieur Laporte "Que devons nous

(Mr. Desjardins, cont'd.)....conclure? Que le francais n'est plus que seulement tolere mais accepte au Manitoba? Certainement. Devons nous conclure aussi que le francais est sauve et qu'il enregistre des progres? C'est ce que nous verrons demain."

Nous sommes au demain. Monsieur le premier ministre, l'element francais de cette province nous respecte pour ces paroles et pour plusieurs autres que vous avez prononcées dans le passe. Croyiez vous en toute sincerite que ce systeme nouveau et different aidera les canadiens-français de votre province? Croyiez vous que le caractere bilingue de notre province saura se developper de plus en plus avec ce systeme? Monsieur le premier ministre, voulez vous garder le respect des canadiens-français du Manitoba? Si oui, c'est a vous d'y voir. Ce moment est pour nous tres important et nous attendons avec confiance votre reponse.

Mr. Speaker, before I finish, let me direct these few words to the First Minister. Mr. Premier on May 5th last you were saying to Mr. Pierre Laport of the newspaper 'Le Devoir' of Montreal "We know that Manitoba has been a bilingual province since its creation. We believe that this characteristic must develop itself more and more. My wish is that one day all the citizens of Manitoba will be able to speak both English and French." These words made Mr. Laporte comment "What should we conclude? That the French language is not only tolerated but accepted in Manitoba? Certainly. Should we also conclude that the French language is saved and is showing signs of progress? That is what we shall see tomorrow."

Tomorrow has now arrived, Mr. Premier, the French element of this province respect you for those words and for many others you have said in the past. Do you honestly believe that this new and different system will help the French Canadians of this Province? Do you believe that the bilingual character of our province will be more and more developed with this system? Mr. Prime Minister, do you want to retain the respect of the French Canadians of Manitoba? If so, it is up to you to see about it. This moment is very important to us and we confidently await your answer.

MR. A. E. WRIGHT (Seven Oaks): Mr. Speaker, I move, seconded by the Honourable Member for Burrows that the debate be adjourned.

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

MR. SPEAKER: Second reading of Bill No. 43. The Honourable the Attorney-General.

MR. LYON: Mr. Speaker this Bill appears on the Order Paper actually in error today. The House will recall that when I last spoke to it I suggested it stand over for a period of two weeks. I would make only this minor amendment to my request of that time, that it stand over until such time as the present Committee on Rules has reported to the House. Is that agreeable?

MR. SPEAKER: Agreed? Committee of Supply.

HON. GURNEY EVANS (Minister of Industry and Commerce) (Fort Rouge): Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the supply to be granted to Her Majesty.

MR. SPEAKER: Would the Honourable Member for St. Matthews please take the Chair.

MR. CHAIRMAN: Department 7, Appropriation No. 1 (a) (b)

MR. M. N. HRYHORCZUK (Ethelbert Plains): I would like some information from the Honourable the Attorney-General relative to the recent changes in beer prices and I say recent I mean within the -- the changes made here sometime late last year. What I would like to know, Mr. Chairman, is the estimated additional cost that the prices mean to the consumer in Manitoba for the coming fiscal year and how that additional cost is distributed as to the Provincial Treasury, the hotel keepers and the breweries on their off-premise sales. I would also like to ask the Honourable the Attorney-General as to whether anything has been done to further the uniformity of legislation in regard to liquor advertising? There was considerable discussion about that matter on the floor of this House during the past few years and an attempt was made to see if we couldn't obtain uniform legislation on liquor advertising. I was just wondering whether his department has done anything further in that regard?

MR. E. GUTTORMSON (St. George): Mr. Chairman, the other day I directed a question to the Attorney-General and I asked him whether he was considering appealing the sentence of 4 months imposed upon a 29 year old woman for what I described as a savage attack on her husband. And I regret Mr. Chairman, to inform this House that I am very deeply afraid that the Attorney-General lied to me in his reply.

MR. CHAIRMAN: Order. Order. . . . . I would suggest that nothing should be done to reflect upon the integrity of a member of this House or Committee.

MR. GUTTORMSON: Mr. Chairman, I'll give you the answer of the Attorney-General. I asked the question on Friday, February the 12th, whether he was considering appealing this sentence. His reply was: "That matter is under consideration by the department at the present time." Mr. Chairman, when he gave that answer there was a letter in the hands of the Crown Prosecutor turning him down from permission to appeal this very sentence.

MR. LYON: Is that all the Honourable member has to say, Mr. Chairman?

MR. GUTTORMSON: No it isn't.

MR. LYON: Well he'd better say something of a little more substance than that and I'll listen to it first.

MR. GUTTORMSON: If he says I am wrong I challenge you to produce the letter that was written by your department when I asked the question. All you had to say is . . . . .

MR. LYON: . . . . . party?

MR. GUTTORMSON: I said by your department.

MR. LYON: Oh well.

MR. GUTTORMSON: You said that it was still under consideration. The other evening I asked you if all appeals came to your attention and you told me that since your time in office you didn't know of a single request for an appeal coming to the department without you knowing about it.

Since this House started sitting . . . . .

MR. J. M. HAWRYLUK (Burrows): Mr. Chairman, may I intervene in here? I think the member cannot impute the integrity of any member of the House in calling him a liar. And I think I would ask for an apology from this member.

MR. GUTTORMSON: I don't care.

MR. EVANS: Mr. Chairman, I'd like to point out that the honourable member is listening to whatever the Honourable Member for St. George cares to say and I think the point that my honourable friend over here takes is well taken. I would have taken the point myself except I know that the Honourable the Attorney-General will have his opportunity to reply too. I think it is -- well I will not express my opinion.

MR. GUTTORMSON: Since this House came into session, there was a case on in the city dealing with an assault of a 29 year old man by his wife with nitric acid. This case was brought to my attention and . . . . .

MR. LYON: Mr. Chairman, unless I'm mistaken, the appeal period for that case has not yet expired. Now I would call into question the right of the honourable member to speak about a question which is still, although not sub judice presently before a court but still conceivably, action could be taken within the 30 day period on it. Now I don't raise the point, because I intend to answer what he has had to say but I don't know that this Committee is the proper place where the facts of particular cases should be discussed while those cases may still be under consideration by the department. I rather call into question, certainly his motives and secondly the propriety of dealing with cases like that before the appeal period has expired.

MR. HRYHORCZUK: Had the Honourable the Attorney-General raised an objection on any other point except that one I'd agree with him but I do not think he is right when he says that there's a possibility of an appeal therefore the matter cannot be discussed here. I don't agree with him and I do not think that he is right.

MR. LYON: I made that point clear Mr. Chairman, on the point of order. It was merely this, I do not think in the interests of propriety that it serves the benefit of this House or of the public interest to discuss the facts of a case. Once the case is closed and all possibility of appeal has been abandoned then I think what my honourable friend from Ethelbert Plains says is quite right. But I rather question whether it's in the interests of the accused to start with. Whether it's in the interest of the accused or the interest of the public to be discussing this type of case, the particular facts of the case. Now I have no objection to the honourable member raising the question the case but I wonder if the House gains anything by him going into these supposed facts which he has at his disposal.

MR. PREFONTAINE: Mr. Chairman, I beg to disagree completely with the statement made by the Honourable Minister. The duty of the opposition according to Jennings as I read

(Mr. Prefontaine, cont'd.) ... the other day is to bring particular cases to the attention of the Ministry so that action might be taken within this month not after.

MR. LYON: If my honourable friend would listen and not be so eager to talk he would appreciate that that is just what I said. Having brought the case to the attention of the House I don't think that it is necessary to go into all of the surrounding circumstances because there is danger of prejudice not only to the accused but the public interest has to be considered. Now I know the case about which he speaks quite well. Now if he wants to -- merely I am standing up to say that he was appearing to start into a dissertation of the facts of that case which I do not think this Committee should hear at this particular time.

MR. T. P. HILLHOUSE Q.C. (Selkirk): Mr. Chairman, ..... is it not a fact that all the facts in that case were published in the newspaper?

MR. CHAIRMAN: I think we should uphold the point of view of the Attorney-General on that basis that the time for the appeal has not expired and it might be prejudicial to someone concerned if got into discussion of the case right now. That's my decision on the matter.

MR. LYON: Mr. Chairman, let me make it clear for my honourable friends. I have no objection to discussing the point that he has raised but I'm not going to get into the question of discussing the facts of the case. It's quite all right for him to mention the case but I don't want to discuss the facts of it.

MR. HILLHOUSE: Mr. Chairman, I'd be the last person in the world to want to prejudice an accused in any case whether he hadn't been tried or was coming to appeal but in this particular instance the facts of the case were published in the newspapers and I don't think that anything that would be disclosed in this House would reveal anything more to the public than has already been revealed.

MR. LYON: Well let him carry on. We'll see.

MR. HAWRYLUK: Mr. Chairman ..... permit for a member of the House to continue his discussion on the point that I have brought up. I think it's not in order for a person to continue unless there is an apology made to the rest of the members of the House. In all the time that I have been a member in this House I don't think I have heard anyone ever accuse a member of being a liar. And I think it's about time that the member, who should know better, who has been a member of the House should take heed of the words of former members who used to advise the newcomers coming into the House.

MR. PREFONTAINE: Mr. Chairman, according to my understanding of the French language there is a difference between calling a man a liar and say that the man has lied to me. There is a difference. Absolutely there is. There is, quite a difference. And the matter wasn't raised at the time and I think the honourable gentleman who had the floor is totally entitled to bring this matter to the attention of the House and use all the time at his disposal in order to do so.

MR. CHAIRMAN: But not in any way that will reflect upon the character, integrity of a fellow member of the House. That must be made very, very definite.

MR. GUTTORMSON: Mr. Chairman, the other day the Attorney-General told the story about the Member for Carrillon and I don't remember him apologizing after he was challenged to prove his facts. I'm endeavouring to prove what I said.

MR. LYON: Sure get on with it.

MR. GUTTORMSON: You're so anxious to give double talk all the time instead of answering the question properly like other members of the House.

MR. LYON: Use your head rather than your tongue.

MR. GUTTORMSON: You might follow your own advice. You're trying to be a smart alecs. That's all right. I'll watch my sunburn, I'm not nearly as sunburnt as some of the other members across the House. I can take it and I can also give it.

MR. LYON: Well, get on with it.

MR. GUTTORMSON: Since this House began sitting there was a woman charged with assault in City Magistrate's Court when she used Nitric Acid. The case was heard, all the evidence was presented and following the evidence the magistrate sitting on the case found the accused guilty and sentenced the woman to four months in gaol. This is one of the most savage assaults that has ever been committed, I dare say in the history of Manitoba. And to substantiate what I have said I have brought pictures along which I am going to ask the page boy to show

(Mr. Guttormson, cont'd.) ... the Attorney-General if he will be kind enough to return them to me after he has looked at them. Three of them show the gentleman in question after the attack, one prior to the attack.

MR. LYON: Mr. Chairman, I think this is quite out of order for the honourable member to be trying or attempting to inflame the attitude of members of the House with respect to a criminal trial the appeal period for which has not yet expired to the best of my knowledge by presenting here photos which were perhaps court evidence, I'm not aware of the fact -- photos which were court evidence trying to get an inflammatory opinion from this House which would be in derogation I suggest, just highly in derogation of the public interest and of the courts.

MR. CHAIRMAN: My decision is that this matter should not be discussed in the way it's being presented at the present time. We've nothing to gain and I object.

MR. GUTTORMSON: Mr. Chairman; the Leader of the Opposition discussed a case yesterday and there was no opposition at that time.

That case was closed.

MR. CHAIRMAN: This case is not closed and we're not trying the case here or trying the appeal.

MR. GUTTORMSON: I'm not presenting any facts that weren't brought out in open court or weren't published or reported on the radio stations or the T.V.

MR. CHAIRMAN: We'll consider the matter closed; we'll not discuss it here.

MR. CAMPBELL: Mr. Chairman, wouldn't the decision rest on the fact of whether the case is or is not before the courts? I'm not .....

MR. LYON: The point I was trying to make from the Leader of the Opposition was ....., Mr. Chairman, speaking to that point is that so far as I'm aware the 30-day period has not expired and my point is that it is not in the interests of the House to be discussing particular matters referring to a case -- the appeal period for which has not expired.

MR. GUTTORMSON: But the fact, Mr. Chairman is I don't think the Honourable the Attorney-General always keeps coming back -- it's not in the interest of the House or the public, I think the point the Chair has to decide is to whether it's proper to discuss it at this time. And I do not agree with the Honourable the Attorney-General that just because the time for appeal had not expired that it could not be discussed here. He hasn't made that statement. He hasn't told us, the Chairman or anybody else that because the matter is subject to appeal or has not been appealed that we can not properly discuss it here. Does he contend that?

MR. LYON: What was the date of the conviction? That's one thing I would like to know.

MR. HRYHORCZUK: No, no, the point is that immaterial of whether -- there's still a possible appeal or not, the matter can be properly discussed here unless it is before the court.

MR. LYON: Well, Mr. Chairman, I say this that -- and I'm speaking perhaps from the forms of personal propriety -- I would not discuss the facts of any case in this House on which there was a chance still of an appeal being taken to another court because I think that would be prejudicial, not only to a public interest but prejudicial to the courts and to the accused. And I think that's a very common sense view.

MR. CHAIRMAN: Decision ..... we're not going to discuss the question any further.

MR. CAMPBELL: Now, Mr. Chairman, I think that if you made a decision like that that we would have to appeal it for the simple reason that the rule is clear that if a matter is before the courts then it can not be discussed here. If it's not before the courts then there might be the best of reasons of why we would wish to discuss a question here trying to persuade the Crown that they should appeal -- the best of reasons. As a matter of fact the press of the City has discussed cases urging appeal. Surely, surely, we're not debarred from doing what the press can do.

MR. J. A. CHRISTIANSON (Portage la Prairie): Mr. Chairman, if I may interrupt surely there's some difference between the press discussing a case and members of the House asking the opinion of the Attorney-General on a case? I think you're ruling is very well taken and I think we should get on with the discussion of the estimates.

MR. LYON: Mr. Chairman, I make it clear again that I'm not trying to inhibit the honourable member. I think if he would use his head, if that's possible, and try to phrase what



(Mr. Lyon, cont'd.) ... he's attempting to say in a proper way that there would be no objection from this side. I merely say that it is not in accordance with any personal sense of propriety that I would have that he should go into voluminous facts about cases. I'm aware of the case of which he speaks. Let him make his point about the case without trying to inflame the minds of the members of this House or the minds of the public either one way or the other for or against the accused when there is a possibility because the period has not expired when there is that possibility that this matter may have to go on to the courts again. I think that is a perfectly good reason.

MR. CHAIRMAN: The point is that if it had been as we had matters brought before our attention yesterday and in a general way but this is different. Here's a case appeal pending and here were exhibits being presented -- pictures that were going to be presented by the member to the Attorney-General and that to my mind is not in order and is not in the best interests of justice for us to do that.

MR. PREFONTAINE: Mr. Chairman, I for one believe that the Honourable the Attorney-General is not one that should give lessons to others with respect to what is a sense of propriety in the House -- of propriety in this House.

MR. EVANS: Mr. Chairman, then I take it that speaking to this point of order that your ruling has been given that in presenting his remarks the honourable member will avoid a discussion of the case along the line that he was pursuing at that time but will make his point as the Attorney-General has pointed out he has no objection to dealing with the position of this case in relation to the duties of the Attorney-General.

MR. LYON: Without particularizing, then I say the ruling, Mr. Chairman -- Mr. Chairman's ruling has been given, I take it that that is now being accepted by the House.

MR. GUTTORMSON: Am I to understand that I can't reveal the effects of this assault?

MR. CHAIRMAN: In a general way but not in particularizing it in presenting what it really amounts to.

MR. GUTTORMSON: Mr. Chairman, at the present this case is not under appeal and I'm going to quote an -- (Mr. Chairman: Trying to appeal) -- editorial which appeared in one of the radio stations following this sentence so I don't see -- a radio station can comment on a particular matter in the courts that I haven't got the rights in the House because the sentence in this case aroused so much interest, well as I say this radio station thought it necessary to comment on it and I'll read the editorial -- just parts of it, the essential part of it commenting on this particular case. It was heard over CJOB on February 7th and it reads in part, "Consider two cases tried within 24 hours of each other in Winnipeg last week by the same magistrate. One is that of a 29-year old housewife convicted of throwing nitric acid in the face of her husband as he came in the door. The man's face is radically and permanently disfigured; a face some people would not hesitate to call worse than death". In his comments leading up to pronouncement of penalty and the magistrate made it clear that he had come to the conclusion that the acid throwing was truly premeditated and not a sudden rash impulse or the act of self-defense. Then the astounded court heard the sentence, a mere four months in gaol dating from the time of pronouncement. The second case is that of a young man convicted of obtaining transportation by fraud having hired a taxicab by the hour and had been driven around the city until he had run up a bill amounting to \$30.00, and then finally conceded he hadn't the money to pay. The man's record included only relatively minor charges, vagrancy and charged under the Liquor Act but he was sentenced to three months in gaol. The case that I'm dealing with -- the man is badly disfigured. I wasn't trying to frame anyone; I didn't think the Attorney-General had had an opportunity to see the results; I was just going to show it to him. When I heard about it I went over to see him. He's emotionally upset; he finds it very difficult to see people, to talk to people. This wasn't something that was done in a moment of passion. Very few homes have nitric acid in them. This is a case where it had been purchased specifically for a particular reason and the person involved awaited. To make matters worse, as I say, it was a premeditated crime and the woman involved has a record including assault just one year almost to the day from the time she was sentenced for this offence and in the previous occasion she received two months for the assault. I made some enquiries about this case after I was told about it and I learned that the Crown Prosecutor in charge of the case at the time sought permission to appeal this case. He said that he thought it should be appealed or said he was considering

(Mr. Guttormson, cont'd.) ... appealing and would consult with the senior members of the department. He was consulted later on and he's advised me that he had been turned down by the Attorney-General's Department for permission to appeal this case. I think this is one case if ever I've heard of one where there was a travesty of justice and the sentence should certainly be appealed.

MR. LYON: Mr. Chairman, may I ask the honourable member who has just spoken a question? Does he not think that rather than a more severe penalty in a gaol in respect to this case that psychiatric treatment or something of that nature would achieve the desired effect to a greater degree.

MR. GUTTORMSON: I'm not in a position to say whether she should receive -- she probably will receive psychiatric treatment I don't know. But here's a case -- they might say that in all cases where sentences -- where there's crimes of violence that they shouldn't receive heavier sentences -- they shouldn't receive heavier sentence they should just receive psychiatric treatment. I mean that -- I don't pretend to be qualified; I think this is an outstanding case. And to support my argument here's an editorial from a person who has been in the newspaper game for many, many years and I discussed this case with numerous people who are very familiar with it and I don't mind telling you that they are all flabbergasted.

MR. LYON: Mr. Chairman, I wish of course to deal at the outset with the remark made by the Honourable Member for St. George. It was completely unparliamentary, unwarranted and remarks which had no foundation and fact whatsoever that he had been given misleading information in this House by myself with respect to a case. I answer him categorically, Sir, by saying this to him. I don't recall offhand the date upon which the question was asked. What date is it?

MR. GUTTORMSON: February 12th prior to the Orders of the Day -- Friday, February 12th.

MR. LYON: I can tell the honourable member that at the time I answered that question insofar as I was concerned the case was still under consideration because in fact I had not seen the police report myself. If he wishes me to call evidence to that point I can certainly do it in the person of the Deputy the Attorney-General of Manitoba. It was subsequent to that date that I actually saw the report. It is true that there had been preliminary discussions of a very minor nature with me without the facts being before me and certain opinions had been expressed in discussion of this matter within the department. And it is true -- possibly true that communications could have been made to the Crown Attorney in that connection based on these discussions not by myself of course because I was not in touch with the Crown Attorney. But I can only set the honourable member's mind at ease and tell him or the House when I told him on that date, whatever the date was, that the matter was still under consideration because subsequently I saw the whole report, considered the whole report and, as a matter of fact, had further discussions with the Deputy Attorney-General among others concerning this case. Now, as to whether or not the case is going to be appealed, I can tell the honourable member quite frankly that it is not going to be appealed -- it is not going to be appealed and I'm not going to go in to all the reasons for it but I will suggest the primary reason which struck me and which I can say struck other senior members of the department. The primary reason being that this woman had been in a psychopathic ward for some time prior to this offense occurring; that she is according -- and I'm not using names here but because the honourable member has chosen to bring this case up in, I think, a most awkward and improper way I chose to answer him not in an awkward or improper way but with the facts something with which he should make himself familiar. But taking all of these things into consideration -- taking into consideration the background as it was detailed in the report, taking into consideration the fact as I'm sure the magistrate did that this woman had served, I forget how many weeks in detention because she was not able to raise bail and so on -- unbalanced, unbalanced, it was the determination of the department which I have that this matter would not be appealed. Now I give those facts to the House. I regret having to give them within the appeal period time but because of the very discourteous and very unparliamentary remarks that have been made here by a member who should know better and I regret to see that he is -- and I don't say aided and abetted but there are members of the profession within his group who could give him counsel on this point. I regret to see that their counsel has not gone through to him because this is the type of situation

(Mr. Lyon, cont'd.) ... that I suggest should not be discussed in this particular way in the House. If we're going to start trying cases in the Legislature of Manitoba, fine and dandy, but I suggest that it's never been done before and I don't think it's a good matter to start doing it now. But I want that to be perfectly clear on the record; that when the answer was given to the honourable member that was in fact the case because, I had not seen the report. I saw the report subsequently, confirmed by earlier discussions with the Deputy Attorney-General and that is the way the matter rests today.

MR. HILLHOUSE: Mr. Chairman, in view of the innuendos contained in the statement just made by the Attorney-General wherein he refers to the fact that in this group there are men who could give the honourable member counsel. Well does he maintain that we're under an obligation -- there's two lawyers in this group, the Honourable Member for Ethelbert and myself. Are you maintaining or suggesting to this House that we should enquire of all the members in this group what they're going to talk about or what they're going to bring up? I submit that neither my friend from Ethelbert or myself are under any legal obligation to do so or any moral obligation to do so. And if the Honourable Member for St. George doesn't care to discuss matters with us, we can't ask him to discuss matters with us nor can we ask him what's in his mind or what he intends to bring up. And I think your suggestion is most unfair and most uncalled for.

MR. LYON: To put the honourable member's mind at ease, I wasn't suggesting that he should take the volition or the initiative in a matter like this but I would suggest in the future the Honourable Member for St. George avail himself of the very good advice which he could get within his own caucus ranks before he goes rambling off at the mouth as he has today.

MR. GUTTORMSON: Mr. Chairman, .....

MR. CHAIRMAN: Closed.

MR. GUTTORMSON: Mr. Chairman, he opened it again, I wasn't .....

MR. LYON: It's not closed to this point that I suggest that the honourable member should withdraw his first statement that a lie was made in this House because I suggest the evidence is here that that has not been done.

MR. CHAIRMAN: I was about to say that for my own part I refuse for any further discussion on the part of the Honourable Member for St. George until he does withdraw the remark that he made concerning the character when he said that the Minister lied. I don't think we can break up -- not until that's done can .....

MR. GUTTORMSON: Mr. Chairman, the Attorney-General was asked a question the other day and this is what he said -- I heard his remarks today and if he had been kind enough to give me the same -- tell me the same information when I asked him the remark as he has today there would have been an entirely different attitude taken -- if he said that he didn't know I accept it and I ..... apologize but I tell you what, it made me think.

MR. EVANS: Mr. Chairman, I'm going to raise a point here that the Chairman has ruled that the incident is closed except that he has suggested that the honourable member might wish to withdraw his remarks that he made at the opening of this incident. And I must raise the point of order that the Chairman's ruling stands unless it is .....

MR. GUTTORMSON: I understood the Chairman to say that the matter was closed unless I apologized and I am doing that now.

MR. EVANS: I don't think the Chairman raised the word about apologized -- I think he said it should be withdrawn.

MR. GUTTORMSON: Surely I have the privilege of explaining a situation.

MR. EVANS: I think not. On a point of order I suggest that there is no circumstance in which the word the honourable member used in this Chamber can be used.

MR. GUTTORMSON: Mr. Chairman, in view of the statement given to me today by the Attorney-General I will gladly withdraw the remark but in doing so I would just suggest in future when the Minister is asked a question not to mislead people .....

MR. LYON: Mr. Chairman, he's got hoof and mouth disease as usual again and if anybody can put his foot into it you can trust the Honourable Member for St. George to do it. All I'm suggesting if it didn't penetrate foggy bottom when I said it before I say it again to him here today that insofar as I was concerned when that question was asked I gave the true answer insofar as I was concerned, the case was still under consideration and that is the fact and I stand

(Mr. Lyon, cont'd.) ... by that fact.

MR. CHAIRMAN: Does the member withdraw the statement?

MR. GUTTORMSON: I wishdraw the statement I ....

MR. CHAIRMAN: No conditions.

MR. GUTTORMSON: It's all right for him to make all kinds of statements. I withdraw mine and I insist that you make him withdraw his. -- (Interjection) -- Yes, I ask you to have him withdraw his remark. You mean I can go around telling anybody they have hoof and mouth disease? There seems to be a rule for one side.

MR. LYON: On second thought, Mr. Chairman -- on second thought you know I was wrong. The honourable member couldn't put his foot in his mouth -- it's far too big -- his foot that is.

MR. CAMPBELL: Mr. Chairman, I think it would clear the atmosphere a little bit if I would ask the Honourable the Minister of Agriculture to explain to the Honourable the Attorney-General that the correct name is not hoof and mouth disease it's foot and mouth disease and he has kind of mixed the two up; and I'm not aware whether either one of them is parliamentary. Probably it would be best to just let the situation ..... at the time that this interesting little episode developed but if it's true that and of course these remarks of the Honourable Member for St. George used the word 'lie' or 'lied' or a derivation of that word then there's no question that he must withdraw that remark. But I would say, Mr. Chairman, that he having withdrawn it that he is entitled to continue with the discussion if he wishes to do so.

MR. GUTTORMSON: That doesn't close the discussion.

MR. PAULLEY: I think that the Honourable the Leader of the Opposition is correct -- I too was not in here but I have been informed of the remarks that were made, Mr. Chairman. I believe the Honourable the Attorney-General is quite within his rights and you, Sir, in requesting a member to withdraw because it was not parliamentary and then I also agree that having done that that the honourable member if he so chooses -- so chooses his language and so chooses to pursue his point that he has every right to do it.

MR. EVANS: Mr. Chairman, in committee the rules are that the number of speeches on any subject or the number of times a member might speak is not limited and I feel that if the honourable member in his judgment feels that any further constructive comment on this point is available he should make it and the Attorney-General will be glad to answer any questions.

MR. GUTTORMSON: I have nothing further to say at this time, Mr. Chairman.

MR. DESJARDINS: Mr. Chairman, first of all I would like to congratulate the Attorney-General. I think by and large he's doing a very good job but maybe today will be an example, maybe it will give him an idea that maybe on this side of the fence we have feelings too and I don't think he should be so thin-skinned in the future unless he is ready to treat us with the same courtesy as he expects.

MR. LYON: Mr. Chairman, on just a point of privilege here I've never and so long as I remain in this House and I hope it will be a long time perhaps longer than the Honourable Member from St. Boniface, I have never to date and I never will call a man a liar.

MR. DESJARDINS: Mr. Chairman, I did not say that but insinuating that a man is a crook is not any better. Mr. Chairman, as I said I think that the Attorney-General is doing very well but there are certain things that I'm not too satisfied with. One of them I hesitate in bringing in this Chamber because if one speaks to something on this subject he is likely referred to a goody-goody but we also have the obligation and responsibility and when we see children growing up in this kind of an environment I think that it's time something should be done. Mr. Chairman, I'd like to say here before we start another accusation I'm not accusing the Attorney-General at all but I think in fact I've brought this to his attention that I think that the House should maybe discuss this and try to do something about it. I'm talking about the ... and my feelings are that there is not enough done to get rid of this obscene and vulgar literature. Now to prove that point I have in this envelope here a few magazines that could be purchased anywhere even by my friend the Honourable the First Minister. And I doubt very much if any of you would take the responsibility of opening this and either try to have it circulate with even the girls from the Convent of St. Charles if they were here, or even the boys from Ravenscourt. So I think that definitely something should be done about that -- it's a shame. Maybe for some

(Mr. Desjardins, cont'd.) ... of the old bachelors from around here it's not dangerous but -- I said bachelors but there are some, Mr. Chairman, that have just grown up and believe me it's not this attitude that I would want people to feel that it's "holier than thou", but I think it is really serious.

Another point, Mr. Chairman, I would like -- I've had a lot of trouble with this question and I think this is the right place to ask it, I'd like the Attorney-General if possible, not immediately, to furnish the House with the amount of money that has been spent by the government or any of its agencies on this alcohol education or any organization that is set up to educate or fight alcoholism -- on the part and that's exactly it, it's under education -- everybody -- I thought that this alcohol business came under this. And that just makes me feel that I was right last year and that I'll be right -- and I make another motion that we try and get all these problems and we know which door to knock. We want to know something about alcohol or grants or something under education, health and Attorney-General and I don't know where to start because we're getting the run-around and I think most of the people are getting the same thing.

MR. LYON: It's just the same as it was when we took it over.

MR. DESJARDINS: It doesn't make it any better and I'm not responsible for work done in the past either and if things are going to continue the way they were what the heck are we doing here?

MR. LYON: That's ridiculous, that's a stupid statement.

MR. DESJARDINS: Last year -- last year what was it, why didn't you do it "when". Now you voted for it now it was like that before -- good. You talk about hoof and mouth disease

MR. LYON: You better look to your reader.

MR. DESJARDIN: Now there's another thing and of course that was like you were talking about things the way they were well a few months ago -- a couple of years ago we had a Youth Committee and all of a sudden we see in the papers, February 13th, they are going to quit they don't know if they're needed, two days after a permanent Youth Committee is formed. Last year the Attorney-General told me that he was looking into that that something would be done that, and it's the same thing -- it's not a committee we want, it's more than that. This committee was -- we had a committee they throw them out or permit them to -- well not to do anything they don't know if they're needed. "The Manitoba Committee on Youth, an organization set up by the Provincial Government that was when this side was over there, thirty months ago to combat juvenile delinquency may fold in April." "Manitoba's first permanent Youth Committee will be appointed by the Provincial Government this year" -- (Interjection) -- It is very good work. Now there's a thing that should give us an example that we are spending lots of money -- there's questions about the goals, about the food and about the delinquents but nothing is done to try and get leadership -- for trying to reach the people that aren't delinquents. And that might do something to prevent others from falling into this category and definitely I do not blame the Attorney-General and I know that they're doing their best but I think that that should be more than that. I said last year that it wasn't just that I wanted to have something to say I think that we should have a department or at least a sub-department to know that the people can go and knock at the right door. If you go to the Attorney-General you're sent to the Health Department and then to the Education Department and that's not right because they're all very important subjects but at the moment the Attorney-General has so much work that this is only one-third of the problem, and the same thing with the other departments.

There's another thing that we're all ready to defend, and at the least thought that somebody might be trying to muzzle the press -- right away -- the freedom of the press -- and I agree with this. But the freedom of the press will not mean anything if we continue, I guess this is all Canada I guess, if we continue to have the same laws. I'm -- I beg your pardon? -- You finished lighting the cigar. I thought maybe you had a remark. It's one of the only remarks I've heard you make. Anyway, I'm referring to this publisher, Mr. Chairman, that gets eight months; a fellow by the name of James Pierce Carlton, 43, publisher of the Manitoba .....

MR. LYON: On a point of order, that case, as I understand it, is under appeal. By the accused I might add.

MR. DESJARDINS: You give me a couple of cases ..... so we can talk a bit. Well, anyway I won't mention any names, Mr. Chairman, but I think that members that are permitted to run those scandal sheets, that's all they are and especially when they have ..... I'm talking about those that he had previously. I think, and this again as I say is not a reflection on the Attorney-General, but I think he should do -- his department should do something about that. There should be a way to protect the press, the people that are doing the real job, not just because somebody said, well if you want to talk well the press can go ahead. Because a man like that, who has been convicted two or three times, who can go out and ruin lives of people, I don't think that that should be allowed, and if that's freedom of the press, gosh, I don't know what this country's coming to.

.....continued on next page

MR. CHAIRMAN: 1 (b)

MR. LYON: I think there were some questions that were asked which I'll attempt to answer at this time. Dealing first with the Honourable Member from St. Boniface, I appreciate his taking the opportunity to show me some of the material of which he was complaining. He sent it across to me the other day and I can only point out to him that this type of salacious literature or semi-obscene literature, it might be called that, is dealt with under the Criminal Code of Canada. I've seen it, thanks. This is dealt with under Section 150 of the Criminal Code of Canada. There was a recent amendment made to that by the Parliament of Canada, whereby a person if he feels that certain literature on the newsstands -- Mr. Chairman, I think the Honourable Member from Carillon is getting to that age where one has to look after his heart, and I would suggest that he don't open those magazines too closely.

MR. PREFONTAINE: Mr. Chairman, my mind was somewhere else. My mind was somewhere else and I didn't hear you. Will you repeat what you just said?

MR. LYON: Concerned as I am, Mr. Chairman, for the health and the welfare of the honourable member, I was merely suggesting that he don't break the covers because at his age and so on and condition, there might be things in there that would startle him.

MR. DESJARDINS: .....wrong department again.

MR. LYON: As I was starting out to say before I was interrupted by "Playboy", there is a section in the Criminal Code which provides that any citizen who feels that material which appears on a newsstand which is of an obscene or salacious nature can be taken by that person; the person go before a Magistrate; have a warrant issued; and that material collected; and then go before the court to determine whether or not it is in fact obscene within the definition of the Criminal Code. I think the honourable member will appreciate that this is a matter within the jurisdiction of the Federal Government of Canada, and certainly insofar as the department is concerned, periodically from time to time checks are made by municipal police and by RCMP on these publications. I think the honourable member will appreciate though, Mr. Chairman, that it is a difficult thing for a policeman to become a censor even with the rather clear definitions of obscenity which we do now have in the Criminal Code. Still I can assure him that it's a problem which we don't treat lightly despite some of the thoughts that may be had about it. It is not a problem to be treated lightly because the point he raises is a very good one. What is good for an adult to read and for an adult to see may often be extremely detrimental for a youth or for a juvenile to see or to read. I think he raises a very good point and certainly it's one which I know engages the attention of the police from time to time and although there have been, not to my knowledge, any prosecutions recently on the subject, certainly it's something that, insofar as I'm concerned, they should continue to make periodic checks upon. But I can assure---

MR. DESJARDINS: Mr. Chairman, will the honourable member permit a question? The Attorney-General -- would you feel that this is, there's enough done on that? Is that the way I should take your answer, or that something else could be done? I appreciate that it's very hard for the police and so on, but in view of the fact that these are practically in every drug store, couldn't something be done or shouldn't it be the responsibility of the Attorney-General to see that something more should be done?

MR. LYON: Well, Mr. Chairman, I know that this is a problem which has bedevilled not only myself, but my predecessors. I'm sure the Honourable Member for Ethelbert Plains faced the same subject. I know that his predecessor, now Mr. Justice Schultz, had the same problem before him constantly. It is a question which receives constant attention from the department. Now we certainly -- I could accept the criticism that perhaps we're not tight enough on it. By "we", I mean the police operating through the department, but it's so much a matter of opinion as to what is obscene and what is not obscene. What may be obscene to the honourable member and to me may to somebody else, who perhaps has more of an artistic nature than either the honourable gentleman or myself, may be completely palatable and be considered almost cultural. But I think he can appreciate the dimensions of the problem, the dimensions of the interpretation of what is obscene. I personally prefer to leave it always with the courts and I think the section of course is properly designed to do that, whereby a person if he feels himself that it's obscene can take it before a court, and the court operating within that definition can then determine the question one way or the other. But I do want to assure

(Mr. Lyon, cont'd) . . . . him that it is a matter which receives attention by the department.

Now going back to the questions that were put yesterday and some of the statements that were made yesterday, I must say, Mr. Chairman, that one of my pet theories of course has been proven again to be true, and that is that no matter what is done by an Attorney-General or perhaps by anyone on this side of the House, he's not going to receive any concurrence or agreement on the other side of the House, because yesterday I had the Honourable the Leader of the CCF telling me that I was appealing too many cases, and then of course the Leader of the Opposition turned around, with a very good viewpoint I would say, and said that in his opinion perhaps not enough cases were being appealed. If it can be held that I am somewhere in between the two, then of course some people might say that I'm exactly right --(Interjection-- I don't hold to that view either. But it is, on the question of appeals, it is a distressing matter I know that anyone who has had to look at these cases to try to weigh all of the checks and balances and so on, it is a difficult matter on which to make up your mind.

The great concern of the department, as the Honourable the Leader of the Opposition put it so clearly yesterday, is of course to protect the public interest. That's the prime concern of this department, and very often it arises that there are cases which come before the courts where common sense dictates to anyone who looks at it that this type of case should be appealed. Now the Honourable Member for St. George may say that the case of which he speaks is one of those, but I would say this, that on the basis of the facts as we see them, and remember this that we have to look at all of the facts as I'm sure the Honourable Member for Ethelbert Plains did in his time, you have to go right back to the beginning and look at the reports; look at the facts; look at the evidence that was given; and so on and so forth; and while you can't usurp the function of the court still you must try to consider on balance what is in the public interest. And reverting again to that particular case I think I gave what I at least considered to be sufficient reason for not pursuing it further, because of the mental condition of the person involved. I don't think that imprisoning a person who has a psychiatric problem is the answer. I don't hold to that view at all. But I must ask the House to bear with me when I say this, that to the best of our ability, and when I say "our ability" I mean it; it's not "my" ability, it's the ability of all of the people that I have in the department, the very excellent staff that I do have in the department -- in consultation with them we try to do what we think is fair and equitable and in the public interest in each case. Now undoubtedly there are going to be times when there will be disagreement and when there will be different viewpoints taken on these different cases. But that of course is one of the decisions that we have to make. It's one of the responsibilities that we have to accept and all I can say is that we will continue to discharge this duty as we see it according to our own light, remembering always that the public interest is the primary concern of the department.

Now the Honourable Leader of the CCF raised a question in connection with the beer increase and I would like to make a few remarks at this time about it. I can appreciate his concern; I don't know if it was a political concern or a personal concern, and certainly I think that these facts would be of some interest to him and I'm sure to the Honourable Member for Ethelbert Plains who also raised it today. You'll recall that approximately 16 to 18 months ago there was a strike of beer waiters, and at that time during the negotiations it became apparent that the labour element in the dispute felt that they were somewhat grossly underpaid, and of course the managerial element turned around and said, well, maybe you are underpaid but we just haven't got the wherewithal to meet your demands. They said, in effect, when we get a beer price increase then perhaps we can deal with the subject matter of labour's request. Consequent upon that and upon other submissions that had been made to the government, we had a team conduct an economic survey of the hotel industry in Manitoba and to make briefs and notes on the situation of the hotel industry in Manitoba today for our guidance.

The general result of that inter-departmental enquiry into the status of this industry in Manitoba was rather revealing because it did point out to us this fact, that by and large, the small rural hotels in Manitoba, and they bulk large in the overall total of licensed hotels in this province, by and large the small hotels in the small centres, the ones that had been there for 10, 15, 20, 25, 30 years, were in a precarious financial position. If immediate aid was not forthcoming to them there was the danger in many cases of bankruptcy, and consequent upon that of course the loss to the small rural communities of this service which has become part and



(Mr. Lyon, cont'd). . . . parcel of the life of many of the small communities of Manitoba. The survey revealed also, from an economic standpoint, that in larger centres, that is in the suburbs and larger towns and cities in Manitoba, while the overall operating profit of these hotels was low, that is taking into account their room service, their restaurant service, their beer profit and so on and so forth, while this was low, by and large, what little profit they were making was coming out of the beer industry, but of course the need there was not as great as it was among this first group of which I spoke - the small hotels. It was also apparent that a standard beer price increase right across the board would produce additional revenues to some of these larger hotels in larger centres, additional revenues which were completely disproportionate to their needs. In other words, you had an industry part of which was in a precarious position, the other part of which was not in a precarious position at all on account of beer prices. It was also made apparent to us that there had been no change in the retail price of beer in these hotels since 1950, and that in the ten years that had passed the cost of employees, the cost of salaries, the cost of maintenance of these buildings, the cost of practically every other article in connection with the operation of a hotel had gone up considerably, and yet they were pegged of course to this frozen price which is contained within the legislation.

Now that was the hotel situation that was presented to us. Insofar as the off-sale beer situation was concerned we found this, that there had been under discussion for many years or for many months, by the Commission, and I'm sure this was the case prior to our coming into office, the question of equalization of off-sale beer prices in Manitoba. Honourable members will recall, Mr. Chairman, that prior to the recent increases there was a double pricing system of beer in the province, whereby if you walked across to a local brewery depot you could buy a case of two dozen beers for \$4.50; whereas if you bought that beer from a local hotel off-sale it would cost you \$5.00. It was also apparent from these studies that the Commission had made that 53% of the beer, off-sale beer sold in Manitoba, was sold through these higher vendor hotel outlets, that is through the vendor hotel. The average rural person in Manitoba was buying his beer through a hotel at the inflated rate of \$5.00. Now when I say inflated, I mean inflated only in relation to the city price.

Now these were the background facts which we had. The increases that were made, therefore, were primarily to rescue, and I perhaps am not well advised in using that word, but to give immediate assistance, and our survey showed that immediate assistance was required primarily to these small hotels. Coupled with it was the low volume allowance scheme that was worked out whereby the more beer a hotel sold the greater the amount it would pay for that beer. So that primarily your small hotels, which were your small distributors and your small volume retailers, would be able to buy their beer at a lower price than the large volume operators. The more beer you buy, the more you pay for your beer. That is the principle upon which the low volume allowance system worked. And in the course of that, of course, it was thought to be reasonable that with this low volume allowance system in effect, that the province should participate in this increased price in the beer. Now immediately somebody is going to say, oh well, the situation was fine as it was; we were making enough out of beer and so on and so forth. But I think certain facts in that connection will be of interest to the committee, Mr. Chairman, and with their leave I would like to refer to figures which we have showing the profit comparisons of the western provinces on the question of liquor sales. Actually, the figures that I'm going to give, Mr. Chairman, are total liquor sales. I'll give you some other figures on beer sales very shortly. But gross profit in relation to sales, gross profit in relation to sales in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, and these figures are as of March 31st, 1958, the latest figures that we have, showed that in Manitoba the percentage ratio was 25.09%; in Saskatchewan it was 34.49%; in Alberta, 33.16%; in British Columbia 33.28%. Now getting down to the beer figure or to the ratio of gross profits of sales in beer. The ratio of gross profits of sales in beer in Manitoba as of 1958 was 6.62% --6.62% as opposed to the spirit ratio of 43.264%, and just in passing, that perhaps gets that one question that the Honourable Leader of the Opposition was asking yesterday about the relation between spirits and beer sales. The markup - the profit return on spirits of course is considerably higher than it is on beer as can easily be seen from these figures. But with these facts in mind, with the factor clearly before us that this province for one reason or another apparently was not getting the same fair share of the beer returns that other provinces to the

(Mr. Lyon, cont'd).....west were, the scheme was melded and dovetailed together whereby assistance was given to the small hotels which needed it, and needed it as were told drastically; and secondly, there was of course an increase to the provincial revenue.

Now the question has been asked, by I think, the Honourable the Leader of the Opposition and by the Member from Ethelbert Plains today, how is this pot divided up? Well very roughly, and I can't of course intrude upon the figures of future revenue estimates because that is a matter which lies within the province of the Honourable the Provincial Treasurer, and without using figures I can say very roughly that the return will be roughly two-thirds to the hotels, one-third to the government. Now that's only -- let me stress this -- only a rough estimate.

MR. HRYHORCZUK: I would like to ask a question if I may, Mr. Chairman. What about the breweries on their off-premise sales to their stores? Don't they get something out of this too?

MR. LYON: The point that was raised by the honourable member is a good one because we did change the system whereby formerly breweries did not sell their liquor to the commission, it was sold through the vendors' stores. Now the liquor that is sold through vendors' stores by the breweries is first sold to the commission and then sold back to the breweries. I haven't any figures because of course the system just started in October and I haven't any estimates on that at all. By and large the scheme that was devised was one whereby the breweries out of the beer price increase would receive no portion of the additional monies that were coming in.

MR. HRYHORCZUK: If I may on this point, I don't want to interrupt the Honourable the Attorney-General, but my information may be wrong and if it is I would like to be corrected. When the change in pattern of beer prices was made is it true that the benefits of the change in pattern of prices, insofar as the breweries were concerned, was made retroactive to the 1st of April, 1959, whereas the hotel keepers didn't obtain the benefits of this change until the change was announced?

MR. LYON: No, I'm not aware of that, Mr. Chairman. I wouldn't want to answer categorically but that's certainly not the fact as I know it. It might bear checking and I'd be glad to do that but I'm not aware of it at all.

MR. HRYHORCZUK: I wish the Attorney-General would check it so that we'd have the correct facts instead of going by rumour.

MR. LYON: The general statement that I can make is this. That in the overall beer increase it was so made as not to increase the brewery profit at all. Now within that scheme brewery profit is made up of course in very many ways. It depends on the number of two-, dozens they sell, the number of one-dozens and so on and so forth. We have no way of predicting what the change as between two's and one's will be, but surprisingly enough it has been slight so far. Now within that ambit there might be room for additional money to accrue by virtue of people buying more two's than one's, but in no other way that I know of was there any system whereby the breweries would receive any money out of this beer price change.

MR. PAULLEY: .....the possibility due to the increase in the general case price on their off-sales. They wouldn't receive that increase there.

MR. HRYHORCZUK: I think this is an important point, Mr. Chairman, and I don't want to pursue it indefinitely, but didn't the hotel stores obtain the same treatment in regards to price that the hotel keepers did?

MR. LYON: You mean formerly?

MR. HRYHORCZUK: Yes, for off-sale, through their stores -- off-premise sales. --Interjection-- Oh, there was a uniform price, yes, but the difference.....

MR. PAULLEY: If I may, Mr. Chairman, and thereby through the uniform price in that increase to that extent on their off-sales, directly from the breweries, they received that portion of the increase, is that not correct?

MR. LYON: No, the point I'm trying to make, Mr. Chairman, is that we changed the former system whereby a brewery manufactured and sold through its vendor store without passing through any intermediate hands. Beer for \$4.50 a case. Now that beer is produced by the brewery, sold to the Commission and then sold back to the brewery at the same price vendor, as it is sold to a hotel vendor, that's the point.

MR. HRYHORCZUK: The focal point is, did they receive any preferential treatment in that regard insofar as to when this price was to apply or this arrangement was to apply?

MR. LYON: No, the point -- I again reiterate, the point is that within the ambit of the change in this scheme there was no money to accrue to the breweries as a result of it. It was to accrue to the hotel industry, as I said, approximately -- only estimates -- approximately two-thirds; to the government approximately one-third. I think these figures might, when subsequent years revenues are shown, these figures might even out slightly more in favour of the government than what I have indicated, but by and large it will be a 2/3 - 1/3 split according to present estimates.

MR. PREFONTAINE: Mr. Chairman, I hope I'm not rising to ask a question that has already been asked. I'm sorry I wasn't able to be present the night before last but....

MR. LYON: I haven't finished, if the honourable member will ---

MR. PREFONTAINE: Oh, pardon me.

MR. LYON: Well if it pertains to what I was just saying he might as well go ahead.

MR. PREFONTAINE: It pertains to beer.

MR. LYON: Go ahead.

MR. PREFONTAINE: It pertains to beer. I was one of those who possibly thought at the time when the price of beer was raised that the government might be killing the goose that laid the golden egg; because I was afraid, and I thought that consumption would decrease and that the government would be not better off financially. I wonder if I was right and I wonder if the consumption of beer is increasing or staying static. I thought that in our days we had reached the point of diminishing return just about on the price of beer, and I wonder what the situation is now.

MR. LYON: According to the estimates that the commission has given me, and of course they're coming near a year end now, but according to the estimates that they give me the goose of which the honourable member talks is in very good plumage and very good shape and is increasing in size apparently. But I would say in that regard it is true there has been no decrease to date, no decrease in beer consumption, in fact there has been a slight increase in beer consumption even since the price change took place. But it is the consensus of opinion by the commission that the levelling-off period that my honourable friend mentioned, if not already here is very close to being here, that is with respect to beer and probably to spirits as well. Now the Honourable Leader of the CCF spoke very comically about a man going into a beer parlor and ordering a "Roblin Special". I don't know if he's ever heard of a "Douglas Special", but I want to tell him in case he doesn't know about it, that the "Douglas Special" is the same beer, the same glass, the same size, and the same price as we have in Manitoba, and if we can be .... (Interjection) -- and if we can be blamed for anything perhaps we were aping them or they were aping us. I don't know which but the fact remains that in Saskatchewan you get the same quantity of beer, 8 ounces for 15 cents, as you do in Manitoba. It might be of interest to the commission just to -- or to the committee to hear some of these price comparisons in Western Canada on on-premise and off-premise retail prices at the present time. On-premise beer, that is, beer bought for consumption in a beer parlor or its equivalent in other provinces, sells in British Columbia for 29¢ a bottle or 10¢ per 6 1/2 ounce glass; 20¢ for a 13 ounce glass. In Alberta it sells for 30¢ a bottle; in Saskatchewan 30¢ a bottle; in Manitoba a maximum of 30¢ a bottle - the range of course is 26¢ to 30¢. The draught beer in Alberta, 10¢ for a 5 1/2 ounce glass; 20¢ for an 11 ounce glass. The "Douglas" beer in Saskatchewan, 8 ounces for 15¢. The so-called "Roblin Beer" in Manitoba, 8 ounces for 15 cents.

MR. HRYHORCZUK: Pardon me, isn't it correct to say though that the Roblin beer, it wasn't 8 ounces for 15¢ because you had to change the glass just recently to make it 8 ounces.

MR. LYON: It was laid down in the regulations, Mr. Chairman, that the ----

MR. HRYHORCZUK: I'm not disputing the regulations, I'm talking on behalf of the consumer. He wasn't getting his 8 ounces under the glass that's in use right now as I understand it.

MR. LYON: I think the Commission was considering the consumer as well, Mr. Chairman, because we now find that there is a rather nice little line around the glasses indicating what the 8-ounce mark is, and I dare say that from that point on the consumer can pretty well

(Mr. Lyon, cont'd). . . . look after himself because he knows whether or not he's being short-changed. Just on that point of tide-line glasses; they were put into operation in Ontario when Ontario by the way brought in a 15¢ glass just before we did in Manitoba. In fact, Manitoba was perhaps the last province to make the change in the draught beer glass. In consultation with the Chairman on the Commission in Ontario our people here found that the tide-line glass was working very well. It has been in operation in Saskatchewan for some time. It was thought to be desirable and it was ordered here in Manitoba, and to the best of my knowledge -- I can't speak from personal experience - I might have to defer to the Honourable the Leader of the CCF-- but to the best of my knowledge it's working out fairly well now. Just to continue these comparisons, in Manitoba as you now know, we have a uniform price system right across the province whether you buy from a vendor or from a liquor commission or from a brewery retail outlet, \$2.60 a dozen, \$5.20 for two dozen, and Manitoba and Saskatchewan are the only provinces which sell two-dozen cartons of beer. Saskatchewan sells them for \$5.85 and Manitoba of course for \$5.20. One dozen case of beer through hotels --pardon me, I'm speaking through hotels -- one dozen case of beer through hotels sells for \$3.47 in B.C., \$3.30 in Alberta, \$3.20 in Saskatchewan, and \$2.60 in Manitoba. So you can see that the effects of the equalization of prices has had a beneficial effect, primarily I would say, in the non-urban portions of Manitoba where 53% of the beer was being purchased at the former rate of \$2.70 I think it was, for one dozen, now it's purchased for \$2.60 for one dozen; if you buy 2's the price is increased 20¢ per two dozen.

Now I think I have already pointed out that we were among the last of the provinces to effect the change in the draught beer price because it seemed to have been the thing to do and in other provinces because apparently the same situation has occurred there. I don't think there is too much else that I could say on that particular point. I'll just check.

MR. HAWRYLUK: May I be permitted to ask a question Sir, if you are on this subject? It was brought to my attention by several members in the hotel business and in the Legion who operate a beer parlor, that is it true that the sale of beer by the keg is going to be done away with. Sale of beer by the keg.

MR. LYON: In a beer parlor.

MR. HAWRYLUK: No, no, I mean the sale of it by the brewers.

MR. LYON: Draught beer on occasional permits.

MR. HAWRYLUK: Yes, that's the sale.

MR. LYON: No.

MR. HAWRYLUK: It's not.

MR. LYON: Draught beer no. The draught beer on occasional permits, I think the Honourable Member from Ethelbert Plains will recall this, that's right in the Act. It is true that the breweries are permitted to make a service charge now with respect to services which they formerly supplied free, and it is true that perhaps may have effected diminution upon draught beer being sold for occasional permits.

MR. HAWRYLUK: But I think the breweries are not going to sell beer by the keg to private banquets and to weddings. I think that's being discussed.

MR. LYON: That's the point I'm getting at ----

MR. HAWRYLUK: That's the point, Mr. Chairman.

MR. LYON: On occasional permits. On occasional permits draught beer is still available by the keg, but there is additional charge permitted to the breweries for services which they formerly gave free; that is, tapping, glasses and so on and so forth, but it's still available to people who want it.

MR. HRYHORCZUK: I have one more question on beer, Mr. Chairman. Has there been any change in the price paid to breweries for beer since July 1st 1958?

MR. LYON: Turn to section of the Municipal and Public Utility Board..

MR. HRYHORCZUK: I tried it.

MR. LYON: No change at all, none whatsoever.

MR. J. M. FROESE (Rhineland): Would I be permitted to ask the Honourable the Attorney-General a question? The question is this, could he tell us what courts take charge when certain charges are laid. Is it the charge itself or who or what determines what court will deal with certain matters? I take it that any charges under the criminal code are dealt

(Mr. Froese, cont'd)....with by the Federal courts but.....

MR. LYON: Well briefly, Mr. Chairman, we start off from this basis, that the only criminal law in Canada is made by the Federal government in the criminal code or in related statutes such as the Opium and Narcotic Drug Act, Juvenile Delinquents Act and so on and so forth. The Province then has what lawyers loosely call a quasi criminal jurisdiction in laws that we enact in this House. We can enact prohibition and provide penalties for them. These are not considered truly criminal offenses; these are quasi criminal offenses, but they are nonetheless offenses for which a man can be penalized either by way of fine or by imprisonment. Now the courts which hear these offenses, all summary conviction offenses -- and any offense which is created by this Legislature is a summary conviction offense -- all summary conviction offenses must be heard and determined by a police magistrate or two justices of the peace. When you get into the field of the federal criminal law then you start getting into the fields of divided jurisdiction. You have that the same rule applies there; all summary conviction offenses so created by the federal government and the criminal code are heard by police magistrates or two J.P's. Then you get into the field of indictable offenses. Indictable offenses fall into two classifications. Those which must be tried by a judge and jury; that is, murder, rape, manslaughter, etc. etc., the most serious indictable offenses; those must be tried by judge and jury. There are actually three classifications. The second classification, and this is the broadest of the group, are those offenses where an accused has an option as to how he will be tried. He is first brought before a magistrate in each instance and charged with car theft for instance. You're brought before a magistrate in the first instance. You are then given what we call the option; you may be tried by the magistrate, you may be tried by a judge without a jury, or you may be tried by a judge with a jury, and at that point the accused, if his offense falls within one of this broad group can then elect his mode of trial. If he wants to be tried by the police magistrate he can. If he wants to be tried by a county court judge sitting in county court judges' criminal court, he may be, by his own option. If he wants to be tried by a judge of the Queen's Bench with a jury he may be so tried at his own option. That is the broad group in the criminal code.

The other group that I haven't mentioned is the group which are either summary or indictable offenses at the election of the Crown and there are very few in that field, but they are such offenses as drunk and impaired driving. They're the ones that come most quickly to mind. There are two or three others in that field where the Crown elects in effect the mode of trial by which this man, the accused, will be tried. That is why in, for instance, the drunk driving case you hear most often of the man stands up, the charge is read to him, the Crown will say "proceeding by way of summary conviction", which means that the magistrate then has jurisdiction to go ahead and hear the charge. But that's the best I can do to explain the division and charges.

I think there were one or two points that were raised. The Honourable the Leader of the CCF wanted to know something about Sunday sports. My best advice to him at this time is that he should wait and see just what happens on that subject. Undoubtedly, as I'm informed by the papers, we're going to have one bill at least before us from the City of Winnipeg asking for certain amendments to their charter. The Leader of the Opposition wanted to know about the Law Society and Legal Aid. Perhaps I should deal first with the point that he made wherein he suggests that I have held out some hope to the House that the implementation of the Fauteux report was extremely imminent when I spoke last summer. And in that regard, Mr. Chairman, I should call to my own defense because I think it is a valid defense that should be made. I pointed out at that time on no less than two occasions as I see in Hansard that it would be a matter of at least 30 months to 2 years speaking from the date that I spoke then - that was in July of 1959. Because of course when the Dominion-Provincial conference at Ottawa closed it was made palpably clear and in the press release that was circulated throughout the country that it would be probably, as I think the press release said and as we agreed, 3 years before the impact of this change would become manifest in the various provinces across the country, but I don't want -- I know the Honourable the Leader of the Opposition wasn't making any innuendo but I didn't want the House to be under any misapprehension as to what I had said at that time. I think it is quite clear on Page 713 of Hansard of July 8th, 1959 -- I'll just quote this sentence for the record: "I want the committee to understand, Mr. Chairman, quite clearly

(Mr. Lyon, cont'd) . . . . . that these initial steps towards segregation," — I was referring to segregation at Headingley Gaol -- "represent only the beginning of what we hope will be a suitable plan to handle all prisoners at Headingley Gaol during the period of the next two years, approximately, or 30 months before the impact of the new Federal-Provincial scheme will be felt." And again on Page 714, quoting in part, "that is the numbers who will be available for this type of correctional camp work will we hope diminish as the next few months -- the next 30-odd months go by." And at that time I was referring of course to the fact that this new plan is expected to take some time because of the considerable amount that will have to be expended in furtherance of it. Now the Leader of the Opposition dealt with the question of the law society and the provision of free legal aid outside of Greater Winnipeg. I'm happy to be able to tell him that I have had continuing discussions with the members of the Law Society on this subject and I can't say to the House that they have borne fruit, but I know that it is the wish of the Society if possible to extend their present indigent work to other centres in Manitoba. Now it will be appreciated that there are many towns in the province where you have maybe only one or sometimes two lawyers. When that is the case it's very difficult if you've got one man defending a case, it's very difficult for the other man to appear in court and to act more or less on his own for the Law Society. But in those centres where we don't face the problem of numbers I do have hope that something can be done. But let me make it clear that this is a voluntary action on the part of the Law Society of Manitoba. It's something that they have been doing for years admittedly; it's something that I know that they would hope to be able to extend if the physical circumstances permit it.

A question was asked by the Honourable Member from Selkirk and by the Leader of the Opposition re the Law Reform Committee. I'm pleased to be able to tell them that there will be legislation brought forward at this session as I've intimated earlier for the setting up of committees pursuant to the Attorney-General's Act. One of the committees that will be established pursuant to that amendment will be the Law Reform Committee which I talked about in my last estimates. Some reference was made to the report on mineral transactions in southwestern Manitoba. Again I would say that legislation will be forthcoming with respect to certain of the recommendations that are contained in that report. There was an implied criticism that the Federal Government was going a wee bit slow on the implementation of the Fauteux report. I make no comment on that except to say that the first conference of ministers was called by the present federal government, the first planning committee was set by the present federal government. It has completed its review of all Canada, the report I understand will be in shortly. I only make the additional comment of course that the report came down in April of 1956, and when the present federal government took office there had been a preliminary meeting of Deputies Attorneys-General, I believe it was, but not at ministerial level, so I, while I'm not trying as I said the other day, to be an apologist for the federal government, I don't think that this is the time to start scratching their backs too much for any alleged delay in this matter, because it is a tremendous undertaking which all of us, the representatives from all governments across Canada appreciated this at the time of the conference.

The Honourable Leader of the Opposition dealt with the increase in consumption of liquor, and certainly Mr. Chairman I would like to say that I share with him the same concern that he has over this subject, but at the same time I don't think it can be said that this government is in any more than was the former government, was in the business of pushing the sale of liquor. That is not the case at all. This is one of these items in human commerce which people must make up their own minds about. The fact is of course, the population has been increasing as the years go by and that consumption on the average has been increasing. We can take comfort from the -- take cold comfort in the fact that the increase in consumption in Manitoba certainly is not outstripping the rest of Canada. In beer we are slightly higher than the national average and in spirits we're slightly lower than the national average. It is, though, a concern because all of us are aware of the problems which flow from increased consumption of liquor, the traffic problems, the family problems, the broken home problems, the alcoholic problems and so on. It is not a small subject; the matter that was raised by the Honourable Member from St. Boniface about co-ordination between the alcohol education group and between other facets of government departments who are interested in this field is certainly one, I know, that bears consideration, but I'm not trying to paint a rosier picture than it is. I'm not trying

(Mr. Lyon, cont'd).....to paint any picture as far as that goes except to say to the Leader of the Opposition that we share his concern but the price increase which he found to be somewhat, shall we say, controversial, I don't think it could be said that a price increase has ever been something that would stimulate the purchase of liquor. Now at the same time no one is suggesting that the price is increased to deter, but that is always one of the policies of deterrents that any government has in its hands to put the price of liquor high enough where certain people might be deterred from drinking more than actually they should. I don't think there's too much else that anyone can say about that subject.

The Honourable Member from Burrows spoke about the question of sentence and I listened to his remarks. I think we've dealt with that subject this afternoon. Sentencing of course is a matter for the courts. If we feel that the courts are in error, that is we in the Attorney-General's Department, we must appeal with them. He raised the question in particular though of fines being awarded in the Juvenile Court for the offense of contributing to juvenile delinquency. Again it's pretty hard Mr. Chairman, to generalize upon this whether or not it's good or bad, and so on and so forth. I don't think you can do that because once you get into generalizations then you get into the field of injustice because each case must be decided upon its own facts. Each case is different from the other. No matter how many similarities there may be, each case ends up to be different from any other case that has ever been before the court, and very often the character of the juvenile is taken into account, and so on and so forth. I make no comment upon the type of sentence that is handed down by the juvenile court judges except to say that it is of course within their jurisdiction what they do. If cases are brought to our attention where we feel that they have been too lenient with the accused, certainly they are treated no differently than anyone else insofar as appeal is concerned. We appeal their cases just as well. But it is something that certainly does bear close and constant watching and something that we do watch over.

There's just one final thing, the Honourable Member from Ethelbert raised the question of uniform advertising code. A draft code has been prepared by the liquor commissioners of Canada meeting in their annual conference. We have given some consideration to that code they are to take back to their conference next fall, a sampling of the opinions of the governments represented by the various commissioners and see if out of that there can be some agreement as to what form this advertising code should take. But that is the present status of it. It's still in the hands of the liquor commissioners meeting in annual conference.

MR. HAWRYLUK: Mr. Chairman, I didn't get an answer in regard to the pertinent question that I asked and discussed yesterday, and that was, is anything being done with people who are continually involved in these moral charges and considered to be sex deviates? Is there treatment given to these people in this province. Are they given treatment by the medical society or by the government, or is something done? Are they put into an institution or something, because after all that's the point that I brought up yesterday? These people are continually involved and yet is anything being done about it?

MR. LYON: Mr. Chairman, just to answer that briefly. In cases where it comes to our attention that a man or a woman because of persistent non-normal sexual activities is coming into contact with the law whether through unlawful acts committed or just because he's coming to the attention of the police, very often if that person is arrested of course, one of the first things that is done with him is to refer him to the provincial psychiatrist for an examination as is customarily done. There aren't too many cases where you find a constant offender reappearing for instance in Juvenile Court. If he does reappear there, speaking from the experience of say five to ten years ago, invariably a second time loser, as they call themselves, was in pretty tough straits if he appeared before the court on a second or third offence of contributing to the delinquency of a juvenile girl. Very often he ended up in gaol, but usually I must admit the practice, by and large in cases for first offenders in this field, is to receive fines. Remembering always that our juvenile age in Manitoba is 18; 16 in Ontario. Perhaps a crass way to put it, but a man in Ontario can take out a girl who is 17 and engage in sexual immorality with that girl without offending the law. The same man comes to Manitoba and he is offending the law. There is a difference of course in the ages, and all of these things are taken into account, the age of the girl, her previous character and so on and so forth. In the odd case, in the odd case it can be said, and I'm sure the Honourable Member from Selkirk

(Mr. Lyon, cont'd).....would agree, that sometimes the male is the victim rather than the female. That sometimes happens, but each of these have to be decided on the basis of their own facts.

MR. GUTTORMSON: Mr. Chairman, recently there was a publisher of a weekly newspaper in the country who was sentenced to gaol for passing bad cheques. Now the story that

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MR. LYON: Mr. Chairman, I must raise the same point of order again. This matter was raised and I am informed, I don't know if the appeal is formally launched, but I am informed that that sentence is under appeal by the accused. Now I have no particular hesitation to discuss this but I feel that any discussion that I would make of it would certainly be prejudicial to a fair hearing of his appeal and I don't think it should be discussed.

MR. CHAIRMAN: I agree with the Attorney-General that we shouldn't discuss that matter.

MR. GUTTORMSON: Mr. Chairman, I'm not going to raise anything about the case itself. I was going to ask him a question if you'll let me finish.

MR. CHAIRMAN: In light of what the Attorney-General has said, he's not prepared to discuss it.

MR. GUTTORMSON: I'm not questioning anything about the case itself. I was going to ask him a question and I think it's a fair one. I think the Attorney-General will agree after I've asked it. The man was sentenced to gaol for passing bad cheques, and I'm not mentioning his name. Subsequently a story appeared in one of the daily newspapers to the effect that this same man was intending to operate his paper from the gaol while he was incarcerated. I'm quite sure that he won't be allowed to but there's been no story to the effect in the newspapers that the Attorney-General has denied this, and I wondered if he would be kind enough to answer what the .....

MR. LYON: The honourable member of course works for a newspaper and is a well-known reporter for a newspaper, and I shouldn't have to tell him that everything that appears in a newspaper is not always the fact. I saw the same story -- I don't recall seeing the item which said that he was going to continue publishing from the gaol, but I can assure the honourable member that we have no publishing facilities at the Headingley Gaol and that this particular man will be treated no better or no worse than any other prisoner who goes to any provincial gaol.

MR. GUTTORMSON: Mr. Chairman, the story didn't suggest he was going to publish from the gaol. It suggested that he intended -- I didn't say that the government was going to allow him to do it --(Interjection)-- Oh, don't get so panicky. All I was going to ask was he said he was going to hold weekly conferences with his staff in the gaol. Will he be allowed to or will he not be?

MR. LYON: I've had no indication from the staff that any such request has been made at all, Mr. Chairman. Some prisoners enter gaol with the intention of escaping but we do whatever we can to blunt that intention too.

MR. HAWRYLUK: Mr. Chairman, just one question here in regard to something that -- in fact, it was brought to the attention of everybody here -- in regard to the integrity of our lawyers in the Province of Manitoba. The case that I have in mind, in which it's just a matter of getting some information, where defalcations involved money and a particular lawyer was sentenced to gaol and barred from the Law Society. Now in another case, we had another well-known lawyer in town who was involved in bringing goods over from the United States for many years without paying duty on it, and yet this particular person was just barred for a mere four months. I'm just wondering again why there's such a discrepancy in the case of the Law Society regarding certain people who, I think, are just as guilty in being dishonest about it. And my third question, Sir, is, for example, if a client comes to a lawyer and in good faith does business with this particular lawyer and then the money does disappear, is defalcated, is there any protection that this particular person gets?

MR. PREFONTAINE: Before passing the Minister's salary and in view of the fact that I this afternoon made a somewhat nasty remark with respect to the Minister, I would like to rise to thank the Minister for something he has done. Maybe I should wait for the item in the estimates, but I promise I won't repeat myself. I would like to thank the Minister for having



(Mr. Prefontaine, cont'd) . . . . given us on highway 59 south, an RCMP detachment to police that highway. The House will remember that I made the request last year on behalf of the St. Pierre Chamber of Commerce, and I suggested that the proper location would be the Village of St. Pierre. The Minister said that he would look into the matter, and I would like to thank him very sincerely. We have the detachment now; we've had fewer accidents in the Village of St. Pierre and the Village of St. Malo since then. This was prompt action and I wish to thank the Minister.

MR. GUTTORMSON: Where would the Minister prefer us to talk about the radar that ----

MR. LYON: That will come under the RCMP policing item in the estimates, Mr. Chairman. While I'm on my feet, just in answer to the last question from the Honourable Member for Burrows; the Law Society Act provides the machinery whereby members of that society are disciplined and whereby, also, innocent clients who may occasionally be victimized through defalcations and so on are protected by means of an insurance fund or a reimbursement fund to which every practising lawyer in Manitoba contributes. To the best of my knowledge, I know of no resident of the province in recent years, at least since this fund has been in operation, who has ever suffered financial loss through any defalcation committed by a lawyer who was subsequently prosecuted and disbarred for that. The money is there; the money is paid out to persons; their claims are all adjusted by the society and paid out of this reimbursement fund which the lawyers provide for this purpose. Discipline as I have mentioned is the function which is attended to by the Discipline Committee which is a sub-committee of the benchers which is the governing body of the Law Society. Their decisions are subject to appeal to the courts by the barrister or solicitor concerned, but it is an internal matter.

MR. CHAIRMAN: Resolution 36 - Administration \$200,835 - passed. No. 2 (a).

MR. HRYHORCZUK: Mr. Chairman, we've heard on several occasions that the increase in fees were not taxes, and I think that here we have an example where the increase in the Land Titles Office fees has ended up as a direct tax on land. For several years now the various municipalities have been up-grading the standard or the grades of main market roads and municipal roads, and a great deal of this work has been done in the last five or six years and probably will increase in the next year or two because of the fact that we have the roads being built for the school buses in our new school divisions. Now, as was pointed out by my honourable colleague from Selkirk the other day, the fees in connection with plans especially have been increased tremendously. And I'd like to point out to the Honourable the Attorney-General that with this increase in the number of roads and the standard of roads throughout the whole of the Province of Manitoba, and especially in the areas where the original survey only made the road allowances 66 feet, and now they find that to build the roads up to the present standards it is necessary to widen the road allowances to 99 feet in order to give the proper grade and to be able to obtain material for that grade, in most of these municipalities the registration of titles and plans will run into hundreds and hundreds of dollars which will have to be raised by way of a direct municipal tax. And I was going to suggest, Mr. Chairman, that the Honourable the Attorney-General and the government take under advisement that the work done by the Land Titles Office for any municipality where it is in connection with the road allowance, whether obtaining a title, the fees, for the registering of a transfer or the registration of a plan or whatever it may be connected with that particular thing, be allowed to the municipality at a nominal figure instead of the regular rates -- the regular charges. Because eventually most of these road allowances sooner or later will go under the name of Her Majesty the Queen in the right of the Province of Manitoba, and I do not think that the municipalities should be asked to pay these higher charges. In fact I think that in all fairness to them that the charges should be nominal. And I would suggest that you take that under consideration.

MR. HILLHOUSE: Mr. Chairman, the other night I asked the Honourable the Attorney-General if he would furnish me with particulars of receipts and expenditures for the various Land Titles Offices of Manitoba for each of the past five years, and I would like to know whether that information is going to be forthcoming. Now I would also like to say this regarding the Land Titles Office, that hand in hand with an increase in fees has gone a decrease in service. I'm not blaming the Attorney-General for it. I think that it's something that's been

(Mr. Hillhouse, cont'd).....inevitable; it's part of the growth of the area served by the Land Titles Office; but during the last summer it was not uncommon to have to wait as long as 18 days to get a title out of that office in respect of a transfer that had been registered. Now I had practised for a good number of years in the area served by the Winnipeg Land Titles Office and I do not recall any previous occasion when we had to wait so long to process documents through that office. Now I appreciate fully that the building of the Winnipeg Land Titles Office is quite inadequate, and I don't blame the Attorney-General for not having built a new building, I don't think he's had time to do that, but I do suggest that that's a matter that should be given top priority.

MR. CHAIRMAN: It's 5:30 and I shall leave the Chair until 8 o'clock.