LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Thirteenth Legislature
25th Day

Wednesday, March 19, 1958

The House met at 10:00 o'clock a.m.

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion of the hon. Mr. Walker:

That Bill No. 76 — An Act to amend The Districts Courts Act (No. 2) — be now read the second time.

Mrs. Mary J. Batten (Humboldt): — Mr. Speaker, there are so many things to be said about this Bill and its proposed amendments to The District Courts Act, and also in comment on the remarks made by the Attorney General, that it is difficult to know exactly where to start. These amendments have already been explained once, and the result was confusion then existed prior to the explanation. I don't want to add to that confusion, so I think what I will do is just state briefly what the set-up under The District Court Act is in Saskatchewan at the present time, and then review very briefly some of recommendations of the Culliton Committee.

All hon. members of this House know that the province of Saskatchewan is divided into 21 judicial districts. These are physical boundaries. They have been in existence for some considerable time, and there is no question but that some of these boundaries are perhaps artificial ones at this time, in the sense that people do not necessarily aggregate towards the centre of those districts, and perhaps their shopping districts or centres lie outside those boundaries, but they do have this merit: these judicial districts and their boundaries are well recognized. I don't think that there are very many people in Saskatchewan who do not know, and who could not tell you without even thinking about it, as to which judicial centre they live in, where their court house is, also where their Land Titles Office is; and that, I think, in itself, is the greatest assistance in the administration of justice, because people know, they have a physical picture of, where they are to go to the nearest court house. Then, I would just like to make a few general observations about this appointment of the committee to study and the judicial districts of Saskatchewan.

You will remember, Mr. Speaker, that the hon. Attorney General spoke — I believe it was on the debate on the Speech from the Throne that he spoke, last year, in general terms about the burning desire to streamline, and renew the life of the judicial system in Saskatchewan. I think those are very fine and very sincere sentiments, and I certainly want to give him credit for them. I think all members of this House did. He proposed to appoint a committee to study the changes that could be made, procedure for streamlining and administration of justice in Saskatchewan. All this was very good, very fine, and it was applauded not only by the members of this House, but by people throughout Saskatchewan and particularly by the lawyers practising in the province of Saskatchewan. There is not any lawyer who does not run across things in the law that he feels, are not to the best interest of the litigants and perhaps do not make for the most efficient administration of justice, Lawyers are just as anxious to, in fact I think more anxious than anyone else to solve these problems if they can be solved. You cannot proceed to solve the judicial problems of administration, however, by taking the province of Saskatchewan and the people of the province of Saskatchewan and pretending that they are chessmen and using them on a board on which you can move them around at will. In dealing with law and the administration of justice you are dealing with people; you are dealing with habits that are engraved in the lives of people. You are not merely taking a clean sheet of paper and writing on it. You have to adjust yourself to a degree to establish habits and procedures. I think this is where this Government has gone astray in presenting this Bill.

When the Culliton Committee was appointed, it was appointed to study and review the judicial system of Saskatchewan for the purpose of recommending to the Attorney General any changes, amendments or procedures that would result in a more efficient operation of the system, and everybody agreed wholeheartedly with that recommendation This is something that the Commission said in its report — and I would just like to read a few lines. After hearing recommendations from members of the Bar, after discussing it with the judiciary and studying other systems in other provinces, this is what they said:

> "There was no feeling that a crisis existed in Saskatchewan's judicial process. There was no feeling that the system had broken down under the demands of our modern society. Rather, members considered the appointment of the Committee to be a wise and timely measure: a review of the process that was functioning to ascertain what changes might make it function still more efficiently."

And in that spirit they made certain recommendations. One of their approaches was that the Committee was to be guided by certain fundamental principles, which, they felt, the judicial system of

Saskatchewan was based on and these are the principles. I will abbreviate them so they will be very short.

First of all, they said,

> "History shows that one of the greatest forces shaping our judicial system has been the conscious effort to keep the administration of justice close to the people."

I don't think that that statement can be repeated too often. Justice is a very fine thing; but justice in the abstract does not give anybody any type of security or justice or happiness. Justice has to be close to the people.

Then they examined the history of the districts of Saskatchewan, also the history of the Surrogate Court, which as you know, Mr. Speaker, deals mostly with estates and testamentary matters. Then they said:

> "It is true today as it has been true throughout our history that the Courts with their attendant functions and their varied services exist for the convenience of the people."

I want to emphasize this because some people might have been led to believe from the words of the Attorney General, that the Committee or the members of the Bar were here to protect vested interests; that, merely because somebody has an office building in some small town, or an established law practice, every lawyer in the province is going to fight in order that this man may continue making a livelihood in this particular locality. That is a very unfair thing, because I want to emphasize now, that I don't think there are very many members of the Bar in Saskatchewan.

Hon. Mr. Walker: — Mr. Speaker, on a point of privilege, I don't like interrupting my hon. friend, but when she says that I said that the report of the Committee was aimed at protecting vested interests, I made no such statement; and if she is going to base an argument on that, she is basing her argument on something which was not said by me or, so far as I know, in this House.

Mrs. Batten: — Mr. Speaker, I did not say that, of course. I said that that was the impression that some people might have got, from his words, and I think there is a certain justification for that statement. I don't know if I can find it immediately, but I remember the passion with which the Attorney General said, "The purpose of the law is not to protect the status quo of any lawyer, and if they were making money through agency matters, well, that was just too bad." I will just quote this:

> "It is argued, and it may be argued by some, that this will result in the work being done in different divisions than would have been done under the present Act. That may very well be so . . . This proposal is not made for the purpose of shifting legal work from one judicial centre to another. This proposal is made so that the public and the lawyers can have greater accessibility to the courts and choose the courts where they may want to have their work done . . . and if this means a shift of work from one judicial centre to another, it is just too bad. I would hope that there is no member of this House who would take the view that the convenience and ease of the functioning of the court ought to be sacrificed in order just to protect the status quo which may, or may not be justified. Surely some lawyers who may do quite a bit of the work ought not to be subsidized at the general inconvenience and expense to the general public. If the general public wishes to use their services, they way elect to do so under this legislation, but they will not be required to do so as they are now under the present Act."

Hon. Mr. Walker: — On a point of privilege. My point is still well taken, That does not substantiate the statement which the hon. member has made, it refutes it.

Mrs. Batten: — Well, I think anybody can judge from those words exactly what the hon. member meant. I don't have to emphasize it.

I think we should clear our minds of any suggestion that somebody is trying to subsidize. The thing that this Committee emphasized, and I think that this House should understand, is that the administration of justice is not only in the of the Court. It is also in the hands of lawyers, because lawyers are officers of the Court, and you cannot have accessibility to justice if you have to travel 300 or 400 miles in order to get legal advice in any province. It does not matter how convenient it might be; it does not matter how many privileges you might be given to sue any place in the province of Saskatchewan, the Attorney General, if he had the power, could give you — which he hasn't, — but he could give you the right to sue in British Columbia, or Alberta or any place else and he can say that gives you greater agility, it gives you greater freedom. It gives you greater freedom in the abstract. When it comes down to practical freedom, unless you have got a lawyer who is close to you, you haven't got greater freedom because it is economically impossible for you to finance any sort of law suit or any sort of dispute through the courts, if you cannot get close to legal counsel.

Then the Culliton Committee pointed out:

> "Consequently, a judgment can now be made at the local level to increase efficiency and to effect economy without disturbing local relationships. But economy cannot be the dominant motive for circumscribing the scope of these judicial agencies that most intimately serve local areas."

That is another point that I want to emphasize: First of all, that justice has to be close and accessible to the people; second, that economy should not be the basis for justice. Surely, nobody in his right senses would suggest that the Courts or the Attorney General's Department should be a paying proposition, should be putting money into the hands of the Provincial Treasurer and showing a profit every year. The point is, when we go through estimates, as we are, we casually toss away $12,000 on fixing a road near a hospital or something like that, which is necessary in itself, but we don't worry about that. We do not introduce a whole Act in order to save $12,000. I am not saying this is the Attorney General's purpose, but this is one of the arguments he gives in introducing this Bill; he is going to save some money. I don't think that should be a factor at all, or, if it is a factor, it should be almost an insignificant one.

This is another thing that I want to emphasize, and I have mentioned it before, and the Culliton report says the same thing: that the judicial process must be efficient and the efficiency of the judicial system has to be considered in the light of the service that the legal profession should render to the people of the province, and the service that the people may rightfully expect. To be efficient, the machinery of law must be sufficiently near to each citizen that distance of itself is not a discriminatory factor. Therefore, they go on to say and this is the fourth point:

> "That thus by far the greater part of service rendered by the legal profession to the people of Saskatchewan is not directly concerned with litigation, then great service must be taken not to affect this general service."

And that is one of the things that I do not think has been considered in setting forth this Act. The main thing that was done and that is contemplated to be done in this Act, in to erase all these judicial districts and to make Saskatchewan only one judicial district.

The hon. Attorney General points out that Alberta has two judicial districts, and that the district court judges reside mostly in Edmonton and Calgary. I believe that there is one in Medicine Hat. He does not go on to say that in doing this Alberta did not erase the judicial districts. There are more than two judicial districts in

Alberta. In the northern part of the province it is still divided into its old judicial districts. There are still boundaries. And when people are sued, or intend to sue, they know exactly where that suit should be commenced and, as far as I can see, every other province of Canada still retains its judicial districts. If anybody understood, after listening to the Attorney General the other day, where you could commence your action, where you could defend an action, you are just as bright as, or far brighter than, most lawyers in this province, because — well, that's your opinion, if you don't think they are as bright.

I would like to point out — I don't know whether I have here a letter which the Attorney General sent to all the law firms; he missed some of them, but he sent then to most of the law firms, and quite a few of them complained and he sent other letters out. And this is the type of confusing stuff that has been going on in the province for the last few months. I just want to quote out of his letter. He said:

'It in proposed to prevent decentralization of litigation and the plaintiff my issue his writ in

(a) the judicial centre nearest to which the defendant resides;

(b) the judicial centre nearest to where the cause of action arose;

(c) the judicial centre nearest to where the defendant carries on business;

(d) the judicial centre agreed to in writing by the parties; or

(e) any other judicial centre.

Hon. Mr. Walker: — Exactly what the Bill does.

Mrs. Batten: — That really adds to the confusion of anybody who reads it. It is very simple today to explain to everybody who comes into your office who has had a car accident — the car accident took place in the judicial district or the locality where the thing took place —you ask him where the other man lives, he gives you his address, and you can tell him immediately what district you are going to have to sue in. If the plaintiff happens to live in a district other than the one in which the accident occurred or the defendant lives, you can sue through a lawyer in the plaintiff's judicial district. You issue your writ out of another district. The lawyer can still be the one that is closest to him. But the Attorney General says by having to sue in another district for the convenience of the defendant, you are simply subsidizing lawyers by paying by them for doing this work. Well, this work of taking a writ to the Court House and getting it issued, paying the fee, has to be done, whether it is done by the lawyer in his own judicial district or it is done by his agent in another judicial district and the

agency fees — our own office does a substantial amount of agency work in the Humboldt district — is certainly not a very paying and lucrative part of your business. It is very simple, there isn't anything very much to it, but you charge 75 cents for a letter reporting, and with that you charge 75 cents for walking up to the Court House and issuing this writ, if the other lawyer did that he would charge 75 cents for walking up to the Court House and issuing the writ and he wouldn't have to pay for the two letters that transmit it. So, altogether, there is $1.50 saved and that is only of course for Queen's Bench. In District Court you only save 50 cents for walking, for each of the two letters, plus your postage.

Now, I submit that if people are going to be doing this work by mailing, as suggested by the Attorney General, in order to save these fees, there is going to be the matter of making sure that your letter gets there and they are either going to have to authorize the clerk at the Court House to write to you acknowledging receipt if there is anything that is going to be held up for a few days, or else you are going to have to send it by registered mail and keep your receipt in order to make sure that you can later on prove that it was mailed. Well, it is making a mountain out of a molehill to even talk about it. The saving is so insignificant and the inconvenience — the getting out of the established way of doing things, is such a difficulty and certainly such a nuisance that there is nothing to be saved by that type of change

I don't know whether the Attorney General made it very clear or not. The District Court judges, when they are appointed today, are appointed according to a judicial district and they are named to a certain district. They are not appointed a District Court Judge of Saskatchewan. They are appointed a District Court Judge of Saskatoon, or Regina, as the case may be. And, of course, before this Act goes into effect, he is going to have to have the consent, and the change is made on federal level. Therefore, the mere enactment of this won't put it into effect.

The thing I resent most about this Bill, Mr. Speaker, is the fact that this committee which was appointed, was given certain powers, is recognized by the people of and members of the Bar, and then when they brought in the recommendations, these recommendations were only partly instituted, or are proposed to be partly instituted, and some of the recommendations are ignored; perhaps they will he instituted later on, but for the most part the important changes that are being proposed by the Attorney General are those which were not recommended, and not to be good changes by this Committee. Now, perhaps, if you spent half a million dollars on a Committee, you listen to them. Perhaps because these people were working an a voluntary basis, and devoting their time without being paid, they were not listened to. Perhaps because they were people of good, high stature in the community, they should not be listened to. I don't know what the reasoning of the Attorney

General is. But. certainly, whatever his reasoning is, I can assure you it is most repugnant to have people of the calibre of these men on this committee, put in their recommendations and then have them, for the most part, ignored.

I am not going into the recommendations that have to do with the extension of the District Court jurisdiction. It is sufficient to say that the recommendation of the Culliton committee was that the District Court Judges be given more work, that their jurisdiction be extended to certain acts under which they now have not got the power to act, which are now enforced by Queen's Bench judges, and there are certain changes that would have to be made in the Rules of Court in order to implement these recommendations for increased jurisdiction, and none of this has been proposed to be done by the Attorney General except in .he case of consent. Now, as I said the other day, in the case of the Dependent's Relief Act, where in litigation the relationship between two parties has deteriorated to the point where you have to have litigation, you have to have the Court decide the rights of the parties — there is very little prospect of agreement on any point, even an to the jurisdiction of the Court. Therefore, I do not think that it you are going to limit the jurisdiction of the District Court judge to consent cases, you are going to give them very much more work, or you are going to bring that justice any closer to the people, or make it any less expensive.

I want to read to you what the Culliton Committee said about the judicial districts. The committee reports as follows:

> "The subject warranted and received the great deal of study and consideration by the members. It can be said as a general statement, that representations received from urban centres favoured a reduction (a reduction, mind you) in the number of judicial districts, while representations from other sections of the province were adamantly opposed to any reduction."

This isn't elimination of judicial districts — this is merely a reduction of the number. This statistical information indicated a wide diversion in the amount of judicial work done in various centres. If this statistical information were the only yardstick — and I want to add this —I think you were all circularized with this report and with the various statistics — and think it is only fair to say, and I think the Committee recognized that every registrar that filled out the form used a different system in filling out the form; and this data that was acquired was not too accurate, because Districts vary from place to place. For instance in Humboldt, we have a judge who lives in Humboldt and quite often, we do not make formal applications. Instead of waiting until we have Chambers, twice a week, that is Sitting of the Court every Tuesday and Friday, but if someone comes in Friday afternoon after the sitting is over, and they have an application

to Court (and it is a simple thing that can be made by one party), we merely phone the judge up, and he meets us in his Chambers and he decides this issue and give us the order. And that is not a formal order, in many cases. It is merely a judge's fist, and those things, in many cases, where the judge's services were utilized, were not listed as part of the judicial service. In this way I think much of that date was lacking.

To go on with the report. If this statistical information was the only yardstick by which to determine a policy to be recommended by the Committee, then much could be said for some general reduction in number, and in consolidation of districts. This was a field, however, in which the Committee felt that the determining factor in its thinking should be equality of service to the public, when this was reasonable and practical. In considering that service, the Committee had in mind, not only the services performed by the judicial districts, but also, the important services rendered by the legal profession in all its aspects. The Committee, therefore, recommends as a practical solution to this problem: One — that the economies, and this is a bouquet for the Attorney General, that the economies in the operations of the districts may be effected within the policy now being pursued by the Attorney General, without affecting the services being rendered: Two — if the recommendations regarding increased jurisdiction of the District Courts are substantially implemented, then the District Courts Act should be amended to provide for three District Court judges in the judicial Districts of Regina and Saskatoon, and, further, that there be a re-allocation of all remaining districts among the District Court judges.

Now, that would leave you — you put three District Court judges in Regina and three in Saskatoon, when you have had eighteen, the way they had at the time this Committee gave its report, that would leave you 12 District Court judges to look after the remaining 19 judicial districts. That, Mr. Speaker, is a far, far cry from the present recommendations from the Attorney General.

Now, I think the other recommendations, although they are very important, and although they are not being implemented for the greater part by the Attorney General, are not particularly relevant to the discussion of the District Court Act, and I am going to let them go for the time being.

Now, what I want to emphasize is that this Committee, after hearing representation, after studying not only this system, but other systems, after utilizing the information which was provided for it by this Government, found that there should not be any change insofar as the removal of boundaries is concerned, except for the changes in the boundaries themselves.

It, in no way, can be said to have recommended the judicial districts be removed entirely, which is exactly what the Attorney General is contemplating in this Act. Now, I want to read just a few words out of a letter that was sent to all members of the Bar, by the president of' the Law Society of Saskatchewan. This is a copy of a letter that was addressed to the hon. Attorney General, and this is what they say:

> "We particularly draw to your attention the portion of the report of the Committee, suggesting the extension of the jurisdiction of the District Court, Surrogate Court and Local Masters."

Now, the District Court Surrogate Court and Local Masters, all those three judicial positions are embodied in the District Court judge. And they are recommending that those suggestions that the Committee made, giving the District Court judges more jurisdiction, be embodied. The Law Society approved almost all of these extensions, subject to the qualification, in some cases, as shown by the enclosed resolution, that either party shall be entitled to remove any proceedings before either of the said Courts or the Local Master to the Court of Queens Bench. No good purpose is to be served by delay in implementing, by appropriate legislation, matters of reform as to which the Law Society and the said Committee are in agreement.

Mr. Speaker, there is delay. Most of these resolutions are not being implemented at this time. Then they go on to say:

> "However" — (and this is very important) — we feel that the other suggested reforms are so far reaching and complex, that further time should be given to enable the Law Society to consider and express its views before any steps are taken to implement all or any of them."

This is a letter from the Benchers, from the governing body of the Law Society of Saskatchewan that has power over all the Bar, the entire Bar, of Saskatchewan. They are supposed to be experts in the law, and they ask that these so-called reforms the Attorney General proposes, be delayed. This is going very far for the Law Society to extend this plea to the Attorney General because, as you know, they very seldom enter into any controversy or deign to stoop to the political level in these things. And, certainly, it is with no thought of politics, but merely as a service to the public, that they made this plea that these things should be held in abeyance until they can rive the matter further study.

Then they go on to say:

> "We deem this matter so important that we propose to circularize every member of this Society, ask them to arrange meetings of the local Bar Associations, consider and discuss the proposed reforms, and submit their views to the Benchers. We then intend to bring the whole subject matter before our Annual meeting which is to be held in June."

It seems to me that a definite — I do not like to make my words too strong: but certainly, it is not showing too much respect for the opinion that is put forth by the Benchers of the Law Society, to go ahead and go on with these proposed reforms and hand them to us here in this House, where we have not the machinery or the time to study the problem in all its complexity, to study the possible result of such changes in The District Courts Act, and expect us to vote on it. I mean, it can be done. I have no doubt that I am simply talking to a blank wall when I am talking to the Government side of this House, because they are going to vote exactly the way the Attorney General asks them to vote. I know you are going to put this Bill into effect, and it seems to be a rather ridiculous thing to be trying to talk . . .

Mr. Willis: — Mr. Speaker, on a point of privilege . . .

Mr. McDonald: — Sit down.

Mr. McCarthy: — Oh, sit down.

Mr. Willis (Elrose): — . . . I do not allow anyone to dictate to me how I vote, I vote as I think.

Premier Douglas: — That is a violation of the rules of this House. Mr. Speaker, I do not think the hon. member is justified in making the kind of remark just made. Some members of this House may not agree with her, and she may not agree with us; but I think we have just an much regard for the welfare of this province, and we are just as prepared to consider any suggestions she has, as we would consider suggestions from anyone else.

Mr. Cameron: — It would certainly be a radical departure.

Mr. McDonald: — It certainly would.

Hon. Mr. Brockelbank: — You should talk.

Mr. Speaker: — The hon. member should refrain from remarks of that sort and confine her talk to the matter at hand.

Mrs. Batten: — Very well, Mr. Speaker, I will. But I think I am allowed to voice my feeling that I do not think my words are going to have too much effect.

Premier Douglas: — You should have more confidence in yourself.

Mrs. Batten: — I have spoken to this House before. The point is that I do not believe the members of this House are competent — and I use the word advisedly. I am not imputing that their integrity is not of the very highest, or that their intelligence is not of the highest order, but I do not think, at this point, anybody here, unless they have studied the problem (as no

doubt the Attorney General has) in all its detail, can take a vote on this subject and do so, fairly. That is my own opinion. I do not feel that I am in a position to do it, and I have tried to study the problem and I realize the everyday results of it.

Now, I realize the whole thing is so technical that it is not even, perhaps, too interesting. But it does affect every single person in Saskatchewan. For that reason, I am taking the time to discuss it in such detail.

The whole point of the administration of law is to give people some sense of security, and I think that, if these changes are made in The District Courts Act, it is going to be almost impossible for people to know if they are being sued, when they are being sued, and where they should defend themselves. You cannot look at it from the point of view of administration in Regina. You have to look at it from the point of view of the litigants out in the country or in the city of Regina. I just want to give you a very simple example that might illustrate this point. If a car accident occurs 30 miles north of Tisdale and the defendant resides . . .

Mr. Dewhurst: — There won't be any "90 miles north of Tisdale".

Mrs. Batten: — All right. Suppose a car accident occurs a mile out of Wadena and the defendant resides in the town of Wadena; the plaintiff, the person whose car was damaged, resides in Regina. Now, he can go to a lawyer in Regina and this lawyer will have to issue that writ, but he will have to issue that writ out of the judicial district of Humboldt. Every hon. member has probably seen a Writ of Summons, and what that writ will state is that the defendant has 15 days in which to show that be is going to defend this action. He sees that that this says 'Humboldt'. He knows where Humboldt is. He knows it is close and, even if it is only a matter of $100 or $200, that is involved, he is probably going to go to the Wadena lawyer and discuss this thing with him.

On the other hand, if this present Bill goes into effect, this plaintiff, the man who is going to commence the action, will probably go back to Regina. He will speak to his lawyer and his lawyer will issue a writ, in Regina, out of the Regina Court House. Now, when this man gets his writ at Wadena (and it will be mailed to him by registered mail), he will look at it. It tells him he is supposed to be in Regina, and I would say that, five times out of six, he is going to say, “Well, it is only $150” (or whatever they are claiming) and he will mail a cheque and pay for it, because it simply does not pay anybody to travel that distance in order to defend a case. That is well known by people. It happens all the time.

Premier Douglas: — Would he not go to a lawyer in Wadena, just as he would in the other case?

Mrs. Batten: — No, he would not. People just do not think like that, and I have seen cases over and over again, where that has happened.

Premier Douglas: — I think you underestimate people.

Mrs. Batten: — I have dealt with them, and I know what happens in many of these car accident cases. It is just not worth it to fight them, if it is going to cost too much money. And these people are sacrificing justice and the rights to which they are entitled, in order to save that money; it is only practical to do so.

Even if he does go back; even if he does come in to a lawyer, his own lawyer will explain his various choices. He has the right to change the place of suit, or the place of defence, to some place other than Regina, and it is going to take quite a bit of figuring to decide where that is. His lawyer can not tell him, if he lives out in the country, exactly what his closest judicial centre is. He it going to have to take a map, and he is going to measure it, according to sections. This is one of the most ridiculous contemplated changes I have ever heard of.

These Judicial Districts, although they might not be the most convenient, you know where they are. To measure your place of residence from the closest centre, unless you go to Court two or three tires a year (which very few people do), is going to take actual measurement on a map in many, many in a cases, especially in a case where someone lives at Wadena, and they might be closer to Wynyard than they are to Humboldt. It is a question of getting out your map and your ruler, and measuring the distance. It is a nonsensical idea — this being closest to a judicial centre. There is no boundary, it is not a question of convenience, because the judicial centre that is across the lake from you might be a great deal farther when it comes to actual travelling miles than another one on a map which may be farther but by a good road is much closer. I cannot see the merit in it at all. All it is going to do is add to the confusion, and undo one of the things that people have learned to accept. They have learned to live with these judicial districts, and now the whole thing is going to be changed.

Without wanting to condemn the Attorney General, I don't think there is any doubt that litigation is going to be centralized. I don't think there is any doubt that the work in Regina and Saskatoon is going to increase greatly in the court houses and in the law offices, and it is going to decrease considerably out in the country. I don't care for myself if it's a good argument (as far as I'm concerned) to close a country law practice. Very few people nowadays want to practice in the country. There isn't the interest; there isn't the money; there isn't the competition. You are not up on your toes the way you might be if you were in a city practice; and I haven't any doubt that anybody who is practising law in the small

judicial centre, or a non-judicial centre, is making far less money, actual dollars and cents, than he would be if he were practising in one of the larger centres.

This is recognized by everybody. Within the last year and a half, three friends of mine, who were in law school with me, have had to leave their law practice for which they paid money. They were established; they had homes in a small town; they had a law library; they had files, and when they tried to advertise and sell these law practices to students or young lawyers, they couldn't do it. They sacrificed a matter of, in each case, $l5,000 to $20,000 and just locked their doors, and left their files, or took them to the city when they left. This is happening all over the province of Saskatchewan. You are not hurting the lawyers, because they are much better off. They can get a $10,000 position, or else they can set up a law practice where they can make that kind of money.

I can assure you, Mr. Speaker, we don't make that kind of money in the country practice. We don't give the same type of service. I practised here in Regina, and I practised according to appointments; I knew exactly whom I had to see every day, and they came in and stayed just so much time and that was the end of it. When I went into Humboldt and tried to practise according to appointment, it was entirely impossible. People come in when they have time. People come in and discuss all sorts of problems with you for which they are never charged. You settle family disputes, visit people in the hospital and try to talk to them about making their will because all their relatives are worried. You do any number of things that you would never be bothered with in the city practice. There are many, many things — many social duties, many civic duties, you speak to societies and groups, because there isn't anybody they could pay to do it, and because you are a person with a university education, you are expected to fill in those blanks in their social life.

It is not an easy thing to practise law in the country, and I cannot see the need to get rid of the country lawyers at any faster rate than we are doing right now. It's happening. I was quite amazed that the Royal Commission on Rural Life and Agriculture did not point out exactly how fast it was happening. It is one of the services that the people in the country are being denied and, whether we like it or not, people in the country are being denied service after service. It is harder to get medical care; it's harder to get doctors to come in and stay in a small town — they will come in for a short time and then leave. Centralizing our litigation is going to make it utterly impossible for lawyers to stay in a smaller district. What you are doing is actually subsidizing not (as the Attorney General said) any lawyer with agency fees; what you are doing by this is subsidizing the Trust Companies and other people who are living in the cities, the large corporations who have their head offices in Saskatoon or Regina, and they are going to issue all their writs

out of Saskatoon and Regina. Of course, you cannot blame them, and you are — (and this I feel, whether I am right or not, is one of the reasons for this type of litigation); you are going to help your Crown Corporations, particularly the Saskatchewan Insurance Company, because they have their own lawyers in the city and they are going to be saved a little bit in agency fees.

While they pride themselves on the fact that they don't go to court, we find out, in Crown Corporations, that they seem to be issuing an awful lot of writs in someone else's name, which they are entitled to do, and there are any number of writs — I couldn't tell you how many because I was not able to get this information through Crown Corporations — where proceedings were instituted or defended by solicitors in the employ of Saskatchewan Government Insurance that have to now been issued in country points, and they have to pay a few dollars out in agency fees. Quite often those actions are settled at those small points, and there are going to be a lot more judgments in default if you can sue them all out of Regina. There will be no way of knowing, because this is information just isn't forthcoming; but I have no doubt that there will be many more cases where the defendant, when he is sued by the Saskatchewan Government Insurance in somebody else's name, just don't bother defending if he has to come to Regina or Saskatoon to do it. He won't seek legal advice. Even it he does, it will take some time to get the action transferred. It is going to cause delay; it is going to cause inconvenience, and in the long-run it is going to cost more money except in these simplified cases where there is a default — nobody defends, and the Government, or whoever else is suing, can go right ahead and issue judgment against these people.

I don't see any merit in this proposed legislation whatsoever. I cannot honestly support it, because I think it is all wrong. I think it is contrary to the recommendations of the Cullion Committee. I think it is contrary to the desires of the various Bars. I think it is contrary to what the general public wants, once it understands just exactly what this proposed legislation means.

Another thing I want to say is that it is not only my idea that this taking away of judicial boundaries is going to result in centralization of business in Regina. I think that is what members of the Committee felt, and I think it was what various Bars have felt and have reported to the Attorney General. Most of the Bars feel that, although it is important that the plaintiff be able to choose his own forum, it is even more important that those who are being impeached (the defendants) have security. Now, if I live and conduct all business in the judicial district of Humboldt; if I have a car accident In the judicial district of Humboldt, if I am sued and I know when the expiry period is (say six months in the case of a car accident), I can go to the court house, I can search to see whether there was a writ issued against me, and if there wasn't, at the end of six months, I know I'm not going to have to worry about my witnesses; I know I'm not sued, and I know that the time has expired.

When this Act comes into effect, you are going to have to search in every single judicial centre in the province, at the end of six months, to know that you have not been sued, because, after you are, you don't have to be served by the plaintiff immediately. He can wait another year before serving you, and that has happened. It has happened in many cases where the writ has been issued but service has been withheld, and later on you find out, once your witnesses have dispersed and you are in no position to go to Court, you are suddenly served and confronted with a law suit. Then, rather than go to the expense of trying to get your witnesses and your evidence together, you simply pay the shot. That is not justice.

I don't think that anybody, because of the cost of litigation should be compelled to settle matters if they feel that it is not just that they settle matters. People are not unreasonable. We haven't got a group of litigating people in the province of Saskatchewan. The Attorney General himself says that 90 per cent of the cases are settled before they go to court. If you have both your lawyers in the same judicial district, you have much more chance of settling a case then you have when one is in Regina and the other is some place a few 100 miles away. Where there is no agent, nobody to get together with, you have to rely on letters or long-distance telephone calls in order to get together with the other parties.

One of the points that has been brought out, in discussions of the various lawyers is that at one time, prior to 1928, all foreclosure and cancellation agreement could be sued out of Regina. That is, if you sold a piece of land and payments were not made before 1928, you could sue in Regina to cancel that agreement. Consequently most proceedings for foreclosure and cancellation were taken in Regina, and the unfortunate defendant was compelled to go there for relief, or obtain legal assistance to appear for him. In many of these cases now that does not happen, because it is not necessary to hire a lawyer. You can appear, in most of these cases, by yourself — in almost any case; and if you appear yourself, you are spared the expense. How many people, once they get a notice of a proceedings of this kind with the heading of Regina or Saskatoon, and if they live 300 or 400 miles away from there, are going to travel that distance even to protect their own rights? Not very many.

I am not going to go into any further detail about the changes. I think you understand generally what the contemplated changes are. I don't think there can be much doubt but that the actual affect will be to lose the legal services that are being provided in these small centres at a faster rate than we are losing them, and I don't think there is any doubt that many people will sacrifice their rights and lose them rather than go to the expense, and will labour under a misapprehension as to whether they should defend these actions. I think that the amendments entice a great deal of confusion. They have found no place with any large group of the Bar, and I see absolutely no justification for introduction of this wholesale removal of judicial boundaries at this time. Their removal has not been proven

any place else. They are part of our historical background, and there is a great deal that can be done for allocation of these boundaries without having to throw them all out the window just because some of them might not suit the people involved.

Therefore, Mr. Speaker, I would like to say that, for the good of this province, and the good of the people who are seeking justice, we should vote against this Bill.

Mr. Speaker: — The hon. Attorney General is about to close the debate. If any member wishes to speak, he must do so now.

Hon. Mr. Walker (Closing): — Mr. Speaker, I do not propose to take over an hour to deal with the arguments raised by the hon. member. I do want to say that I appreciate the constructive spirit in which, I believe, she made her comments, and I am sure they are most welcome. I would, however, like to deal with some of the arguments presented, and try to indicate that these arguments are not entitled to the weight or merit which the hon. member sought to attach to them.

First of all, she quotes from the Culliton Committee to the effect that it is important that the administration of justice be kept close to the people. By quoting from it and by elaborating upon it, an attempt is made to make the impression or illusion that this Government is sedulously taking away from these local people access to the system of justice, the machinery of justice. The facts of course, prove otherwise. The House knows that, in other fields of administration of justice, the whole policy and tendency of this Government has been precisely the opposite. When the administration of criminal justice used to be limited to some 10 or 12 communities in this province, now it is available in almost every community of this province by the regular visits of our provincial magistrates. The whole policy of this Government has been to try to spread as evenly as possible, the advantages of proximity to the means of obtaining justice.

The suggestion has been made, and was almost given approval in the report of the Culliton Committee, that some reduction in judicial boundaries might be considered desirable in the public interest — in judicial districts, that is. Such a proposal could only be implemented by eliminating some judicial centres in this province, a thing which the Government would be very reluctant to have to do. The Government has, and previous governments have, therefore, resisted proposals to eliminate judicial districts because it would mean taking justice away from communities in this province. Even though some of the judicial centres evidently do less than one-half of one per cent of the of the province, they have been kept open by this Government and previous governments, because we believe that justice should not be centralized and made available only in large communities.

As a matter of fact, I think every member of this House knows that when we were practically evicted from the space we were occupying at Kindersley, last year. I made a special trip to Kindersley in order to find other provisions and make other arrangements so that we could continue to provide that service in Kindersley. Many people among the legal profession, as the member opposite knows, have shrugged their shoulders and said, "Well, Kindersley, of course, is one that you could close any day." The fact of the matter is that the Government is not anxious to close any judicial centre so long as it is being used appreciably by the people of that community. So the impression that my hon. friend had planned to try and create in the minds of the members and the minds of the public certainly backfires and certainly does not succeed in the minds of those who know what the facts are.

There is no indication and no evidence of an intention on the part of this Government to deprive local communities of judicial service. My hon. friend says this will result in driving lawyers out of the smaller communities or words to that effect. If I am wrong, correct me. The facts which she gave the House prove that this situation prevails today in Saskatchewan. Many small communities are finding it increasingly difficult to support a lawyer, and many small communities, who have had a resident lawyer for many years, are having to go without. Certainly that cannot be blamed on anything which has been done in reforming the judicial system in Saskatchewan because there has been no change in the set-up of the judicial system of Saskatchewan to date for many, many years. We have the situation, and if the hon. member is right when she says the presence of a judicial district boundary helps to maintain people in the practice of law in the smaller communities, then how does she explain the fact that there are some six judicial districts in the province that have three or less practising lawyers within their boundaries, and some judicial centres that have two or less. Her statements simply do not bear examination in the light of facts.

She says that it is a trivial matter to cut out agency fees. Well, it is more then just cutting out agency fees. It is a matter which does involve some money — some $60,000 to 75,000 writs issued in this province a year. If a third of them are issued in judicial districts other than the district where the plaintiff resides, it amounts to some $50,000 a year. The member from Maple Creek (Mr. Cameron) can snicker if he likes about it being 75 cents — it's really something in the order of $50,000. This $50,000 is being borne by the hapless people who are appearing in court and have legal fees and possibly have judgments against them, which they also have to pay. We think that a saving — we can't estimate it precisely; but even if it is only $25,000 a year, if that amount can be saved to litigants, it goes a step in the direction of making justice freely available to all without price, which, of course, is the ultimate desirable objective. It is not a matter of fees; it is a matter of convenience, speed and efficiency. Hon. members know that corresponding between one office and another is bound to delay legal proceedings, and justice delayed is often justice denied. It is a desire to eliminate unnecessary

delays, and delays which have no particular purpose to serve.

My hon. friend suggests that this privilege of issuing writs in places other than where the defendant resides is going to cause the defendant to abandon his rights, so that the defendant — if he resides in Humboldt, for instance, and the writ is issued in Regina — won't know if he does have to appear in Regina. Well, if the hon. member had read page 8 of the printed Bill, she would have known that it provides that a notice shall be endorsed upon the writ as follows: "'Notice to Defendant'. In many cases a defendant may enter an appearance, file his defence and have the trial or action held at a judicial centre other than at the one in which the writ is issued. Every defendant should consult his solicitor as to his rights." That is something which ought to warn any person of his right in this matter, and ought to prevent any person from being mislead as to where he can go, at what Court he must defend in.

Then some suggestion was made that if these documents were mailed into the court house it would cause endless delay and confusion and expense. The fact is, of course, that documents pertaining to land and titles to land are, in many cases, even more important than documents pertaining to litigation in a court, and these have always been mailed to Land Titles Office. The procedure is very simple. If you are mailing a document of that kind to a Land Titles Office, you simply mail it in duplicate; you don't even have to write a letter. Mail in duplicate, and the duplicate copy comes back with a rubber stamp endorsed on it, showing that the original has been filed and registered in the office, and it doesn't even have an accompanying letter when it comes back. So this suggestion, I suggest, is completely unfounded and without merit.

Then an attempt was made to try to create the impression that the Government had tried to set up a committee to look into matters of legal reform, and then had insulted the committee by disregarding its recommendations. In the first place, it certainly was known to the committee because I told them and it known to the general public that the Government did not propose to turn over the legislative powers of this province to a committee, a voluntary committee. The committee was appointed with the request that it give some study to problems of legal reform, and make recommendations. Certainly no member of that committee will feel any offence if the Government fails to accept one of their recommendations, or even less so if the Government does something which was not contained in the recommendations of the committee. Certainly no one (this Legislature has asked them all) would agree to delegating to a committee appointed by the Attorney General the power to legislate on judicial reform. That is virtually what the hon. member is suggesting.

I say the committee did a very excellent job — a job for which the Government and the people of Saskatchewan are grateful; a creditable job. And if hon. members have not read the report

and have not noted up the things in the report which the Government has already taken steps to implement, then, for the benefit of the hon. member from Humboldt and others, who may be equally in the dark about what has been done, I will refer to the report and review the proposals which have been dealt with already. I do this because it was raised by the hon. member for Humboldt.

Mrs. Batten: — Mr. Speaker on a question of privilege. I can assure the hon. Attorney General that I have read the report, and am quite cognizant with all the terms and recommendations in it.

Mr. Speaker: — Order! The point of privilege is not well taken, because the Minister referred to anyone who had not read it.

Hon. Mr. Walker: — I'm glad to know that the hon. member has read the report, and that mystifies me still more as to why she should seek to represent to the House that the Government had ignored the report and had disregarded the report. There were many suggestions in the report which I referred to, and will refer to again in reply.

If the hon. members will turn to page 10, the first thing the Committee said was: "Economy in the operation of the district may be effected." My hon. friend says economy should be disregarded, economy should be given the least consideration of any factor in determining reform. This was the very first one the Committee referred to — "economies in the operation of the districts may be effected within the policy now being pursued by the Attorney General without detrimentally affecting the services being rendered."

Mrs. Batten: — You read that.

Hon. Mr. Walker: — I suggest that the Committee felt that economy was important, and the Committee urged that we continue in that direction. I may say the House has already been advised of other steps in that direction. The Committee recommended that three District Court judges be appointed in place of one, in Regina and Saskatoon. The number has already been increased to two, so that we have taken the advice of the Committee and made partial fulfilment of that recommendation already. Of course this will be much more easily done when we have a province-wide court than when we have a court divided into 21 separate courts, as we have now. It is precisely so that these recommendations can be accomplished that these proposals and the Bill are before the House.

The Committee recommended that the monetary limit of the District Court be raised to $3,000. That has been done, or is proposed in the Bill before the House. The Committee did not

recommend that only on the consent of the parties; but the Law Society of Saskatchewan recommended that this should be done — that the parties should have the option of raising these matters to the Queen's Bench between $1,200 and $3,000 and that is exactly what is proposed in the Bill. My hon. friend read the letter of the President of the Law Society in which that was asked for; and that is being done.

Then there is the proposal that The Liquor Act be amended to provide that appeals under this Act be taken to the District Court. That is being done. So there are three accomplishments already before the House. It is proposed to give the District Court concurrent jurisdiction with Queen's Bench in all suits for foreclosure or redemption, or for enforcing any charge or lien for the balance owing on the mortgage, providing the lien does not exceed $3,000. That has been done, and is before this House at this moment. But this again is a limitation which the Law Society suggests — namely that this jurisdiction be subject to consent of the parties.

It is proposed that the District Court be given concurrent jurisdiction with the Court of Queen's Bench also for specific performance of, or for the reforming or delivering up or cancelling of any Agreement for Sale, purchase, or lease of any property, wherein the case of a sale or purchase, the balance owing of the purchase money, in the case of a lease the value of the property, does not exceed the sum of $3,000. That again is being done and is contained in this Bill which is presently before the House, subject again, of course, to the qualifications recommended by the Benchers of the Law Society that the consent of the parties is required.

The giving of the Surrogate Court concurrent jurisdiction with the Queen's Bench under The Dependant's Relief Act — that was done; in fact the proposal was before this House yesterday.

There are some recommendations here which are made by the judges and to the Federal Government which I will not bother the House with.

The proposal that the present policy of appointing full-time magistrates on a permanent basis to replace part-time magistrates be continued, and that police magistrates should be termed magistrates — deleting the word 'police' — that has been done. Legislation is before this House to do that at this Session.

Then they recommended that the proceedings in all courts be recorded by an official court reporter to ensure the proper taking of evidence in all trials and hearings, and I may say, that has been substantially implemented. Last November, a directive went out to every local registrar and clerk or court that in every case where requested by either counsel to litigation, a court reporter was to be provided, and I see that that directive is up on the bulletin board of every court house — have been in since that time. I assume the Bar knows about it. The local Bar

knows about it, and are taking advantage of it; and that has been done, as was requested by the Committee.

The Committee recommends that continued research be carried on in the field with a view to installing recording devices to assist the court reporters in obtaining an accurate record of all proceedings, if such a course appears feasible. That has been done. Within a matter of days equipment will be in use. As a matter of fact, equipment is now in use to accomplish that purpose.

They also recommend that public address systems be installed where necessary to permit the court and juries to fully and clearly hear the evidence. One court house presently under construction, and the contract includes the installation of public address systems . . .

Mrs. Batten: — Mr. Speaker, on a point of order. I very carefully limited myself to the provisions of The District Court Act (I didn't go into the other recommendations) just for the purpose of facilitating debate and doing it in a parliamentary fashion. I think the Attorney General has gone away beyond that point. He is not talking about things that are in The District Court Act at all.

Hon. Mr. Walker: — Mr. Speaker, on the point of order. The hon. member said that we had ignored the report of this Committee, and had done nothing about this proposal.

Mr. Speaker: — I understood the hon. member from Humboldt to say that it showed slight respect to the Committee not to have followed their recommendations and the hon. Minister is showing that many recommendations were followed.

Hon. Mr. Walker: — And the contract, as I say, for that court house, has been let to include a public address system installation. It was proposed that District and Surrogate Court proceedings north of Township 72 be taken either in the District Court of Battleford, or the judicial district of Prince Albert, according to the choice of the parties. It is provided in The Surrogate Courts Act that they may apply in any judicial centre — not only Prince Albert or North Battleford, but any one they wish. So far as District Court is concerned, the widest possible latitude is being provided for parties to choose their avenue, a principle which is also opposed by my hon. friend opposite.

It was suggested that a Law Reform Committee be set up. The Government has already announced its intention of calling for the local Bar to set up a Law Reform Committee in compliance with this proposal. It was suggested that sub-section (2) of section 3 of The Court of Appeal Act be repealed. That is also before the House in the form of legislation. Out of 20 or 21 recommendations of this Committee, I suggest that that is a very substantial compliance with the recommendations of this Committee, particularly

When regard is had to the fact that the report is dated October, 1957.

The Department and the Government felt that no radical changes or departures should be instituted in the court administrations without giving the lawyers and the public in this province weeks of time to peruse those proposals and to make suggestions. I may say that every single one of those proposals which are now before the House in fulfilment of this report, have been circulated before the lawyers of this province for some three months. One reason why more of the recommendations haven't been implemented is because in the two or three weeks that we had, from the time the report was received, until the circular went out to the Law Society, this was all we had time to consider up to that point. Further consideration will undoubtedly be given to these other proposals in the course of the year ahead.

So, I suggest it certainly does not do the hon. member any credit to try to create the impression that the Government has treated with contempt or scorn, or with disregard, these recommendations of that Committee.

There were other allegations made, which I do not propose to go into particularly. She says that the urban centres urge a reduction in the number of judicial districts, and the rural representatives are opposed to it. The fact or the matter is that this does not propose to reduce or eliminate judicial centres. The services of the judicial system will be just as readily and freely available in every point in Saskatchewan in 1958 as they were in 1957, if this legislation is passed. As a matter of fact, this legislation gives the Government the opportunity to give serious consideration to the possibility of establishing judicial centres in other communities which are not presently judicial centres. Hon. members will know that it is impossible to have two judicial centres in one judicial district; but when the districts are abolished, then any number of judicial centres is possible, and the Government will, (as it should) carefully review the use made of every judicial centre in this province, compare it with places that have not got judicial centres, and may, if conditions justify, sometime in the future make some alterations or adjustments in the places at which service is available.

Certainly there is nothing in this proposal to take away the judicial service anywhere in this province, so that the worry and the concern, which rural lawyers express on this proposal, is completely baseless and without foundation. There is no threat or no proposal to deny them the services of a judicial centre.

Then my hon. friend makes quite a fuss about this being maybe not so bad, but it shouldn't be done right away. Well, the Liberal party is notorious for not doing anything right away; the Liberal

party is notorious for wanting to put off until next year.

Mrs. Batten: — Mr. Speaker, on a question of privilege. I don't know what the hon. Minister is talking about half the time, but at this point he's simply ranting.

Hon. Mr. Walker: — I'm not surprised.

Mr. Speaker: —Order! What is your point of privilege?

Mrs. Batten: — My point of privilege is this: I did not say that any part of this might be all right as long as it isn't done immediately. I haven't any use for the elimination of judicial districts at any time.

Hon. Mr. Walker: — I will accept that, Mr. Speaker. The hon. member then was apparently pretending to this House, when she spoke a few moments ago, and said this should be delayed a year. I suggest that when anybody gets up . . .

Mrs. Batten: — Mr. Speaker, on a point of privilege. I don't think it is right; I mean, I was not pretending to this House about anything. I read the letter from the Law Society of Saskatchewan that suggested that "no good purpose", or "further time should be given to enable the Law Society to consider and express its views before any steps are taken to implement all or any of these proposed reforms that were not embodied in the Culliton Report." It was not my opinion. It was the opinion of the President of the Law Society of Saskatchewan, and I didn't say I agreed or disagreed with it. I just said we were in no position right now to consider the implications of these proposed changes.

Hon. Mr. Walker: — Well, Mr. Speaker, I must accept my hon. friend's explanation, of course, but I must say that if I quote a statement from someone else, and I don't disassociate myself from the views expressed in that statement, I expect to be understood as being in agreement with those views. I don't usually quote statements and then, later on, on a question of privilege, say I don't agree with them myself, unless I say so . . .

Mrs. Batten: — Good for you!

Hon. Mr. Walker: — . . . at the time I quote them. If my hon. friend now takes the view that the delay or postponement of the implementation of these proposals is irrelevant, I will not make any further comment on it. I understand she wanted . . .

Mrs. Batten: — Mr. Speaker, I did not say that the delay or postponement is irrelevant. Make him stick to what he should be talking about instead of making comments.

Hon. Mr. Walker: — Mr. Speaker, I don't propose to get involved

in this kind of a silly cross-exchange any longer. One of the other complaints my hon. friend made was that people would have to get out a ruler to find out what judicial centre they ought to go to. I suggest that, if you go to the people of Saskatchewan today, you will find out there isn't any more than one out of five who knows which judicial district he is in — or cares.

Opposition Members: — Oh, go on!

Mr. Speaker: — Order! Order!

Hon. Mr. Walker: — Sometimes the lawyer doesn't even know. Sometimes when you ask him which judicial district they are in, he has to go and look it up on the map. I myself have been asked what judicial district Outlook is in, for example, and I don't try to hide it in an answer; I go and look at the map. Every lawyer in the province has got one of these maps, and by looking at them you can see that they are very well marked. So it is not true to say that everybody in Saskatchewan just instinctively knows what judicial district he is in, but now when he is in whichever district he is closest to the centre of, he doesn't know. You ask the average Tom, Dick or Harry which town he is the closest to, Wynyard or Humboldt, and he can tell you, because he has been to both places and he known how many miles it is to each place.

Mrs. Batten: — By the road.

Hon. Mr. Walker: — Well, the roads by and large follow the square. If you ask him whether Outlook is closer to Saskatoon or Regina or Moose Jaw, he can tell you, and it is not necessary for people to get down on the floor with a map and a square and a ruler, to try and discover which district they are in. Instinctively they know from their past experience which centre they are the closest to. This is the only reasonable or logical way to appropriate district boundaries, on the basis of nearness to the judicial centre.

Mr. Speaker, I just want to finish by saying that the Law Society is not perturbed by this problem of postponing this legislation. They have expressed the desire to me and to the Government that they would like to have a chance to look at these things before they would actually come into effect, and I suspect the reason they want to have a good opportunity to study them before they come into effect is so the Courts will have an opportunity to adapt their rules to comply with these proposals. They have expressed complete satisfaction, to me, with my proposals that I will not recommend to the Lieutenant-Governor-in-Council that these Bills be proclaimed until after the next meeting of the Law Society. That has met with their eminent satisfaction, and their complete satisfaction, and my hon. friend cannot trick the House into believing that somehow they are bitterly opposed to these things.

(The Motion for Second Reading was agreed to, on division, by 30 votes against 16, and the Bill referred to a Committee of the Whole at the next sitting.)

POLICE MAGISTRATE ACT

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Walker:

"That Bill No. 68 — An Act to amend The Police Magistrate Act — be now read the second time."

Mrs. Batten (Humboldt): — Mr. Speaker, there are one or two objections that I have to this Bill. The first objection is that under this Bill (which is a step in the right direction, but one of these watered-down steps that, in the final analysis, will not give anybody any great assistance) it is provided that a provincial magistrate shall hold office during pleasure.

Now that is not security of tenure in any true sense, because "during pleasure", of course, means during the pleasure of the Lieutenant-Governor-in-Council, which means that he can be dismissed without cause. The safeguard (or the alleged safeguard) there is that if he is removed and the removal is before he reaches the age of 65 years, he may, within one month after receiving notice of the removal, appeal to the Lieutenant-Governor-in-Council by giving a written notice. Then there is a hearing where the Lieutenant-Governor-in-Council appoints one or more judges. They hear the facts, pro and con, of his dismissal and, after the inquiry the judge or judges make a written report to the Lieutenant-Governor-in-Council, and then the report is considered and is laid before the Legislative Assembly.

It is still a question for the Lieutenant-Governor-in-Council to decide, which of course essentially still leaves the authority in the hands of the Attorney General. I object to this very much. I had hoped, from reading press reports, that with all this streamlining of judicial processes, one thing at least would he achieved, and that would be to give police magistrates security of tenure. I cannot emphasize how very important is that police magistrates be permanent appointments. Now they are, in a sense. They always have been for many, many years. Very few — I think there was only one in the history of this province who was ever dismissed. Usually if they went to go back into private practice, or spend all their time at private practice, they resign. But that is not the question.

The point is, that a magistrate, when he has to adjudge on the liberties of people, which is exactly what police magistrate, or provincial magistrate, (as they will be called) do, they administer a very important judicial function. There isn't any question about the importance of it. It is quite often far more important than a lot of money that is adjudicated on in Queen's Bench or District Court. It is a matter of the liberty of the subject. It is a case (in most cases) of a contest between the state and the individual, and it is very essential to the good administration of justice in cases of that nature, cases where the individual is pitted against the state, that all protection possible be given to him. I had hoped that, if this Attorney General would achieve anything outside of the confusion that he is going to achieve, he would achieve one good thing, in making the position of police magistrates for life, putting them in exactly the same position as the judges are.

There is this to this question too, Mr. Speaker. I think that, if you give a man this type of authority, if you give him this security, he can administer his functions much more efficiently because he has the security, he is not dependent on the pleasure of the Attorney General. I am not insinuating it has ever been done, but the Attorney General has no right to tell him to minimize his fines or increase his fines, even in general terms, he is an entirely independent person. As I say, in practice this has been the case; but these men have not had the absolute assurance that they can only be impeached, and that would only be in a case where they had violently, flagrantly, violated their duties. I had hoped this Bill would give that position absolute security of tenure. I am very disappointed that this is not the case.

Then another thing I think is very deplorable about the proposed amendments. When you do say in this Act that the provincial magistrate shall hold office during pleasure, and then say, that he has the right of appeal against that, provided he is not yet 65 years of age, I think that is a most deplorable type of amendment, because you are, in effect, saying that after a man reaches the age of 65 years he no longer should have the right to defend himself from a dismissal. You are saying, without any further facts, after you are 65 you are really not fit to hold, or to insist on holding, a position of that kind. I don't know why that age is brought in. Surely, in a position of that nature, a man at 65 is at the very peak of his intellectual and judicial powers. Surely men in this House and throughout this province at the age of 65 are not senile creatures who are not worthy of holding judicial office.

He is not running a physical race. It is not a matter of having a hardy constitution. It is a of mental prowess; it's a matter of utilizing the experience that you have availed yourself of during the years of service that you have given; and I

certainly think it is most deplorable to say to somebody whom you are appointing as police magistrate, "Well, we are giving you a little bit of protection until you are 65, and then we can send you out to pasture." It is a ridiculous situation, because 65 is still . . .

Hon. Mr. Walker: — Out to pension!

Mrs. Batten: — . . . a vital age. Well, whether they have a pension or not, our whole program of rehabilitating and helping aged people is not to let them go and leave them work at that age of 65, because it has been proven over and over again that somebody who has been active all his life and has been busy in his own profession or his business, if at 65 you sit them down with nothing to do but live in a pension, you are killing them, in effect. You are simply sentencing them to death. It is true, and all sorts of statistics prove it. That is when they should be allowed to carry on their business and keep on making their contribution to the welfare of Saskatchewan. I certainly think that is a despicable provision, and I am very much against it.

I think those are the two main items that I object to. I am very disappointed in this Bill, and I am sure the people of Saskatchewan are.

I would like to see another provision in this Bill, and that is that appointments of provincial magistrates be made of barristers who have had 10 years' practice, who have been on the rolls for 10 years, as in the case of judges. I think that would be a welcome addition to this particular Bill, because I think that would provide experienced magistrates. I am not objecting to any that are presently appointed, and I don't suggest they should necessarily be appointed from Saskatchewan Bars. If they have been enrolled as a member of a Bar, have been in practice for 10 years in any province or in any country of the British Commonwealth, I think that would be quite adequate, but I do think that that type of provision would be a very useful one in the appointment of police magistrates.

I cannot emphasize sufficiently how important this judicial function is, how necessary it is to make sure that police magistrates have security of tenure, that they are entirely independent of any government, that they know they are appointed for life, not only to the age of 65, and that they be allowed the greatest freedom to do their judicial duties under those conditions. Therefore, I will vote against this Bill, only on the basis that it does not go far enough, and that the provision after 65 years is in the Bill, which I object to.

Mr. L.P. Coderre (Gravelbourg): — Mr. Speaker, I have just a few observations to make in regard to this Bill. I have not the legal knowledge my learned friends the hon. Attorney General and the member for Humboldt have in this

in this matter, but there seems to be a matter of security of tenure which comes into the picture here. The observation I wish to make is that, under the British system — I say British system because our system of laws have been adopted from the British law — of appointing judges or magistrates on a permanent basis we are doing one thing — we are safeguarding the people who are meting out justice from some form or other of corruption. You are assuring that person that security during the time he is in office, and he is thus less likely to succumb to temptation of bribes, due to the fact that he has that security. If he does not have the security, the natural ambition of person is to be sure that he has a good enough nest-egg to support him in his old-age.

I believe when the Bill comes for final residing, it should certainly be taken into consideration to write that security into the Bill, and to avoid at all costs any possibility of corruption. I am not saying that we have corruption; but you find that in places across the line where their magistrates are elected. In many cases (we have heard of it quite often) there has been corruption, because they are there on an elected or temporary basis, and they are trying to build a nest-egg while they have a chance. On a permanent basis, we are not likely to see that. So for that one reason, I don't think I can support the motion.

Mr. Speaker: — The mover of the motion is about to exercise his right to reply. Anyone wishing to speak should do so now.

Hon. Mr. Walker (Closing): —Mr. Speaker, I intend to be very brief. I want to say, however, I was surprised that the hon. member for Humboldt (Mrs. Batten) was opposed to this because it didn't go far enough. I thought she would be opposed to it for the simple reason that this was not contained in the report of the Culliton Committee, and I would think this fact would exclude her from even dealing with it. It is a judicial reform which was not recommended by that Committee. This marks rather a new departure in Saskatchewan, and the hon. member from Gravelbourg (Mr. Coderre) is right when he says that judges are appointed for life; but it is not the tradition for magistrates to be appointed for life. This is a new tradition in Saskatchewan.

With regard to the retiring age, some dissatisfaction was expressed about the retiring age of 65. Well, be that as it may, there may be some legitimate complaint or objection to a compulsory retirement age of 65, but it does apply now throughout the whole of the Government service, both federal and provincial. It hardly seems that, at this time, we should take into consideration any new arguments, or other arguments, which would apply differently to

magistrates than apply to other public services. The deputy Attorney General, for instance, must retire at 65, and now he can carry on just as well after 65 as most magistrates who are appointed. The age of 65 seems to have been settled for us, and is not open at this moment for review. The age has been set, I may say, by previous governments, not by this Government, and there is no reason why, if a deputy minister must retire at 65, the same rule should not apply.

I realize it is a problem to set an arbitrary retirement age, and I agree with the member for Humboldt that many people are capable of doing their best work after 65. On the other hand, some tend to falter at that age, and if you have an age above that, then you are putting upon us the disagreeable responsibility of deciding whether or not this person is capable of continuing. It is not only, a very disagreeable, but almost an impossible burden to discharge, and I will say, without fear of contradiction by the majority of lawyers in Canada, that some arbitrary age of retirement for our superior court judges would do less harm than good. I realize there are some judges who go beyond what are considered the normal ages of retirement and render a great service to the country; but the good is more than overborne by the bad results which flow from this business of staying on the bench until you die, or until you are no longer able to go to the office.

I think it would be a step in the right direction if some arbitrary retirement was extended to include the other courts as well. Whether it should be 65 or 70, I am not prepared to say. What I do say is that we are justified in stating 65, since all our other provincial people, and federal people too, are on that retirement age.

Mr. Loptson (Saltcoats): — Cabinet Ministers aren't.

Hon. Mr. Walker: — As to the complaint that this is an appointment during pleasure, the hon. member is correct; but there is such a thing as an appointment during pleasure which you can cancel without notice, and without cause. There is an appointment for life during good behaviour. In between that there is a wide range of shades, and we have attempted to take a position which appears to give reasonable security and at the same time prevent someone from taking the appointment and abusing it by gross or even flagrant or serious neglect of duty.

An appointment during pleasure is certainly not absolutely secure, but, on the other hand, it would be a pretty bold government which would dismiss a magistrate without adequate cause, when they know that a judge, who is presumed to be impartial in the matter, produces a report which must be tabled in the Legislature, and can be debated in the Legislature. That is exposing the actions of the Government to very severe public scrutiny and public censure, unless those actions are absolutely justified.

Saskatchewan achieved the high-water mark in security, and I think we ought to congratulate ourselves in this regard, and I think we ought to congratulate ourselves for being in that position, and we have to feel our way gradually in these matters. Undoubtedly, as time goes on, if conditions justify it, further strides will be made in this direction, and I hope not before too long. In the meantime, however, I think this is worthy of approbation not only by the magistrates but by the general public who can now enjoy some feeling of assurance, some reason for security, in the knowledge that the Government cannot in any way interfere or intervene in the discharge of the magistrate's duties in defining the criminal law.

The public has the assurance that, if a magistrate ever is dismissed, if he feels he has any just cause for complaint, the public will be fully acquainted with the circumstances and of the reasons for dismissal, which I think goes a long way, and I think will merit the approval of the majority of the people of this province.

(Motion for second reading agreed to, and Bill referred to a Committee of the Whole at the next sitting.)

SURROGATE COURT ACT

Moved by the Hon. Mr. Walker that Bill No. 79, An Act to amend The Surrogate Court Act be now read the second time.

Mrs. Batten (Humboldt): — Mr. Speaker, the comments that were made on The District Courts Bill apply to a very large degree to this Bill, but there are some particular problems that apply only to The Surrogate Courts Act. As hon. members know, this is an Act — The Surrogate Courts Act — that applies to absolutely everybody. Even if you never have a dispute with your neighbour, or it you never have a car accident, or never have to go to court. If you have any property or have anybody who dies and leaves you any property, or if you are going to be involved in any type of an estate, you have an interest in this particular Bill, because the Surrogate Court is the one that deals with testamentary matters and deals with administration of estates.

There are very many things that I think are wrong with this Bill, but most of them can well be discussed in Committee, and therefore, I won't take up the time of the House to discuss them. But there are two things in particular I want to bring, up here at this stage.

Under this Act, the change is that, instead of having to make an application for letters probate or letters of administration

in the judicial district in which the deceased had his home (I'm talking about where the deceased died in Saskatchewan), the law of Saskatchewan now provides that the executor of the estate or whoever is left to administer the property if there is no executor or if there is no one named in the Will, applies to the court in the judicial district in which the deceased had his domicile, which means that the application is made where, in most cases, the creditors of the deceased reside. This proposed amendment would make it possible to file your application any place, and, therefore, it would enable executors or administrators who might not be honest, simply to go into another judicial centre any place else in the province and make their application there.

Sometimes this would not matter; in other cases, it would matter very much. I can give you a particular instance where a deceased died in my own judicial district, and the administrators, who should never have applied for letters probate because he was involved with many business dealings with the deceased, and had never made full accounting, applied to obtain letters of administration. Nobody disputed it. He got his letters of administration and when he came in to pass the accounts, because this was happening in the local districts, and, because he had to send out notices to the beneficiaries, they only had a distance of 10 or 15 miles to travel to the court house in order to watch this passing of accounts which is done with the clerk of the Surrogate Court. They would have never, I can assure hon. members, travelled to Regina or Saskatoon or Prince Albert to do it; but because they were confined only by the boundaries of their own judicial district, because they had only a matter of 10 or 15 miles to travel. I think there were about 30 of them arrived at this passing of accounts. The thing is being straightened out by negotiation now, but it has made quite a difference in the amount of money these beneficiaries are going to receive out of this estate, because they were close to the place where this matter was being looked after.

It is not only a question of applying to have a will re-sealed by the Courts, it is a question of a whole administration of an estate, and the logical, the convenient, the least expensive way to have the work done is by the Surrogate Court Judge, who is resident, and the clerk who is present in the judicial centre in which the deceased had his domicile, and in most cases had his business and spent most of his life. For that reason I object very much to this proposed change.

Another objection is, it is going to centralize work again where trust companies are administrators or executors. They certainly are not going to apply for administration or pass accounts miles away from their office. They are going to apply in Regina. It is fine for people who live near here; but it is not fine for people in other parts of the province, and it will make it much more convenient for the executor, in many cases. It certainly will not make it more convenient for the beneficiaries however, where there is a dispute of any kind, for the creditors and, in the long run

I think, it will make for delay in the administration of estates,. Delay always means addition in expense, and it is not going to be at all satisfactory.

The other thing — I believe this is the Act which is reducing the salaries of the Surrogate Court judges. I think that is correct. This is the Act that reduces the salaries of the Surrogate Court judges from $1,500 to $l,000. In prior remarks I made, I pointed out how unfair it was to these judges, who took a cut without having been compelled to by any legislation, who deliberately took a cut, and with all due respect to the hon. members here, I don't think there are very many of us who would, just because provincial finances are tight, deliberately and without any propaganda, without any praise, without congratulating ourselves quietly agree to take a cut of $500 for every year, out of our salary. These men did just that. This has gone on since 1932, and it has saved the people of this province in the vicinity of $300,000. So now, what has been done by a gentleman's agreement what was done because of the poor finances of the province in the hope that when things got better, they would be reinstated to their statutory salary, is going to be made law, and they are going to be prevented from collecting their arrears — which they were entitled to do, had they wanted to. This is sort of a gratuitous insult to the judges, because they certainly have taken no steps to collect these arrears. As far as I know, they have no intention of taking any such steps, so it is certainly unnecessary to put any type of legislation to prevent them from doing so.

Then, too, if the hon. Attorney General is sincere in saying that he wants to give them more work, he wants to reduce the number of judges — certainly he is going to reduce the number to 16, and probably to 12, as he has stated — those 12 judges are going to have to do the Surrogate Court work that has been done by 18 judges. They are going to do much more Surrogate Court work. In the 'thirties' people were not looking after the administration of their estates because they did not have the money to do it with. They just kept on working the farm, and kept the will tucked away some place, and just didn't bother having anything done. Later on, in the 'forties' when conditions improved, people cleaned up a lot of that backlog of administration that hadn't been done, and the Surrogate Court judges have been very busy, and I think they will seem to continue to work at a fairly even rate. Now, if we are going to have fewer judges, they are going to do much more work, and they do an awful lot of work that is in no record nor in statistics, because they talk to people; they spend a lot of time in Chambers with lawyers trying to simplify the procedure, and trying to straighten out cases. It is simply amazing how much can be done by a judge in a very informal manner, in the matter of administrating estates, and how much assistance he gives the clerk. I think it is important to know that it is not the integrity or anything else but the educational calibre of our clerks, our sheriffs, who are the senior taxing officers who pass accounts in each case, which has fallen off very badly during the last 10 years, as hon. members, I think, know.

Hon. Mr. Walker: — Mr. Speaker . . .

Mrs. Batten: — I'll explain that . . .

Hon. Mr. Walker: — . . . on behalf of these people who are not in here now, I must object to that statement.

Mrs. Batten: — As I was saying, Mr. Speaker, I'm not saying anything about their calibre or their intelligence. I am talking about their educational attainment. At one time almost every sheriff, every senior clerk in a court house, was a graduate lawyer who had had considerable legal practice and had accepted this appointment. In the last 10 years it has been almost impossible to get that type of person to take these appointments, and the hon. Attorney General knows it as well as every other member in this House. Lawyers just have not been accepting appointments of that kind. It is not the fault of these people. Many of them have been working awfully hard and have done a very fine job, and I want to congratulate them for the fine work they have done within the limits of their academic ability. But many of them have to have a lot more help from the judge than the original people did, the people who were operating these court houses in the early 'forties' and late 'thirties', when conditions had been tough in private practice and they had accepted these appointments.

There is no question but that the Surrogate Court judges do an awful lot of work, and they are only receiving $1,000 a year. I think if anything, their salaries should now have been reinstated to the original $1,500 that the Act provided, or even more, rather than to cut them off. To make it compulsory now that they accept only $1,000 is, I think, very deplorable, to put it modestly. There is no justification for it at all, except that we are going to save a few dollars. On the other hand the Attorney General has the nerve to get up and say that the Federal Government should pay these people more. Well, if you do recognize their services, and you recognize how much of their work is Surrogate Court work, surely it is up to us to pay them. I am not holding a brief for them, except for the fact that they will not speak for themselves. It is far below the dignity of any judge to come to the Attorney General and ask him for a raise, or even to object if the Attorney General decides to lower his remuneration. They are not going to come; they are not going to lobby; they are not going to say a single word. I have judges who are personal friends of mine and they have never spoken to me about this thing. I'm sure it is true throughout the province, they have a sense of their own dignity and they are certainly not going to stoop to discuss things like salaries with the Attorney General, or anybody else.

Therefore, I think it is up to us to protect people of this kind who are giving their very best services, and who have done very fine work. I think everybody who has had contacts with them appreciate that type of work, and it is simply insulting to say that instead of reinstating them to what they have been entitled to all

these years now that conditions are good and that our budget has gone up to such an enormous extent, we are saying, "We are not even going to give you that legal recognition; we're going to pay you $1,000 a year." I think it is most deplorable and I will vote against this Bill. I think the Bill is very ill conceived, to put it mildly.

Mr. Speaker: — The mover of the motion is about to exercise his right to close the debate. Any member who wishes to speak, should do so now.

Hon. Mr. Walker (Closing): —Mr. Speaker, I don't propose to take very long again to deal with the speech made by the hon. member, except to say that, in looking over the list of sheriffs, for 1944, I see very few of them who were lawyers in 1944. I don't think that necessarily qualifies them to be better sheriffs than if they were . . .

Mrs. Batten: — Mr. Speaker, I didn't say they made better sheriffs because they were lawyers.

Mr. Speaker: — Order!

Hon. Mr. Walker: — Mr. Speaker, I will apologize if I have misconstrued what the hon. member said. I want to say that I disagree entirely with her conclusion. The sheriffs we have today are as good as any sheriffs we ever had in the province of Saskatchewan. The sheriffs we have today are capable of performing their duties.

Mrs. Batten: — Mr. Speaker, on a point of privilege. When the hon. member says he disagrees with me, he is implying, and everybody else gets the impression, that I said these things, and I didn't. All that I said was that the Court judges have to give the clerks a lot more assistance now than they used to, when the clerks were lawyers.

Mr. Cameron: — That's all she did say.

Hon. Mr. Walker: — Mr. Speaker, the fact was there were no more sheriffs in 1944 who were lawyers than there are today.

Mr. Cameron: — How about 1934?

Hon. Mr. Walker: — It is misleading the House to say they were lawyers. The fact is that we have a very competent and capable group of sheriffs who don't require the assistance of other people any more than sheriffs have required assistance and advice from other people. The sheriffs we have are very capable and competent and we have full confidence in them.

My hon. friend said something about the judges having their salaries reduced by $500, and then she said they had willingly

forgone this $500 back in the 'thirties'. Well it can't be both ways. The fact is, it is not being reduced, the Act is just being brought into line with what the facts are. As a matter of fact, I was one of the first to agree that judges are not the first people we should try to economize on, by cutting their salaries, and I am prepared, and I think the Government is prepared, if the matter is to be given further consideration in the future, to consider an upward revision. I may say that the judges have quarrelled with me about this, and I may say, though, that I have personally assured the judges that our only purpose in doing this was that all the judges should get the same pay. I don't think there is any member in this House who can justify three of them getting 50 per cent more than the other 15 got, particularly in view of the fact that the amount of work these people do will be practically the same for all of them. So, if we are to have equality, it has to be equality by raising all 15 of them or reducing the three. The funds of the Department do not permit, without increasing the budget, the raising of the 15 of them; so the only option open to the Government at this time is to reduce it to $1,000 for all of the judges.

I may say, that those three judges who were getting $1,500 were relieved of nearly half of their part of the Surrogate work and that in itself will be a substantial reward to them, in compensation for the small amount of $500. As a matter of fact, nearly all judges will tell you that they would rather not do Surrogate Court work at all, and, as far as this $500 or $1,500 is concerned, it doesn't begin to pay for the bother and trouble of doing it, because of the work that is involved in it. So any judge who is relieved of about half the work in return for a reduction in salary of $500 would be very gratified, I am sure. However, I and the Government are prepared in future years to consider this matter, and bring about an upward revision if it seems to be warranted.

One of the things which would warrant an upward revision would be art equalization and distribution of the work, so that all District Court judges were reasonably busy. I don't think this House would condone paying more money to judges who have probably half a week, or a day a month of work to do — that's a pretty nice pension if you have no work to do. But a judge who has to work certainly is entitled to be paid and ought to be paid — the taxpayers would not want to deny him that fair and reasonable remuneration. I am not criticizing the judges. It is not their fault if they have not any work to do, and we are trying to remedy this situation by these Bills which are being opposed tooth and nail by the Liberal party.

Mr. Cameron: — Take it as read!

Hon. Mr. Walker: — This Bill, I submit, has as many merits as the others that have been before us. If the

Opposition wish to go on record as being opposed to it, I can enjoy that very much because I am confident that the people of Saskatchewan will approve this change, and I feel confident that, in a very short time, my hon. friends opposite will learn that the legal profession has been in approval of the Bills, and I am sure my hon. friends opposite will be staggered by the fact or the knowledge, and will try to explain to the House, in future years, that they really did not oppose the principle of the Bill — just my manner of speaking.

Mr. McCarthy (Cannington): — That helps a lot!

(The motion for second reading was agreed to, on division, by 28 votes against 16, and the Bill referred to a Committee of the Whole at the next sitting.)

LAND TITLES ACT

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Walker:

That Bill No. 84 — An Act to amend The Land Titles Act — be now read the second time.

Hon. Mr. Walker (Attorney General): —When the House adjourned last night at 5:30, I was in the course of outlining, to the Assembly some of the changes that are proposed in the new Land Titles Bill. I had pointed out that there has been little or no change in the administration of the Act, or the administration of the Land Titles offices, over a period of more than 50 years; that there were many modern technological improvements in office procedure, but the Land Titles Act did not lend itself to using these procedures; and we wanted to guarantee to the public, greater security of title, greater security against loss of proof of ownership by fire or disaster of any kind, and that that prompted a complete re-evaluation of Land Titles procedure, and this rather extensive overhaul.

I pointed out, also a factor which I think should not be lost sight of, and that is the cost to the taxpayers and to the owners of land titles in administering the system; that as the system get older and the volume of dead documents increased in size, the amount of work in processing land titles documents was becoming excessive, and that in the larger office it was even worse than in the small offices; that we were proposing to evolve a new system which would be able to operate on a current basis without undue accumulation of dead material which only clutters up the operations of the offices and adds nothing to the security or efficiency of the procedures.

I think I had just concluded by referring to the proposal to microfilm documents; that everything that is presently in the Land Titles offices would be microfilmed and stored in a central warehouse, a fire-proofed and water-proofed warehouse, so that in the event of a disaster the documents and titles could be reconstructed from the microfilm. This is not a particularly expensive process after the microfilm equipment is once installed in the offices, and involves very little time. The documents are simply passed through this machine in the course of their processing through the office, with little or no lost time and very little expense. It is not intended to keep an elaborate central registry of these microfilms, but rather to assign a number to each capsule and just file it in a room, so that it will be readily available for routine use. We are quite prepared to face the risk of having to employ 10 or 20 extra people to sort out and catalogue the microfilm in case of a fire in a Land Titles office. That would be a very small insurance premium to pay to be able to restore the records that would be thus destroyed. But, we will not maintain a duplicate Land Titles recording system with the microfilm equipment.

I do not know it hon. members realize that some of our Land Titles offices now have their basement full of dead documents. And by 'dead documents' I do not mean original grants of Title from the Crown, and I do not mean successive titles issued in the changing of ownership. By 'dead documents', I mean such things as a Federal Government seed grain lien dated l898 and discharged in 1902. That is the kind of thing I mean, and there is a tremendous volume. It can have no possible legal effect at this date, and yet, under the present system, it must be kept, and it is kept alongside of seed grain lien which, perhaps, was registered the same date, but has not yet been discharged, which is therefore still current, and it just adds to the volume of material that has to be searched every time a search is made. It adds to the volume of space that is tied up in our Land Titles offices.

We are now being pressed for space in about three Land offices at Humboldt, at Saskatoon and one or two others, where we will be faced, within the next year or two, with a very serious capital cost because of enlargement which will be necessary, just in order to accommodate tremendous volume of dead documents. This is an expenditure as to the cost of which I would not hazard a guess. Perhaps a half a million dollars would be used in three Land Titles extensions, within the next two or three years, and which would have to be paid for out of the provincial revenue.

This proposal is, therefore, justified purely on the basis of saving in space requirements alone, and we will be reimbursed out of those savings within a period of only two or three years. I should say that the cost of this conversion

will be approximately $390,000. A little less than $90,000 of that has been spent in the current fiscal year. I may say that you will notice that there is no supplementary estimate for Land Titles this year. That $90,000 was saved in the last twelve months by the streamlining of Land Titles procedures within the scope of the present Act. That $90,000 was saved by not spending money which we fully intended to have to spend at this time last year, so that approximately a quarter of the conversion job has been paid for out of savings already. The other $300,000 odd — $310,000 or $312,000, — is provided for in the estimates which you will be asked to vote at this Session. That accounts for the substantial increase in the estimates for Land Titles in the year 1958-59.

However, I confidently predict that, as a result of these savings, there will be a further reduction in staff added to the 22 or 23 reductions which have already gone into effect — a further reduction of more than 25 will be possible within the current fiscal year. So the expense of conversion is reimbursed entirely out of public works (if you want to look at it that way) on the expansion of new offices, or it is reimbursed out of our own Land Titles votes within a space of about three years. In view of the fact that one large part of it has already been paid for in the current fiscal year, the rest of it could easily be paid for out of a reduction in the cost of operating the system in the next three fiscal years.

I mention this not because I put greater importance upon the financial savings than on any of the other reasons. The financial saving is, however, an important matter to be considered. I think it is the duty of Governments, all Governments, to exercise the utmost restraint in the employment of people and the provision of service; that services should always be justified on the basis of whether they are worth the cost which they impose upon the taxpayer; and that the Government owes it to the legislature and to the public to scrutinize very jealously every increase in expenditure, not only increases in staff and other expenditures, but it also owes to the public the duty to scrutinize the existing services and existing staff to see whether or not the same service can be provided for less money and with less staff.

These proposals, however, find their principal justification in the improvement in service, the increase in efficiency, which they make possible to the people of Saskatchewan. A proposal is contained in this Bill to provide for orderly destruction of aged and obsolete documents. That program of document destruction will be proceeded with cautiously and judiciously. There will be no risks taken of destroying documents which may have some value other than historic value. The document destruction part of the program will likely not get fully into effect during the coming fiscal year. It is something which can go on progressively and at least prevent an increase, initially, in the volume of material, and then, as the program gets into full swing, will

actually reduce the volume of documents in the Land Titles offices.

I hope to be able to advise the Minister of Public Works (Hon. Mr. Willis), within a couple of years, that we now have some spare space in some of the Land Titles offices, which could be made available for other use.

The other changes which are contained in the Bill are apparently of a minor and technical nature, and I do not propose to go into them at this time. Some hon. members may want to know what assurance I can give to the House that this new system will actually work, what assurance I can give to the House that it will actually produce the results which I claim for it. Well, this new system was, as I have said, set up some six or eight months ago and has actually been tried out in actual practice in one of the Land Titles offices of this province. Staffs were assigned to a pilot study and certain townships of land were set up on a purely testing basis under the new system. Documents coming in, which affected titles to those parcels of land, were processed by both systems — the present system and the proposed new system. This pilot system not only demonstrated that the system will work, that it will work and safely, but that it will work much more efficiently and with much less expense — expenditure of time and labour in making it work.

The new system has demonstrated itself not only to me, but to the Registrars of Land Titles, who met at Moose Jaw last December, and spent a day watching the new system work. I must say that they were unanimously of the opinion that the new system offered amazing shortcuts and amazing gains in efficiency over what the old system did.

I should say that the intention is, as soon as this Legislation is passed, that the Moose Jaw office will be converted as soon as possible after the 1st of April. That means every document has to be handled. It is estimated by this conversion team of five people, that they will be able to fully convert the Moose Jaw office within a period of six months. The conversion team will, while they are converting the Moose Jaw office, also be training a group of representatives from other Land Titles offices so that these representatives from other offices can then go back and, in the second six months of the fiscal year, convert those other offices. The conversion team will be available to supervise and assist in the conversion of the other nine offices during the second half of the fiscal year, so that at the end of the fiscal year the program should be complete. The conversion team, as I have said, of three additional employees, and those three are included in our total of 145, which I referred to earlier. These three temporary employees are assisted by two or three others, who will be loaned from other Land Titles offices to comprise the conversion team.

Now, Mr. Speaker, having explained to the House the principal points involved in the administrative changes, I would like to turn my attention to a change which to set out in the last four sections of the Bill. A change which is not concerned with changes in the administration so much as changes in the legal position of title holders. The hon. members know that, under the Torrens system, an endorsement upon a title to land, including minerals, for instance, or including certain minerals, when that endorsement serves as notice to the public or the purchaser that the mines and minerals are included, and that a purchaser who buys land on the strength of that endorsement is bona fide, is entitled to receive the mines and minerals. But, under our Torrens system, any compensation that is due to anyone by virtue of anyone losing their mines and minerals through such an error must be borne by the Assurance Fund of the Land Titles system.

In 1951, the Assurance Fund was restricted, that is the coverage or protection provided by the Assurance Fund was limited to $5,000, if I remember correctly. This amount is, of course, insignificant in relation to the value of mines and minerals and/or the potential value of mines and minerals. As a result, since June 1st 1951, purchasers of mines and minerals or purchasers of land with mines and minerals have not relied upon the Assurance Fund to guarantee the security of their mineral titles. We are convinced of this by our own investigation into the way in which oil companies have used the Land Titles offices. We are also convinced of it by virtue of certain material which oil companies have filed in court in cases where the ownership of mines and minerals has been disputed. We are satisfied that it was the invariable practice of oil companies, after that date, not to rely upon the endorsement of the title, but rather to obtain an historical search and go back and see whether or not mines and minerals were included in the original grant from the Crown.

So it is proposed in this legislation, by Section 65, to give to the Registrar the right to strike off any endorsements of mines and minerals which has been included upon a Certificate of Title in error. I should, perhaps, go back and say that, in the early years of the province, mines and minerals were regarded as being of very little or of no value. In the beginning of the system, the absence of any reference to mines and minerals meant that mines and minerals were included. Later, the practice changed, and it was considered that they were not included if they were not mentioned, and were included only if there was an endorsement.

At some stage back in the time of the First Great War, some officials of the Land Titles office made an examination of titles and discovered that there were a lot of mines and minerals which should have been included, but for which there was no endorsement. So they went at it with a rubber stamp and stamped "Mines

and Minerals included" on a great many titles. As was to be expected, this endorsement got affixed by mistake to some other titles to which it should not have been attached. There is no way of estimating exactly how many of these mistakes are still outstanding, but it appears that there are somewhere in the vicinity of 100 to 200 of these titles still outstanding.

It is provided by Section 55, that the Registrar may, when the mines and minerals were not included in the original grant, strike them off the title. However, we recognize, and the courts have always recognized, that the bona fide purchaser for value buying land with the endorsement "Mines and Minerals" appearing on the title was entitled to have that property — the mines and minerals.

So it is provided by Section 52 that, where anyone prior to June 1, 1951, (that is prior to the date on which the Torrens unlimited guarantee of title was removed), anyone buying land on which the title erroneously bore the endorsement, "Mines and Minerals included" would receive mines and minerals. And so, provision is made in Section 52, specifically, for an application of that kind by any person who may feel that the Registrar has unjustly struck off the endorsement. That applies to any person who bought land with minerals, prior to that date.

Then, of course, Section 53 provides that those who bought mineral rights only, separate from the land, prior to January 1, 1948, will be entitled to the same protection. This is not a derogation from the decision of the Prudential Trust Company case vs. the Registrar of Humboldt Land Titles, which is the leading case in Saskatchewan on the ownership of mines and minerals. This does not, by inference or directly, interfere with or disturb the results of that judgment.

This legislation goes even further and provides explicitly that, even apart from the Prudential case, where anyone has obtained an order concerning his title to mines and minerals prior to January 1st of this year, he will have good title if it was vested in him by an Order of the Court. In all other cases, however, the title to mines and minerals will revert to the Crown.

Some may say that this is an unjust invasion of the rights of private owners, and I would say, first of all, that private owners who paid for their mines and minerals, bona fide, for valuable consideration and without notice of the error, will get their mines and minerals. They will not lose their mines and minerals. The only people who stand to lose —the only large group of people who stand to lose mines and minerals are people who still own title on which the error was made. What it means is that if someone accidentally drops a $1,000 bill in front of your chair and then comes back and wants to pick it up again, this means that he will be able to do so. Certainly anyone who by mere accident fell into the title to mines and minerals, fell heir to the title of mines and minerals, will not be permitted to keep the mines

and minerals which he thus acquired. People who bought them from a third person relying upon the Register prior to June 1, 1952, will be entitled to have them even though the person he bought them from had no legal right to them.

With that explanation, I really think it is unnecessary to make any reference to an article which appeared in the 'Leader-Post', last night. I have dealt with that by reason of the courtesy of the reporters in giving me an opportunity to reply. But it is, obvious from the reply that the article is in error in many important respects. The article says, "No provision has been made for private persons to recover land lost in Land Titles' error in the amendment to The Land Titles Act." The fact is that is exactly what Section 52 does: it makes provision for people to recover, to get title to land where an error is involved. It says, "Land lost in error". This was not a case of an individual losing land in error. It was a case of individuals acquiring land in error. Then it says, "The provides that after June 1, 1951, any lands lost to the Crown in error are to be restored." Now, the lands were not lost to the Crown; they were lost by the Crown to a private citizen so that the statement was precisely the opposite to what is the fact. Then it says, "The Act makes no similar provision to restore mineral rights to private persons who have lost them through errors in the Land Titles". Well, it means that mineral titles have been lost by private persons to the Crown. It is, of course completely wide of the mark. If it means mineral rights lost by private persons to other private persons, then, of course, the remedies of the courts are available to these people, and no attempt is made to deal with that situation.

I can only suggest. Mr. Speaker, that this is the kind of irresponsible journalism which brings newspapers into bad repute. I suggest that. It the 'Leader-Post' did get advice from competent people as to what these sections mean. 'The Leader-Post' must have so garbled the advice they did receive that it was unrecognizable when it appeared in print. It seems me as though someone who knows what the section provides, actually did give some advice to 'The Leader-Post' who inadvertently reversed the meaning of every sentence, because, by changing a word or two in each paragraph, you can make it right. I don't propose to spend any time correcting the grammar, or accuracy, or truth statements in 'The Leader-Post'. Now, these changes, I suggest, are overdue.

Mr. Danielson (Arm River): — Was that on the front page?

Hon. Mr. Walker: — Yes, four or five of the paragraphs on the front page.

Mr. Cameron: — How did you get them on the front page?

Hon. Mr. Walker: — I want to express my appreciation to 'The Leader-Post' . . .

Mr. McCarthy: — How much are you paying for it?

Mr. Speaker: — Order!

Hon. Mr. Walker: — . . . for straightening out this careless journalism which they indulged in, yesterday evening.

Mr. Loptson (Saltcoats): — You're just careful, eh?

Hon. Mr. Walker: — Now, Mr. Speaker, as I say there are two features to this Bill. One is the overhaul of the administrative machinery of the Land Titles System, and the other is the correcting of errors which have accumulated over a period of some 30 years. Most of these errors, it appears, were made in the 1910's and 1920's, or about the time of the First Great War. This provides an opportunity to correct it.

My hon. friends my say it is just too bad to take away something that you have accidentally given to somebody, so I want them to know that this Government is not taking away anything on its own behalf. All this Government is doing is seeing to it that the property of all the people of Saskatchewan is not lost to the people of Saskatchewan by accident. These mineral rights which were reserved for the Crown in the original grant, are the property of all the citizens of Saskatchewan, and it is the duty of every Government (and this Government is very conscious of that duty) to protect and guarantee the rights of all the people, so far as possible, to make certain that the people do not lose millions of dollars' worth of property because of some careless error, or some misguided zeal, on the part of some public officials, a generation ago. If that can be rectified without injuring innocent people, it is the duty of the Government to rectify it.

The Government does not, however, propose to intervene or to abridge in any way the rights which innocent people have acquired to mineral titles prior to 1952, by interfering with their present ownership. People who have acquired title since 1952, knowing that the person they acquired them had no legal right to them, of course are not entitled to come to this Legislature and say that they are entitled to any remedy, Anyone who comes to plead on behalf of that group of people should come with clean hands, and people who bought mineral rights, knowing that the person they were buying them from did not own them, certainly cannot come before and plead before the Bar of this Legislature with clean hands.

As it is our duty to protect the public property, to protect the public wealth, we are submitting this Legislation for the approval of the House. With these words, Mr. Speaker. I move second reading of this Bill.

Mrs. Mary J. Batten (Humboldt): — Mr. Speaker, it always occurs to me when I read these Bills that

the suggested changes are quite simple, and I think I understand them. Then the Attorney General gets to his feet, and by the time he's through I am completely confused, and I am sure that most of the members of the House must be as confused. Now, to add to it, in the case of this Bill, he and his publicity agent apparently didn't get together on their news releases. They put two of them out on the front page of 'The Leader-Post' . . .

Hon. Mr. Walker: — We didn't put any of them out.

Mrs. Batten: — . . . and they seemed to contradict each other. Now, I realize the problem of the Attorney General. I have had the same problem with 'The Leader-Post' in this Session, and so have other members. The hon. Ministers from the other side will say something of absolutely no importance, and get headlines, and we will criticize in a constructive manner and give them good advice, and speak for the people of this province, and we get a small line without too much mention, or too much clarification as to what we said. So I can sympathize with him very wholeheartedly.

If he would only stay with the Bill that he is moving and explain what, in his opinion, these sections mean or what the principle is, I don't think I would have any difficulty in debating the Bill, and neither would anybody else in this House. But to plow through the beatitudes with which he endows himself and this Government, and to get through the propaganda that is given with every other sentence in explaining a simple Bill like this Land Titles Bill is, I simply cannot debate it at this point without first of all going through 'The Leader-Post' to see what it is he didn't say, and then to find out what he did say in introducing this Bill. I, therefore, beg leave to adjourn the debate on the Bill.

(Debate adjourned)

SECOND READINGS

Bill No. 9 — An Act to amend The Annual Holidays Act.

Hon. C.C. Williams (Minister of Labour): — Mr. Speaker, this is a Bill to amend The Annual Holidays Act and contains four changes. The other sections of the Bill are necessary to take care of those four points by amendments to the original Act. The first is contained in Section 2, which is there for the purpose of establishing the amount used on which to base holiday pay, as far as board and room are concerned, and brings the amounts more in line with present-day values. At the present time the Act calls for $4 a week, which can be considered to be the amount paid for board, and $1.50 a week as the

amount being charged for lodging. For instance, if someone is working for someone else at the rate of $150 a month, plus his board and room, and when that person leaves the employ, and they went to figure out his holiday pay, they would, of course, take the $l50 and with the amendment take $4.00 a week for board and $3.50 for lodging, and take the one twenty sixth on the basis of that total. This is a very simple amendment, and I think it has been overdue for some time, due to the increase in costs over a period of years.

The next point I will mention has to do with the postponement of four years of a week's holiday each year, and it will now be possible, if this Act passes — or this amendment passes, for an employee to accumulate four weeks' holidays in four years, then at the end of that time with the next year's two weeks' holidays he would be able to take an extended leave of six weeks, which will be of particularly to people who wish to visit homeland. That takes care of point No. 2.

Now, No. 3 — ever since the Bill came into effect in 1944, holidays have not started — at least have not started to accumulate until the end of 30 days, We are eliminating that 30-day period and now the holiday period will start to accumulate immediately the person begins to work. We've had a good many complaints from employees in this regard, particularly those in the construction industry. Some of them never get a holiday at all, because they're working for one construction company three or four weeks, and leave there and go somewhere else and work another three or four weeks, and as a result, they never receive any holiday pay. With this change in effect, they will be entitled to holiday pay right from the first day they work.

The fourth point is perhaps most important in the Bill and will grant the employee, an extra weeks' holiday after five years' employment with the same employer. We feel that is only when we think with the long winters we have on the prairies here, that most of the employees — in fact I think every employee, will appreciate an week's holiday through the summer, and his family will appreciate it, too. It will also have the tendency for the employees to stay with their employer longer; that is, once they have the five years and have accumulated that extra week, they won't be leaving and changing from job to job as much as they do at the present time. In addition to that, it will be of considerable benefit to the employer; he will be able to keep his loyal and efficient employees on indefinitely in most cases.

In that connection, I would just like to say a few words in comparison with what is done in other provinces, and I have here a booklet put out by the Federal Government. It is entitled "Provincial Labour Standards", December 1956, Department of Labour, Canada, (price 25 cents). I will just take a quick run from the

east to the west, and endeavour to show what the province of Saskatchewan has been doing over a period of years. Apparently there is no holiday-with-pay legislation in the provinces of Nova Scotia, Prince Edward Island, or Newfoundland. We start with the province of New Brunswick where they provide for one week's holiday in construction and mining only, and the pay is at the rate of two per cent of the total earnings. In Quebec, one week per year provided at regular weekly pay, but there are a number of exemptions, and here they are workers engaged in forest operations, apartment house janitors, caretakers provided with free lodgings, manual workers in the building construction industry, except in the Montreal and Hull areas; homeworkers, part-time workers and so forth. Those people are exempt from any holiday pay at all in the province of Quebec. Now we come to Ontario, where one week is provided for all employees — two per cent of the earnings. Manitoba, one week for the first three years, and then two weeks' holidays after three years' employment at the rate of pay. I'll skip Saskatchewan. We come to Alberta, which provides one week for the two years and two weeks' holidays with pay after two years employment. British Columbia is two weeks, same as ours starting on the 1st of July, 1957 they come up to our rate, and now provide two weeks' holidays with pay, the same as we do. We were in there just exactly 13 years ahead of them. Now, the province of Saskatchewan — two weeks per year, and the rate is 1/25th of the annual earnings, which is just another way of saying two 52nds, and with the new provision which I just spoke of a few moments ago, we will provide an extra week — three weeks after five years of service with the same employer.

With that explanation, Mr. Speaker, I move second reading of Bill No. 9.

Mr. Cameron (Maple Creek): — Mr. Speaker, I wonder if I could direct one question to the Minister? What type of class of employees are not covered under a Bill such as this in Saskatchewan — what type of employee is not qualified for two weeks' holiday with pay?

Hon. Mr. Williams: — The only ones are employees on farms, and of course we do not cover railway employees, because they are covered by the Federal Act. Just those two.

Mr. Cameron: — Housemaids, and all of those?

Hon. Mr. Williams: — Oh yes, they are all included. Farm labour is the only exception.

(The motion for second reading agreed to, and the Bill referred to a Committee of the Whole at the next sitting.)

Bill No. 86 — An Act to provide a Superannuation Allowance for a Certain Former Member of the Legislative Assembly.

Premier Douglas: — Mr. Speaker, I am sure there is no need for me to make any extensive remarks in respect of this Bill. As the hon. members know, it refers to a former member of the Legislature, W.J. Patterson, who served this province in many capacities for a period of over 40 years. Before the First World War he was an employee of the Department of Telephones. After returning from military service, he became a member of this Legislature, and later Minister of Telephones. He served in the Government as Minister of the Crown, as Minister of Telephones, — later as Provincial Treasurer, and later still, as Premier of the province from 1935 to 1944. He later served as Leader of the Opposition. Some of us in this House had the privilege of sitting in the Legislature with him. He more recently became the Lieutenant-Governor of the province.

I think most members will agree with me that this is a long and distinguished career, and had he spent this number of years in actual public service, he would now be entitled, under the Superannuation Act, to a pension for the rest of his life, and in the event of his death, his wife would be entitled to a part of that pension. Or, if the present legislation on the Statute Books which allows members of this Legislature to pay 5 per cent of their indemnity, and Ministers 5 per cent of their indemnity and salary, into a pension fund, he would have been entitled at the end of his public service to a pension of some $3,000 a year. That legislation was not in existence while he was a member of the Legislature and, therefore, the benefits of that pension fund are not available to him.

I think all of us who were in the Legislature during the last few years while Mr. Patterson was Lieutenant-Governor have a very high appreciation of the dignity and the fairness with which he discharged the duties of his high office. It is oftentimes said, Mr. Speaker, that we tend to send the bouquets to people when they are dead. It would be much better if we sent the flowers to them while they are living. There is always a tendency, when men have rendered service to their day and generation, to praise them after they are gone, and probably to erect monuments to their memory. I feel, and I think all hon. members will agree, that a much more fitting tribute and a much more practical tribute, is to show our appreciation to the man while he is living, and to show it in a monetary way by helping to provide some measure of economic security during his period of retirement.

I feel that, not only the members of the Legislature, but, I am sure, all the people of the province, would want to take this way of showing to Mr. Patterson, who has served this

province for so many years, our appreciation of his able and distinguished service to the public life of Saskatchewan, and our appreciation of our long public association with him.

Therefore, Mr. Speaker, I would move that Bill No. 86 be now read a second time.

Mr. Alex Cameron (Maple Creek): — Mr. Speaker, on the motion I would just like to say that we concur wholeheartedly with everything the Premier has said. I think it should be said, too, that Mr. Patterson was the first Saskatchewan-born boy to become Premier of the Province of Saskatchewan.

Premier Douglas: — And Lieutenant-Governor.

Mr. Cameron: — And Lieutenant-Governor, also. When we look over his long years of service to the people of this province, I don't think we should forget that the long term of office in which he was Premier was at a period when Saskatchewan was going through very difficult times in the 'thirties', and responsibilities were indeed great and trying to any man in that position. I don't wish to review his history and the things he has done for the province, but I would like to look at this Bill, not only as an appreciation for his faithful service, but in a way that the Premier has expressed, on behalf of the people of the province. I am certain that they all wholeheartedly support us in this as a way of saying 'thank you' to Mr. Patterson for years of faithful service to the people of the province.

(The motion for second reading was agreed to, and the Bill referred to a Committee of the Whole at the next sitting.)

The Assembly then adjourned at 5:30 o'clock p.m. without question put.