

*Supply—Solicitor General*

states within the union also have their own legislation to deal with such cases. These states include California, North and South Dakota, Illinois, New York and so on. Great Britain has paid compensation as far back as 1896.

I spoke on this subject a year ago and therefore I know the arguments which are made by the department. I fully realize that the officials of the Department of the Solicitor General and the Department of Justice will say that although the federal government has full jurisdiction over the Criminal Code the administration of criminal law is, nevertheless, in the hands of the provinces. So they will say: Why should the federal government pay for mistakes made by servants of the provinces? This, like the laws governing air and water pollution, highways and so on, is just another illustration of the great diversity in respect of jurisdiction under a federal system. The time has come, however, when this business of passing the responsibility from the federal authority to the provincial authority and from the provincial authority to the federal authority must stop, especially when we are dealing with the matter of compensation to innocent people.

The federal government can at least show its interest, sympathy and understanding by taking the lead in compensating innocent people who have been convicted in cases where the federal government has the sole right of jurisdiction, for example, in cases of counterfeiting, excise tax and income tax evasion, narcotics, and so on. This at least would be a start. Although the administration of the criminal laws comes under the jurisdiction of the provincial governments, I suggest that the federal government could give leadership by enacting legislation to make it possible for the federal government to pay say 50 per cent of the cost of compensation to innocent persons who have been convicted, provided the provinces do likewise. I feel very sure that if such a step should be taken no province which has a feeling for justice could refuse to take part in such a program.

I have a motion which has just been placed on the order paper, reading as follows:

That, in the opinion of this house, the government should consider the advisability of introducing legislation to pay 50 per cent of the expenditures incurred by a province carrying out a system of indemnification which provides that where an accused person is eventually found not guilty, he may be paid his costs and expenses, and such compensation as a judge, in his discretion, may decide to be fit and proper in the circumstances.

[Mr. Roxburgh.]

I certainly hope that this motion will receive the support not only of the government but of every party in this house. I hope also that the government will see that this motion receives the priority it deserves. In this our centennial year we are doing a great deal. We are confronted with the Far East situation and the world situation, but here we have something which is right at home. If ever there was an injustice, it is right here in our own country where innocent people are not being properly dealt with. If the federal government were to take action in this regard it would be another of their "do good" jobs in this year of our centennial. It would be a good step to take.

In respect of the provision of compensation with regard to cases which come under the jurisdiction of the federal government and for which, therefore, the federal government is fully responsible, I would suggest that perhaps a fund could be established which would be administered by a board. I therefore ask the federal government, which is fully responsible in this matter, to set up a fund with a board to administer claims. This is only a suggestion. It may not be what some people believe should be done but something should be done in this regard. Canada just cannot allow this injustice to continue. I believe it is up to the federal government to take the initial step, not a faltering step but a strong one, so that working with the provinces we may do something to alleviate this terrible injustice.

• (6:00 p.m.)

I ask the minister to tell us when he sums up at the end of this debate whether he supports the idea of doing something for innocent persons convicted under federal jurisdiction. I should like a yes or no answer to that question. I ask the minister to work with the Minister of Justice in giving a lead to the provincial governments in order to bring about a better understanding of this matter and so the two levels of government may work together to alleviate this injustice.

**The Chairman:** Order. I must advise the hon. member that it is six o'clock. In order that the house may proceed to the consideration of private members' business, I do now leave the chair.

**PROCEEDINGS ON ADJOURNMENT  
MOTION**

SUBJECT MATTER OF QUESTIONS TO BE  
DEBATED

**Mr. Deputy Speaker:** Order. It is my duty, pursuant to provisional standing order 39A, to