

THE LEGISLATIVE ASSEMBLY OF MANITOBA
9:30 o'clock, Saturday, April 29, 1967

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing and Special Committees
Notices of Motion
Introduction of Bills
Orders of the Day

Third reading of Bill ...

MR. GILDAS MOLGAT (Leader of the Opposition)(Ste. Rose): Before the Orders of the Day I notice that there are a number of people interested in the Law Amendments Committee as I was coming in through the back door this morning and I think maybe some of them are in the gallery. What is the intention of the government? The newspapers said that the Law Amendments Committee would meet at 9:30 this morning, at least one of the news stories and I think this has caused confusion in the minds of some people.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): I didn't see the news story, Mr. Speaker, but of course yesterday we sent notices around that Law Amendments would be meeting at 4:00 o'clock this afternoon in Room 254. I think if members of the House could communicate that information to any persons -- I know a number of persons are aware of that time and are coming at 4:00 o'clock.

I would ask you, Sir, to call the Committee of the Whole House.

MR. SPEAKER: Committee of the Whole House.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Welfare, Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the bills standing on the Order Paper.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House resolved itself into a Committee of the Whole, with the Honourable Member for Winnipeg Centre in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Committee ready to proceed?

MR. MOLGAT: Mr. Chairman, I wonder if we might inquire at this stage: what order will we follow? Exactly what is on the Order Paper? Just so that we can be sure that we have the material ready for each bill.

MR. LYON: As a matter of fact I was looking for -- I think we could start with No. 15. I've got some other bills marked on another Order Paper if I can find it here which might permit us to swim through, you know fairly reasonably, relatively non-controversial ones. But I think we could proceed with No. 15 and I'll see if I can find that list.

Bill No. 15, Sections 1 to 3 were read and passed.

MR. CHAIRMAN: Would Committee be agreeable that we go through this Bill page by page? Agreed? (Agreed).

BILL No. 15, pages 1 to 9 were read and passed.

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Chairman, it goes pretty quickly when we're doing it page by page. I had a matter that I wanted to raise that I gather would belong on page 5.

MR. CHAIRMAN: Page 5.

MR. CAMPBELL: I mentioned this in the Committee that it seems to me that the matter of the low-bed farm trailers would come after Section 13, because if my memory serves me correctly the section of the Act dealing with that is 61 and 13 seems to deal with Section 39 and 14 jumps right to Section 74. So I raise once again with my honourable friend the Minister of Public Utilities this question of the low-bed farm trailers. I disagree completely with the advice that my honourable friend has received from his officials that these trailers would be or could be used for other purposes. They are specifically and completely designed for the transportation of large implements. They just wouldn't be suitable for anything else at all. That's their purpose; that's their use. However, I have no confidence whatever, Mr. Chairman, in my ability to convince my honourable friend, the Minister of Public Utilities, and there's nothing personal in this between us at all, it's just that my peculiar type of logic

(MR. CAMPBELL, cont'd) doesn't seem to appeal to my honourable friend.

So I'm going to transfer my appeal to my honourable friend the Minister of Highways with whom I have little better results as a rule and ask him that if he will take up with his Department the question of securing in bona fide cases -- and goodness knows we don't want them in anything except bona fide cases -- in bona fide cases a permit extending from spring to fall because we don't want these at all in the wintertime. That we can get a permit for the people who want to use them from spring to fall so that they don't have to be bothered about renewal. Then, regretfully, I'll say that I think it should still be in the Act but if it's got to be by permit, then let's have a permit that will not inconvenience the people.

Once again I give my assurance to the House that if I was not thoroughly convinced that this is a safety measure in addition to being of benefit to the users of these trailers, I would not be advocating it. But I think it's plain to anyone that if you have a well made trailer on which you can run these wide implements and then transport them lengthwise instead of extended to their full width that it can't be anything but a safety measure. And as I have repeated so often, the Act now allows the farmer to trail a 33 foot wide seed drill or cultivator or a somewhat less combine, either trail or have it self-propelled on the road. This is allowed, and yet when you swing it around and load it lengthwise on one of these trailers you reduce it to a total of 11 feet instead of 33 and you have actually a better hitch for transporting it or pulling it and certainly that's an advantage as far as safety is concerned.

So if my honourable friend the Minister of Highways will just give us the assurance that he will discuss this again with his officials and make arrangements that in bona fide cases, and I don't want it for anything else, that a season permit -- and the season means from before seeding in the spring to after threshing in the fall -- then I'll just wait and renew my request with the Honourable the Minister next year to try and get it incorporated into legislation.

HON. WALTER WEIR (Minister of Highways)(Minnedosa): Mr. Chairman, if I might just say a word here. There's no problem as far as seasonal requests are concerned, I don't believe with the Department. I have discussed it with them. The primary thing I think as far as permits are concerned is that there are certain restrictions that we do think should be included in the permit. For example the use of them after dark. They can be a dangerous thing on the road and we think that they should be restricted pretty well to daylight hours; use of them on Sundays when there's a lot of heavy recreational traffic and that type of traffic on the road. That's the type of restriction that we're thinking of applying on them and with that kind of restriction I see no difficulty in a seasonal permit for these trailers.

MR. CAMPBELL: I didn't get the first part of my honourable friend's statement. Did he say the use of them with a car?

MR. WEIR: No, during daylight hours, Mr. Chairman.

MR. CHAIRMAN: I'd like to draw the attention of the honourable member to 50 nurses we have in the gallery today visiting Winnipeg from Minneapolis. On behalf of the Members of the Legislature we welcome you to Winnipeg and we welcome you to the Legislative Buildings.

MR. CAMPBELL: Mr. Chairman, I appreciate what the Honourable Minister of Highways has said but this restriction that he speaks of is not applied to a farm implement. Now why in the name of common sense if a farmer can trail his 33 foot wide seed drill or cultivator down the road on a Sunday, why in heck can't he load it on a trailer and pull it anyway. Now this is an example, Mr. Chairman, of the kind of officialdom that you sometimes get and the officials of a Department of Highways or of a Department of Public Utilities who can't see more closely into a question than this should have some advice given to them; because there's nothing that prevents a farmer from taking his 33 foot implement out and trailing it down the highway and all he wants to do for his own convenience plus the safety of the public is reduce it to 11 feet. Now, why should he not have the opportunity to do it. And while I appreciate the point of view of the Minister, I simply cannot let go without protest the decision of some officials who say that they're going to limit a thing like this.

Mr. Chairman, I had this question up last year. It was debated at length. We did not get our point made and I'm not sticking at the present time to say that it should be put into legislation but I certainly do say that it is not sensible to suggest that the farmers in bona fide cases can't use these at any time that they would be wanting to transport the implement.

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, I would certainly support what the Honourable Member for Lakeside has said and what he's trying to achieve. On previous occasions I have talked on the very matter that is before us. We have a local industry in southern Manitoba that is manufacturing these wide trailers and surely we should try and

(MR. FROESE, cont'd) assist them in every way possible and this would be one way of assisting them. Because when they are approached now as to what the regulations are they always have to tell these people that they have to have permits and so on. Why can't we change the Act on this very point which would allow them to use these trailers in a general way and without having to get special permission? I see no reason why this cannot be done and should not be done. In fact it should be the other way around. We should be only too happy to give it.

HON. STEWART E. McLEAN, Q.C. (Provincial Secretary) (Dauphin): Mr. Chairman, because this is all recorded I think it would be unfair to let this discussion go without some comment. If the honourable members, if their concern is with respect to bona fide farmers transporting farm equipment, I have the impression, and I recognize that the matter was not pursued to any degree in the Law Amendments Committee by the honourable members, but I got the firm impression from what was said by the Assistant Deputy Minister of Highways that in all bona fide cases, barring some unusual circumstances, that the Department of Highways granted the necessary permit and I just want to make this comment that it seems perhaps a bit . . . to say because a wider permit will not be granted that some hardship is being worked on - or that the department is not acting perhaps as they should, perhaps is taking it a little further than is really entirely warranted by the facts.

Now the problem is -- and it's not only a problem of the officials, I'm sure it's a problem of all of us because one only has to use your imagination in this business to imagine what would next happen if there was a general permit which starts out for the bona fide farmer transporting a farm implement from one parcel of land to another with a trailer that is wider than the ordinary trailer, and then just by chance some day, just by chance, he gets my summer cottage on that trailer and he's just doing me a favour and then you see the spot we'd all be in and so on. So are we not better to try and handle this on the basis on which it is, and I'm sure that the Honourable Minister of Highways would be of the same opinion as myself that wherever possible, and indeed to deal with instances that are brought to our attention, that we will see that the bona fide cases that don't create in themselves a hazard, a special hazard, that they will be looked after, and is that not better than to get some general arrangement that as sure as fate will be misunderstood and misused the morning after you put it into effect and then we'd all be roaring around here "why are you prosecuting John Smith for doing this" when etc. etc., and I don't need to describe any further.

So, let's be practical and deal with the situations as we see it, as they arise. For those bona fide cases where a man has two parcels of land separated and where he needs a permit to operate over provincial road number 271 with an 11 foot trailer, my guess is that there are not many instances where the necessary permission is refused. And if there are any then let's hear about them because we can deal with it on that basis.

MR. CAMPBELL: Mr. Chairman, my honourable friend the Minister says let's be practicable. Well that's exactly what I'm trying to be is practical and the first point of practicability here is that you couldn't get your summer cottage -- unless it's about the size of certain little buildings that used to be common in parts of the country -- you couldn't get on these trailers, they're not equipped to handle that; they're equipped to handle one thing and one thing only and that's farm implements.

Now let's be practical on another point, Mr. Chairman. This isn't just a case of some farmer transporting machinery between two different farms, it's usual, it's quite common these times that with the trend that we have that farmers are farming 10 different farms and they're 10, 12 and 15 and even 20 miles apart and they want not just a permit that will look after them on particular occasions, they want a permit that will allow them to take these large implements which are already permitted to be taken on the highway, at any time, at any time, instead of taking them at their 33 foot width to take them at 11 foot widths and with a safer way of conveying them. Do you know what a lot of the farmers do now? My honourable friend the Minister of Highways knows what they do. A lot of the farmers now, because they recognize the hazard that's involved, a lot of the farmers now take the time and the trouble and go to the expense to go in front of one of these large implements that they are hauling from one farm to another - they put a man in a truck or a car to go in front of them and this is an inconvenience to him. And even with somebody going in front to try and watch the traffic and to a certain extent warn it, it still is a danger compared to what this would be if you have a proper hitch on tractor or truck and reduce the width to 11 feet.

Now all I'm asking for is that the farmers who already have these implements are put within the law. There isn't anybody, there isn't anybody in this House from a rural community

(MR. CAMPBELL, cont'd) that will stand up and take the position of saying that you can't take the farm implements on the highway from one farm to another - nobody from a rural part will do that. So that's going to stay there. And this reduces the width of them, makes the hauling of them so much better and all that brought me into the argument a second or a third or fourth time was because of the Minister of Highways, who really has an understanding of this situation said that there might be exceptions about Sundays or something of this kind. Well there are no exceptions about Sundays now; there are no exceptions about the time of day, daylight or dark. Of course the farmer has to have proper signs, he has to have these signs and he wants to have. He wants to have these properly looked after. But what I want, and Mr. Chairman, I will be satisfied with nothing less, than a season permit for bona fide cases -- and they have to establish that they have a bona fide case. I don't object to that at all -- but I'd rather have it in legislation. We have it in legislation now with regard to the implements themselves. Why can't we have it in legislation to get this better arrangement?

If I said some unkind things about officialdom it's because I've had a great deal to do with officialdom over the years and it's we folk who sit in here who are the only people, in addition to the Ministers, who can see to it that the officialdom doesn't get any opportunity to be bureaucratic about this because the way for us to do it to put the stipulations that we want in the legislation. If we put it in the legislation then there's no argument about it; but as long as we leave it to permits we're apt to have somebody come up with such a suggestion as this that they should be not allowed to do this on Sunday. They can trail their implements now on Sundays and it's a lot better to have them doing it this way.

Mr. Chairman, I'm not in a position to insist that I get an argument on this but I unfortunately am in a position to make it rather difficult to pass the section if I don't get a better undertaking than this.

MR. WEIR: Well, Mr. Chairman, I don't really care to prolong the debate too much except that I don't think there's really a great deal of difference between my honourable friend from Lakeside and myself. At this point there really haven't been many requests for this type of permit, and I'm the first to recognize that they will be increasing, and as our experience increases with the development of the permit system I think we'll get better to know what the problem is.

My experience has been that the staff of the department co-operate very well with the people in attempting to sort out the best means possible. The fact that the law allows people to drag 33 foot machinery down a road doesn't say they should do it, either for their safety or for anybody else's safety. The fact that it allows them to drag this machinery at night doesn't say they should do it and I think we should encourage them not to do it. I think that the development of this permit system can act as an educational thing as well in the discussion of permits with individual farmers in attempting to keep it from happening. I think that we've got to agree that in Manitoba there's all different types of roads. I think that we've got to agree that sometimes there's alternate means of access between varying farms and that some farmers would be quite prepared if it was brought to their attention to stay off of a given highway with this type of a trailer if they've got alternate means of getting there. This is something within the individual discussion with the individual farmer, that a permit can be designed that will suit his purposes and still not enable widespread abuse of this type of a thing while the pattern is developing; because it's not just the safety of the other people that are on the road that is involved it's the safety of the farmer himself.

My honourable friend says I've had some experience. I have. Included in it is picking the odd farmer up off the road that was on it with equipment at a time when he shouldn't have been there; and it's not a pleasant task. So that anything in this line that can be done for the protection, not just of the travelling public but of the farmer himself -- and I really don't think that experience will prove to us that the problem is as great as we're making of it here. I think that with a little bit of experience in it as we go that we can develop a very satisfactory pattern of permits for these people - it won't be difficult at all there's all kinds of roads in the Province of Manitoba that wouldn't need any restriction on Sunday anymore than any other day. It would be quite all right. But I'm sure that the honourable member sitting beside you has roads in his constituency that he would be just as happy if somebody could convince his farmers to stay off of the road on Sunday and relate it or take a different pattern of road or have a restriction on a certain road or something of that nature. I think right now flexibility is really what we need while we're developing the use and so on of this type of equipment.

I don't really desire to get into a long argument over it if it can be avoided because I

(MR. WEIR, cont'd) really don't think that there's any difference of opinion between us. I recognize some of the difficulties that administrative procedures can develop. Hopefully we can keep them to a minimum. Right now the number of applications we've got puts me in a position that I can't give my honourable friend any advice we haven't really had enough of them to determine the ways and means in which they can be done best.

MR. CAMPBELL: Mr. Chairman, one of the reasons that my honourable friend hasn't as many applications as I would think he should have is because farmers are sneaking around the back roads now with these trailers. And even if they get a season permit they will still, of course, in their own interests because farmers are not devoid of common sense, they will still avoid the main travelled highways; they will still do their level best to not go on Sundays and this sort of thing.

But, Mr. Chairman, how are they to get their implements from one place to the other? There are many many cases now where the farms are spread out miles apart. And do my honourable friends know what a seed drill of this size that I'm talking about costs? Do you know that they're up around the \$4,000 and \$4,500 mark, and do you think a farmer's going to have one of those for every one of these farms? These machines can do 150 to 200 acres in a day; they aren't going to have one for every place; they've got to take it between their farms. There's no other way for them to get it there. And all they want is to reduce it in width from 33 feet to 11 and with a better hitch, a better control.

Now, if people said that you were going to stop having the farmers take their implements on the highway at all then you could say that was a safety device, but for goodness sake as long as -- it's right in here, you give them authority to take the implements there without restrictions. And they do use common sense about this, they do want to have proper signs, they do not go on the main travelled roads if there is another one available. But I want to put them in the position where they can use this equipment and lot of them are already being used, and I don't want to see them have to sneak around the back roads and be trying to evade the law because it's against the law to do it now. I want to put them within the law.

Mr. Chairman, I suggest to the Ministers concerned that there should be an undertaking in this committee that we can get a permit that is in, as general terms as subsection (b) of section 2, of 61 of the Highway Traffic Act, because here's what it says "There is a general prohibition of any vehicle including the load or any part thereof upon a highway of having a width of greater than 8-1/2 feet". But then you get the exceptions and the second exception is "Implements of husbandry temporarily propelled or moved upon a highway." Now that's in there already. They only want to have these temporarily on the highway; they're no use to them sitting out on the highway; they just want to take them from one place to another. I suggest that there should be an understanding here and an undertaking here, that we could do the same thing with this machine because I guarantee, I guarantee to the Committee, Mr. Chairman, that in addition to being a convenience it's a safety measure. Surely we can get some understanding on a case of that kind.

MR. RODNEY S. CLEMENT (Birtle-Russell): Mr. Chairman, perhaps I could enter into this just briefly because we are in the business of moving machinery very, very extensively and we have at least a dozen trailers with licence on to be used on the highway but there is one difference - these trailers are not more than the legal width, they're the right width and 90 percent, in fact I think nearly all of this farm machinery that's moved, the only thing extended out is the hitch. The trailer is the regular width and the hitch sticks out over the side which is on the side of the ditch and basically outside of maybe hitting the odd post where you go by a culvert, it isn't really a hazard to the traffic. I think that it would be very easy to give any farmer who has a trailer, when he buys his licence, simply the permission to use it to move farm machinery at any time of the year and it's quite possible where you have a farm - and we have several farms at least 25 miles apart - it rains - you get all set to go on Thursday morning in a certain place and all of a sudden there's a terrific rain storm. Twenty miles away it's as dry as can be. Well, you just bingo load these things on and in a couple of hours you're there, and you wouldn't want to go running around looking for permits for this. It's being done all the time anyway, as my colleague from Lakeside has mentioned. The main problem with these things as well is in the fall hauling hay, these trailers are used for hauling hay. They're the eight foot width but with the bales hanging out over the side they're certainly 11 feet wide and I'm not sure whether the Honourable Member from Lakeside wants 11 foot trailer or not. Were you wanting 11 foot trailer? I know that all our trailers are the right width. All you need is the permission to let the hitch stick out over the side. Perhaps in

(MR. CLEMENT, cont'd) Lakeside they have wider and larger farms and they maybe need 11 foot trailers but I'm not too sure. But if this is licenced in the spring for farm purposes and the man who licences it obviously knows the farmer, surely to goodness there can be some - for an extra fee if it needs to be - for moving farm equipment and farm machinery and farm produce. Not for moving the honourable member's Silver Beach summer resort house or something like this or some sort of a house. I think it could be done and I would agree with the Honourable Member for Lakeside, it might as well be clarified. The farmer is being treated fair. He's getting his tax-free fuel for his trucks nowadays; he's prepared to if necessary pay a little extra for this or do what is right but let's not have the farmer breaking the laws.

MR. FROESE: Mr. Chairman, I'd just like to ask the Minister under these permits that are issued, do they provide or take care of the situation that when a farmer goes out to pick up his implements, he has to go one way empty and if he takes them somewhere and comes back he's empty again on the second trip. Are these matters taken care of under the permits?

MR. WEIR: Yes, Mr. Chairman.

MR. CAMPBELL: Mr. Chairman, in regard to the width of the trailer, I am informed that the ones that are most usual are only 8-1/2 feet wide or thereabouts as far as the body is concerned but the wheels do project on the side and something in the neighborhood of 11 feet is necessary. My honourable friend has admitted that he's breaking the law at the present time and this is what a great many of the other farmers are doing and what they'll be forced to do and I don't like to see them put in that position. I take it, Mr. Chairman, that there's no disposition on the part of either Minister to go any further. Is this correct?

MR. CHAIRMAN: Page 5--passed

MR. MOLGAT: Mr. Chairman, I wonder if on this matter the Minister of Agriculture wouldn't speak to his colleagues. I'm sure the Minister of Agriculture is aware of the problem and he knows what's going on throughout Manitoba now, that the farms are being taken over in many cases by people who have a base but buy other farms in the area or very frequently take them on a rental basis. This is a very common thing. The cost of equipment is forcing this; people who are retiring; there is going to be more and more of this. Now surely the Minister of Agriculture is aware of the problem and can speak to his colleagues and get this matter resolved.

HON. HARRY J. ENNS (Minister of Agriculture and Conservation)(Rockwood-Iberville): Mr. Chairman, the pleas that have been coming from the other side of the House don't fall on deaf ears. I'm well aware of the problem and I'm also very well aware of the understanding that my honourable colleague the Minister of Highways has for the farmers' situation and I'm sure that through the judicious use of the present permits that are being granted for this purpose that while future developments may be desirable, but that they cover the situation adequately at this time.

MR. NELSON SHOEMAKER (Gladstone): I'm confident that the Minister of Agriculture is quite aware of the problem only he's having the same difficulty here as he's having with the vegetable marketing fellows; he's having difficulty with the front bench not with the farmers and it's the same old problem.

Now I would like to ask a couple of questions. Am I correct in assuming that you can haul or get a permit for a 15 foot wide load on an eight foot trailer but you can't get a permit for an 11 foot trailer, or what is the problem here. It seems to me to be an awful lot of nonsense if it is a fact that all of these farmers are breaking the law - my honourable friend from Birtle-Russell says he's breaking the law nearly every day - well, why not fix up the law? And as regards the permits to what extent is the government now prepared to issue permits? What's the limitation on the permits? You will give anybody a permit for as long as he wants a permit; is that the situation at the moment? And what is the maximum width of trailer and maximum width of load for which he can get a permit? Can we have that just in one or two sentences?

MR. WEIR: Mr. Chairman, the Honourable Member for Gladstone is showing his usual insight into the problems. The width that is allowed by licences in the Highway Traffic Act, and is available to him as it is to me; the Honourable Member for Lakeside has read it to you already this morning. As far as overwidth permits are concerned, overwidth permits are allowed to quite large widths, depending on the location. It's related to the width of bridges in areas and all sorts of things. It can be related to the height, because of power lines and things of that nature.

(MR. WEIR, cont'd)

My honourable friend I'm sure is aware of the fact that there are 34 foot houses and maybe even 40 foot houses being moved on the road by one single-trip permit, according to restrictions which restrict as to hours, as to days, as to varying aspects. My honourable friend I'm sure is aware of the fact that there are elevators, and have been elevators and will likely continue to be elevators moved from point to point within the province on single-trip basis. The difference really in what we're talking about is rather than a single-trip basis is a straight across the board permit and the department is doing whatever they can to attempt to develop some means of allowing as much freedom as possible and keeping what they believe to be reasonable standards of safety so that we can develop a pattern by which we will be able to work into this new development which is a relatively new type of trailer that is presently being manufactured in Manitoba.

MR. CHAIRMAN: 5--passed; 6--passed.

MR. CAMPBELL: Mr. Chairman, I move then, that (b) of subsection (2) of 61 have added to it words that will make it plain that these low-bed farm trailers are considered to be implements of husbandry. Now I haven't that written out but I can write it out if you want me to take the time to do that, Mr. Chairman. The point that I've been trying to make all morning is that the implements of husbandry themselves can be - no problem about them, they can be taken on the highway - and it would cure the matter completely if we just made it plain that these low-bed farm trailers completely if we just made it plain that these low-bed farm trailers to be used for no other purpose, no other purpose than the transportation of large implements, are to be considered implements of husbandry. I so move, Mr. Chairman.

MR. CHAIRMAN: Would you repeat your motion again, please.

MR. CAMPBELL: The Legislative Counsel would put it in better terms than I would but it would simply be that "(b) of subsection (2) of Section 61 be amended to include a low-bed farm trailer specially constructed for the purpose of transporting large farm implements, shall itself be considered an implement of husbandry." I am sure, Mr. Chairman, that the Minister of Agriculture would like to see something of this kind done to clear the matter up because even though he has confidence in his colleagues, he still must recognize I'm sure that this is a growing tendency and that it needs to be covered now so that the farmers are not forced to break the law.

MR. CHAIRMAN: Are you ready for the question?

MR. CLEMENT: I suggest, Mr. Chairman, before we put the motion that perhaps this should be farm implements and farm produce because these same trailers are used continuously to haul hay - much more to haul hay than they are for implements. When you get a load of hay and you go over the eight feet.

MR. ENNS: Mr. Chairman, I think this just demonstrates the whole point that my honourable colleague the Minister of Highways has to face in this matter. Just a moment ago we heard from the Honourable Member from Lakeside that this was primarily or solely to be used to move the large implements during seeding or harvesting time from field to field because of the new development, the increased size in acreages and the consequently increased size of equipment so used on these fields, but I think we recognize - the Honourable Member from Birtle-Russell just threw into the committee that it's the area that you proceed from there once you have such a trailer on your farm, that the Department of Highways has to give very careful consideration and I don't think that we can do the question justice in the short time that's before us.

I reiterate again I think that the department will make every effort to accommodate the farmers as they have in the past to see that they can do the right thing with this, but I would have to support my colleague in this instance and not feel badly about it.

MR. CAMPBELL: Mr. Chairman, what the last two speakers have demonstrated is not that I was remiss in making my statement but that they're not acquainted with the Act. Hay is already covered in the Act and we don't need it to be covered. I repeat that this is for the transportation of large farm implements and that's all we want it for and that's what I'm asking.

MR. SAUL M. CHERNIACK, Q.C. (St. John's): I would appreciate if you would read the amendment again.

MR. CHAIRMAN: Subsection (2) of section 61 be amended to . . .

MR. CHERNIACK: Your too quick, I can't . . .

MR. CAMPBELL: . . . Section 61 of the Highway Traffic Act.

MR. FROESE: Mr. Chairman, if I'm correct the matter of fodder is already taken care

(MR. FROESE, cont'd) of in the Act under Section 2 and as well as under Section 5 so this in my opinion doesn't come into question here at all.

MR. CHERNIACK: Mr. Chairman, while we're getting the wording I'd like clarification if we could from one of the Ministers as to the method in which one gets a permit and how readily available is the issuer of the permit and how far - I mean how they are located through the province as to distance.

MR. WEIR: The only place this type of a permit can be made available is from the Winnipeg office - can be done either by mail or personal appointment. I must add that personal showing up is by far the best because of the variety of changes that can be made within the permit; but at the present time the Winnipeg office is the only place and it is available either by mail or personal appointment.

MR. CHERNIACK: I appreciate the answer, Mr. Chairman, I also have not found the authority for the issuance of a permit to vary. I presume it's here somewhere. --(Interjection) -- Section 61 says that no vehicle shall have a height greater than 13-1/2 feet and a width greater than 102 inches and I don't see any provision here for the issuance of a permit that permits the greater width. Obviously there is something somewhere but I don't see it.

MR. WEIR: Maybe the Legislative Counsel could give me the section, I don't have a copy of the Act. It's the section that allows the permits to be given for exceptions to the - it's overwidth, overweight, it's a general section.

MR. CLEMENT: Mr. Chairman, if I went to the Winnipeg office today and asked for a permit due to the fact of this very apparent late spring that I wanted a permit for a half a dozen trailers to move equipment, could I get this permit to last say till the 15th of June, today. If this permissible yet or would I have to phone in every time I want it.

MR. WEIR: No, Mr. Chairman, if the permit could be issued at all it could be issued to last until the 15th of June or hopefully even for the season, until the end of the season this year.

MR. CLEMENT: But that's all the honourable member wants isn't it? . . .

MR. WEIR: Yes.

MR. CHERNIACK: Well, isn't that what we've been talking about is that a farmer would have the right, given once for the whole season, to travel with a certain width in certain directions and from a specific place to a specific place?

MR. WEIR: Mr. Chairman, it wouldn't even necessarily be from a specific place to a specific place, it can be even broader than that, but it would probably have restrictions in it as to operating within daylight hours, as to whether or not it's in an area where it should be restricted from roads on Sunday, in areas where they might prove difficult, and this type of a restriction might be in it. There can be room for differences of opinion on this type of restriction which I readily recognize, but I believe given a reasonable opportunity that the farmers and what not, that we will be able to develop a pattern from which possibly even legislation can be framed, but I don't think we're prepared to accept it as a blanket free on the same basis all the way across the board as presently exists for farm equipment. Probably if there was a better way of doing it, if there was any reasonable way of doing it within legislation the section might not be as blanket within The Highway Traffic Act, I don't know.

MR. CAMPBELL: Section 83 is the . . .

MR. WEIR: Section 83, yes . . .

MR. CAMPBELL: Section 83 is the one that deals with this.

MR. CHERNIACK: Well, Mr. Chairman, as I understand it now, you can get a seasonal permit which will permit the farmer to get the permit once and then use it at all times subject of course to the specific restrictions set out in the permit. Does that not then answer the problem raised by the Honourable Member for Lakeside?

MR. CAMPBELL: . . . but unanswered to this extent, that there is no qualification whatever in the present Act as regards the transporting of implements of husbandry either self-propelled or trailing and the suggestion of the Honourable Minister is that they might in this put a restriction on as regards certain days, Sundays for instance, or restricting them to daylight hours. Now the farmers don't want to be moving at night if it's not necessary but on the other hand if he finishes up work on one farm at a certain place and his plans call for starting first thing in the morning at another place, he's going to move at night and he has to have lighting equipment, he has to have all the proper safety provisions taken; and the same on Sunday, he's not going to be moving very often on Sunday, but these times there is Sunday work, they don't adhere to the principles that obtained with my honourable friend the Minister of Public Works and me when we were boys that you remembered the . Sabbath day to keep it holy, but now

(MR. CAMPBELL, cont'd) there's lots of work done if the occasion requires it on Sunday. If there were restrictions in this Act on the moving of farm implements on Sunday or in the hours between darkness and daylight, if those restrictions were here with regard to farm implements, then I would accept them with regard to this, but inasmuch as there are no such restrictions with regard to them, and inasmuch as I am so confident that this is a safety measure to have them transported in this way rather than the other, I can't see the reason for that restriction. So my only recourse is to move a general amendment.

MR. CHAIRMAN: The amendment before the committee is that the bill be amended by adding thereto after Section 13 thereof the following section: 13, (a). Subsection (2) of Section 61 of the Act is amended by adding thereto immediately after clause (d) thereof the following clause - (e) A farm trailer being used to carry an implement of husbandry or the load of the implement of husbandry being so carried. Are you ready for the question?

MR. CHERNIACK: Mr. Chairman, this problem is completely new to me, I admit, and the arguments of the Honourable Member for Lakeside were very persuasive when I thought that he was dealing with the problem of a specific permit having to be granted every time an implement has to be transported in this manner and I thought then especially when I heard that it's only issued from Winnipeg that that is a great hardship; but it seems to me that the honourable member is now arguing that since the implement can be transported or can transport itself in a tremendous width such as 33 feet at the present time without a permit then it makes more sense to turn the implement around and transport it by vehicle and that that should be permitted. It seems to me that the problem as a traffic problem might be better answered by denying the right to a 33-foot implement to go down the road and thus form a hazard itself. In other words he seems to be saying because you're permitting one dangerous thing to go on then you should broaden it so as to be able to take this implement in possibly a safer manner. I would wonder as to whether or not subsection (b) of 2 should be left in permitting the implements temporarily propelled to move along the highway without a permit, because I see the need to move it but I also see the advisability of some control.

I am bound to say that I no longer accept this argument as being that valid since I think an authority should have the opportunity to assess the conditions under which implements can be moved in specific cases, specific times and specific roads, and I would think then that a permit that can be granted seasonally would take care of the problem and the only question that I worried about was the fear of a bureaucratic decision which I recognize is a valid fear and if it were left to different people to make the decision spread all over the province you might get varying decisions which would be adverse to certain people based on which bureaucrat is making the decision. If all of the responsibility is vested in one office, and we must recognize there could be bureaucracy there too, then I'm wondering whether there isn't a appeal available for a farmer who applies for a permit and feels that the restrictions placed on the permit are too great -- and again I'm not that familiar with the Act to know whether there's an appeal from the traffic authority or if the Minister himself somehow becomes involved in an appeal situation.

MR. WEIR: Mr. Chairman, I think in answer to the last question would be that the appeal would be to the Minister, that's the place where it normally stops. I must say that on this type of a thing I've only had one pair of farmers come to see me and I'm sure that they saw the honourable member for Lakeside as well. They have been introduced to the officials of the department and the latest reaction I can get is that their negotiations were moving satisfactorily.

But really what we're talking about, Mr. Chairman, is changes that are taking place within the farm operation. If all farms were being located 20 miles away from one another then I could agree that we could live with the kind of an amendment that the Honourable Member for St. John's is talking about, but all farms aren't 20 miles away from one another. In the farms that are 20 miles from one another under the same ownership, the number of them that are moving their 33-foot drills down the road behind a tractor are pretty few and far between because of the time element, the cost factor and the time element is too great for them. These fellows are efficient enough that they don't carry on that type of an operation very long. They find a speedier and a more effective means of getting the machinery back and forth because they're working within a short season. If they don't do this, it could make the difference between them getting their crop off and them not getting their crop off and I recognize this. But as well as those fellows that are 20 miles apart there's a fellow that's got them a quarter of a mile down the road where it doesn't warrant loading them on the back of a trailer and there has

(MR. WEIR, cont'd) to be means for this individual to move his machinery up and down the road for short distances, which is really the purpose that the existing Act serves. As well as that, we have this new type of farming that has come in over the last few years when we've got the long distances. I think that we have to live with it for a little while and attempt to adopt ourselves to these new customs so the fact that the change in this type of industrial development isn't retarded unreasonably, and because of these extra distances in the areas that they're going, don't become hazards on a road to a bunch of innocent people that are attempting to use that road for other purposes. The speed factors come into it, there's many many factors. It's a very broad field. If we wanted to argue it, we could come up with points on one side and the other, on both sides all day. I think really we're after the same thing and if it wasn't for the difficulties that there are in the farms that are close together, instead of taking the argument that I am taking which appears to be illogical in the light of the Honourable Member for Lakeside, I would be adopting the argument of the Honourable Member for St. John's, but recognizing that the other problem exists I know that I can't, so that I have to adopt what in the light of the argument of the Member for Lakeside appears to be illogical.

I don't believe it's illogical at all, Mr. Chairman, and I have to stick by my guns and attempt to work out and develop something along with my colleagues that can develop into the reasonable use, the reasonable safe use of the transportation network that we have within the province.

MR. FROESE: Mr. Chairman, the way I see the whole thing is that what the Act provides presently is for farmers who have their lands close to the home plate and that's why we have this section, section (b) which provides that machines that can use the highway for short distances and that's what it's meant to be. But today things are different, no longer can farmers acquire the lands that they need for expansion locally, they have to go further out and this is exactly what happened, so they acquire land further away from home and now they have to transport those implements and rather than driving the implements themselves along the highway, they buy these low-bed trailers so that they can transport these implements in a much faster way, and also I think it's a lot safer, and this is what I see this amendment provides. That the trailer itself, while it is hauling the implement will be regarded as an implement of husbandry or so on, so that we won't have to go to the Department for a special permit or even for a seasonal permit, so that this is already taken care of. I am sure that the industry, the one that we have in Altona that is manufacturing these trailers, certainly it would be a help to them as well, so that they could tell the people that for certain purposes you do not need permits at all.

MR. McLEAN: Mr. Chairman, I think perhaps I might say a word. I think that irrespective of the advisability of the principle involved here, and perhaps a matter on which there may be some measure of agreement or some differences of opinion, it would not be advisable to adopt an amendment to legislation without some very careful consideration of all the implications, or alternatively, that if the principle were going to be incorporated in the Highway Traffic Act, that it might not have to be hedged about with some considerable provisions that would make it quite clear what was intended, and on that basis, Mr. Chairman, I regretfully cannot support the motion that has been made.

I now, or let me say, I suppose hindsight is always wonderful but doesn't do a fellow much good. I thought when this matter was discussed in Law Amendments Committee that the information that was given by the Department of Highways, was that everyone was satisfied or obviously we ought to have pursued it much further than we did, because there are many implications; that is, if one were to consider an amendment that would provide . . . I say that all by way of . . . I think it would not be wise, Mr. Chairman to adopt, a change in the law without some rather detailed consideration of all of the implications, so as to insure indeed that the result was the result that is intended by the amendment. We want to end up, if we have an amendment, we want to end up with what is right and I do not think that we have the opportunity of giving that consideration at this time.

MR. CHERNIACK: Mr. Chairman, may I take the time just for another few moments to again inform myself. I could of course, leave the room and not be bothered with a vote but I would like to understand it so I could vote on it. It seems to me that one difference between an implement itself going down and creating a very serious hazard and a trailer being transported with its own hazards, and which as I understood it is considered by the Member for Lakeside to be a lesser hazard than that of an implement, is there a difference in danger which is affected by the speed. I'm assuming that an implement 33-feet wide along the road must go

(MR. CHERNIACK, cont'd) at a much slower rate and has to be lighted in a certain way at night, as compared with a trailer which I assume can go at the regular speeds that any truck is permitted to go and it seems to me that the hazard in the speed creates a greater hazard than a trailer that moves so slowly that it can be seen clearly and anybody driving and meeting it could avoid it. It seems to me that this difference in speed should be a big factor in differentiating between a 33 foot wide implement and a truck transporting it in this fashion described.

MR. WEIR: Mr. Chairman, I think that on the basis of speed and speed alone, it's an argument in favour of the Honourable Member for Lakeside and I acknowledge that point, but in increasing the speed you probably decrease the hazard even though you have an extended width. The difference is in the manner of use of these trailers. At the moment I would say that generally speaking the use that is made of hauling the implement itself down the road is for relatively short distances; it's on the road for a relatively short period of time. Loaded on the trailer and the use that is made of the trailer is to go relatively long distances, so that while it's not able under normal circumstances I think probably to go full highway speed but something between the speed of the implement itself going down the road and normal speed and that while the danger is less than of the implement itself, it is greater by reason of the amount of time that it's going to be there. Some of this boils down to what road is likely going to be being used; what's the kind of traffic that is experienced on a road; what are the obvious elements that are involved and I suggest that it's because we end up by the use that could be made of the existing sections to haul machinery at slow speeds for 20 or 30 miles. We could amend that to say that they could only go for distances of one mile and have an administrative headache of finding out where they came from and where they went in the enforcement of the thing, but I think that common sense usage of it at the present time is such that the farmer just can't afford, because of the fact that he might lose his crop, to take the period of time moving these long distances with that kind of equipment -- and he actually is loading and putting it on this type of a trailer. So that for this new type of farm operation, relatively new that we're experiencing, we need a little time to develop and to co-ordinate the existing regulations that are there for the farmer that is operating on what has been the standard basis of operation since we've been farming, also adopting toward the newer type of operation which we are faced with all the time and I suggest that the flexibility of doing it by permit is very desirable.

MR. T. P. HILLHOUSE, Q.C. (Selkirk): Mr. Chairman, I wonder if the Honourable Minister would act upon this suggestion? Would you be prepared to clothe the Ag Rep in a district with the necessary authority to issue these permits? He would be a man who would be conversant with the type of farming operation carried on by that individual and perhaps it might be much easier for a farmer to obtain a permit from him than from some other source.

MR. WEIR: Mr. Chairman, I'm not prepared to give a definitive answer; I'm prepared to consider it.

MR. CAMPBELL: Mr. Chairman, if the Minister would be prepared to consider that and also consider the length of time for which the permits are granted, and also, certainly reconsider this question of not putting any restrictions on the night hauling or the Sunday hauling, because these might be necessary at times, I would be prepared to withdraw the amendment. But, Mr. Chairman, the Minister has said that farmers now in the interests of efficiency when they have farms a long ways away that they are not hauling those implements now. I would just like to ask him how are they getting the implements there?

MR. WEIR: Mr. Chairman, I don't think I said that they weren't hauling them, I said that I felt most of them were probably hauling them on a trailer, not dragging them behind a tractor at the speed of the implement, because of the difference in time element. It's important in the short season that a farmer has that he have the implement on the field, not on the road, and I recognize the farmer's problem.

MR. CAMPBELL: When I used the word 'hauling', I was meaning trailing, pulling them. The Minister now says -- and this is what he was intending, I'm sure - he now says he thinks they are being carried on trailers?

Well does he not think that those trailers are breaking the law when they're carrying them?

MR. WEIR: Mr. Chairman, I'm not aware of it. I have no idea what kind of trailers individuals are using and so on and so forth. And I don't know how many farms in Manitoba farmers have land separated by 20 miles. I know it's a problem. The reason I know it's a problem is that there have been individuals in touch with the Department seeking permits;

(MR. WEIR, cont'd) we're attempting to deal with them.

Really, Mr. Chairman, I think that I have gone almost as far as I can in agreeing to have a look at it. I appreciate the problem and I'm prepared to do what I can to make it easier for the farmer.

MR. CAMPBELL: Mr. Chairman, so long as it's understood that when they are being hauled on some truck of this type, that if they're more than 8-1/2 feet wide that they're breaking the law. If we want that to continue then that's the situation we are in, in my opinion, and when my honourable friend from St. John's or the Honourable the Minister, either one, talks about any likelihood of doing away with the exceptions of farm implements on the highway, I can guarantee them that this House will never pass that because it just makes the situation impossible and that won't be done, not for a long, long time I am sure; and what will be done will be that some form of a trailer of this kind will be legalized and that's the right way to do it. I can only express my regret that after the long discussion that we had last year, that nothing apparently has been done in the interval to prepare for this situation.

However, if the Honourable the Minister is willing to further consider the suggestion of the Honourable Member for Selkirk and further consider the question of restrictions, I would be prepared to withdraw the amendment - if I can have the consent of the House so to do.

MR. CHAIRMAN: Page 5--passed; Page 6--passed; Page 7, as amended

MR. PHILIP PETURSSON (Wellington): At the bottom of page 5, I'm not too sure about that funeral procession section, where it says that in the case of a funeral procession indicated as such by the head lamps of all the motor vehicles. That alone isn't sufficient to indicate that this is a funeral procession. I have seen cars during daylight hours, great numbers of them, following the highway with the headlights on, and if this fact is to be a warning to the people that this is a funeral procession coming along, there is nothing there that would seem to me to be such a warning. In very recent times, comparatively, more and more stop light systems are being set up. I know just recently out at McPhillips and the Perimeter Road there is such a system, and the lights change. If a funeral procession goes through the red light and then according to the Act the driver in each other vehicle in the procession shall have the right of way over all other vehicles. If vehicles coming from the east or the west are approaching that system and cars are crossing there's nothing to indicate to them that these cars have the right of way and are a part of a funeral procession. In daylight hours you don't see the head lamps too clearly when you're approaching a car from the side. I'm not at all sure that these changes are for any betterment or improvement in safety practice on the highways; I think that they are adding to the hazards instead of eliminating them. I'm dealing with highways because it mentions highways.

It speaks of municipalities, that municipalities may by By-law make enactments and so on. Would this mean individual municipalities have each by itself to make special enactments covering funeral processions? I don't know that this is a wise or even a good amendment to be put into the Act.

MR. McLEAN: Mr. Chairman, I think I may have explained that the former provision respecting funeral processions was changed by the Highway Traffic Act which is presently the Act under which we're operating. We were told that the new arrangements were not working and this is here as an attempt to try and meet the situation. It will be noted that it is a matter of decision by the local municipality. There is a reference to a funeral procession. I agree that individual car drivers often times leave their head lamps on and indeed that's a good practice certainly on the highway. I suppose it's not too common for us to see what all of us recognize as being a "procession" all with their head lamps on and those are qualifying expressions here in the provisions.

I would think that this is put forward in an attempt to meet the problems being experienced by people particularly in the metropolitan area of Winnipeg with respect to funerals and we recognize that of course for it to be effective there has to be a fairly uniform policy adopted by the municipalities in the metropolitan area. I understand that the funeral directors or whatever their association is are prepared and indeed already have had consultations with the municipalities. I believe that this is a reasonable compromise but it is a matter which is not without some difficulty and will certainly be undoubtedly watched very carefully as to how it operates.

MR. CHAIRMAN: Page 5--passed; Page 6--passed; Page 7, as amended -- passed; Page 8--passed; Page 9 . . .--(Interjection)-- On Page 7 on the very last line of Page 7 it refers to a subsection and it's been changed to subsection 10, the very last line of the page.

(MR. CHAIRMAN, cont'd) Page 7 as amended passed; Page 8--passed; Page 9 . . .

MR. PETER FOX (Kildonan): Mr. Chairman, I wish to move an amendment under Page 9. The amendment is that subsection (c) of section 228 (i) by deleting after the word "device" in the third line and adding the following words: "or by the oral evidence of the peace officer operating the speed timing device".

I'll be very brief on this, Mr. Chairman, I would just like to see that we make this enforceable without any undue litigation being involved. When you have a peace officer's word there can always take place litigation. If we're going to have radar in this Traffic Act let's have it so that only a recorded evidence will be presented. I think this will be to the benefit of the driving public as well because then they know that a machine did this; if the machine has been correctly adjusted and continually inspected the evidence is perfect and therefore it will be a detriment to people speeding.

MR. HILLHOUSE: Mr. Chairman, how can you cross-examine a machine? Because that's actually what he's saying that the evidence of a machine shall be accepted and it will be conclusive. I think we've got to prove that that machine is working, that machine was properly set up and the only way you can do that is by the oral evidence of the police.

MR. SIDNEY GREEN (Inkster): Mr. Chairman, that's not what the Member for Kildonan said. He said that if radar is to be used it has to be a recording of the radar that is presented. The Act as it's presently worded is, "By way of the production of a recording made by the speed timing device or by the oral evidence of the peace officer." Which means that the peace officer would not have to produce the recording at all; all he would have to do is say that I sat beside the radar and I saw what the radar recorded. Now what the Member for Kildonan is saying is that if the radar can produce a recording of what it recorded and that automatically takes place then we should not have to be satisfied with what the police officer says that the recording produced, we should go for the best evidence which is the recording.

MR. HILLHOUSE: The point is this, that the recording does not down the number of the car nor does it identify the car and you've got to have the police officer to identify that recording.

MR. GREEN: Mr. Chairman, there's no argument between the two honourable members who have spoken on this. What the Member for Kildonan is saying is that the recording should be produced, that it should not be "or" - that the police officer would have to produce the recording as to what it said. He would have to testify as to this being the recording for that particular offense, that that is the vehicle that was involved. The way the Act is presently worded if the Honourable Member for Selkirk would look at it: "Evidence of that speed is tendered to the judge or justice by way of the production of a recording made by the speed timing device or by the oral evidence of the peace officer." So that means that the way the section is now worded you would not have to produce the recording. All you would have to do is produce the peace officer to say that he looked at the radar screen and he saw what the screen recorded. The Member for Kildonan says that the recording must be produced. The police officer can give evidence that this is the recording, that this recording referred to this vehicle, but the recording would be the only evidence as to what it said - which is the best evidence. It's the same way as tendering a document in court; you have to have a witness to produce the document; you have to have a witness to say that this document relates to this particular matter; but the witness cannot say with respect to a document that that document said the following things. This is the way the Act is presently worded.

MR. LYON: Mr. Chairman, I don't want to prolong the debate. I'm not aware that there's any problem in the present Act or in the amendment; indeed when radar was first introduced in this province some 7 or 8 years ago there was nothing in the Act that even contemplated it. We went ahead-- the magistrates did and the Justices of the Peace did -- on the basis of what is the best evidence and the courts will continue to do that. With the greatest of respect notwithstanding what the legislature says, the courts will still accept what they consider to be the best evidence.

The other point I think we should keep in mind is this, that the technological changes that are taking place, it's not always going to be the case nor is it even the case at the present time, that there is a tape from a radar machine. There may well be a ping; there may well be a timing device or some other procedure used. So I suggest that we leave the section as it is because I'm not aware of any problem that arises from it. The magistrates will continue to follow the best evidence rule which I think is best in terms of the administration of justice for all of the people and if they do run into problems why those can be corrected, but I'm not

(MR. LYON, cont'd) aware of any at the present time.

MR. GREEN: Mr. Chairman, with great respect I submit that the suggestion made by the Member for Kildonan is that if you are going to rely on a mechanical device which makes a recording and this is going to be relied on to convict an accused, then the recording should be produced. There should be no exceptions to that rule. And I think that that is a very fair suggestion. If a man is going to be convicted on the basis of what a recording says, then the recording should be produced in Court. If not -- and I have no objection to any other system being used to convict him, -- if they have witnesses that he travelled over the speed, if he was clocked by virtue of a man following him, all these things can be reduced; but if he's to be convicted by a recording, by a mechanical device, then the recording should be produced. That's all the Member for Kildonan wants.

MR. LYON: Prior to radar and even after radar, at the present time, my honourable friend is driving on the Trans-Canada Highway at 80 miles an hour; he is followed or could be followed by an RCMP car, traffic car, that car would try to maintain a reasonable distance behind him, a fixed distance. It would then clock him. It would then clock him and would stop and presumably, give him a ticket. When he came into Court to fight it what would they say? They would say orally, no visual evidence at all, "Here is the certificate to show that my speedometer was working right." No. 1. No. 2 - "I followed the car of the honourable member for three miles. He was travelling at speeds between 80 and 90 miles an hour." Have they got a photograph of their speedometer? No. It's oral evidence and the magistrate undoubtedly after hearing the evidence would say "guilty". I'm suggesting there is no problem.

MR. GREEN: My honourable friend is perfectly right but now society has moved and we've advanced into the technological age and we have a system whereby a recording will show the speed. Now that being the case it's no longer necessary for the man to say, "I looked at the recording and the recording said so and so." He could produce the recording and this is all that the Member for Kildonan is asking for. --(Interjection)--Well then let's take out, "or by oral evidence of the peace officer". Take out the "or"; say "and".

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Just what is the amendment? Could we have it read?

MR. CHAIRMAN: The amendment is that subsection (c) of Section 228 subsection (1) be amended by deleting after the word "device" in the third line the following words: "or by the oral evidence of the peace officer operating the speed timing device."

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. GREEN: Mr. Chairman, I am now appearing for the prosecution, with regard to the latter part of that section. The section goes on to say, "If the speed timing device is of a type that have been approved by the Attorney-General as being suitable for determining the speed at which motor vehicles on the highways are travelling and the judge or justice is satisfied that it was in good working order at the time that the recording was made he may accept" etc. Now my difficulty, and perhaps the Attorney-General can help us out, is what evidence has to be produced to the justice to satisfy him that the machinery or the equipment was in good working order? I know that with regard to the speedometers of vehicles, they could produce a certificate from some people -- all they had to do was produce a certificate and that certificate was prima face evidence of the proper working of the speedometer.

With regard to radar it's a little different. I remember in one case where -- the manner in which they check the radar is they take a tuning fork that is set at a certain speed -- let's say a tuning fork when struck will vibrate at 50 miles an hour -- they'll strike the tuning fork and the tuning fork will then show on the radar and if it shows the equivalent speed on the radar, they take it that the radar is tuned to the tuning fork and is working properly. But on that evidence, Mr. Chairman, I don't think the magistrate could be satisfied because there's no evidence that the tuning fork is vibrating at 50 miles an hour. In other words the -- you could go back endlessly -- what equipment checked the tuning fork? What equipment checked the equipment that checked the tuning fork? I think that it's necessary in order to make this effective that there be a similar provision under this Act. That if someone certifies that that equipment which has been used to check the radar was operating satisfactorily that that would be prima face evidence because I foresee a magistrate having a difficulty of convicting as this section now goes. If the Crown has to prove that the equipment was in good working order then there has to be a certificate of some kind as prima face evidence.

Now, Mr. Chairman, I realize that this is a step for the prosecution. It's not a step for the accused. But I'm concerned with enforcement under this Act and I just want the Minister

(MR. GREEN cont'd)...to be satisfied that a magistrate is not going to be in a position of having to say, "Well I can't say that that equipment was in proper working order. Just because the tuning fork is stated to be something that vibrates at 50 miles an hour or what have you, doesn't mean that I can accept that as evidence beyond reasonable doubt."

MR. McLEAN: My understanding is that there are experts in respect of the operation of these speed timing devices and that it's a matter of calling expert evidence and presumably that is done in any case where the magistrate may have any doubt about the equipment.

MR. GREEN: Well Mr. Chairman, I'm telling you what that expert evidence is. I've seen it done and I've seen the magistrate dismissed. The expert says he struck the tuning fork; the tuning fork was then held up against the radar screen; the radar screen showed the same speed on the tuning fork as it showed on the screen; therefore it was working properly. Now I put it to a magistrate under those circumstances! How do we know that the tuning fork was vibrating at 50 miles an hour, and he dismissed the case. All I'm asking the Crown to do is to put the magistrate in a position where at some stage he can accept, by certificate or otherwise, that that equipment is working. Maybe you could look into it, Mr. Chairman. We can't solve the problem now but I assure -- from my experience I tell you that this is a problem that eventually you're going to have to do exactly what you did with regard to speedometers. That there has to be a point at which the magistrate can say that by virtue of this certificate I am entitled to hold that this equipment is working properly and the onus then shifts and the accused has to show that he wasn't travelling at that speed. And I think that this is necessary. It's unfortunate. I mean it goes against what we traditionally say as being the onus of proof but eventually if you're going to use this type of equipment it's necessary.

MR. CHAIRMAN: (The remainder of Bill 15 was read page by page and passed.)

Now we have a list here of the order in which the bills are going to be dealt with and I'll read the list to you so that you can check them off on your Order Paper: 39, 41, 67, 71, 72, 73, 76, 77, 84, 85, 86, 90, 99, 101, 103, 108, 111, 116, 74, 114, 62 and 93.

(Bills No. 39, 41, 67, 71, 72 and 73 were read section by section and passed.)

Bill No. 76. Section 1, subsection (3) as amended -- passed. And the amendment to subsection 3 is: the words have been added at the end of the subsection "and registered in the Neepawa Land Titles Office as No. 5181". Subsection 3 as amended -- passed. Section 1 -- passed; Section 2...

MR. MOLGAT: Mr. Chairman, were there no objections to this Act from anyone, either from the local area or from the Company?

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs)(Cypress): No, these lands are agreed upon. They're not lands that are in the property of the company and it was mutually agreed. There are no disagreements in it.

MR. CHAIRMAN: (The remainder of Bill No. 76 was read section by section and passed.) Bill No. 77. 1 - passed; 2--passed; 3--passed; Schedule A -- passed...

MR. MOLGAT: ...the same question here being another municipal bill. Were there any objections here from any ratepayers?

MRS. FORBES: No, there are no objections whatsoever.

MR. CHAIRMAN: (The remainder of Bill No. 77 was read section by section and passed. Bills Nos. 84, 85 were read page by page and passed.)

Bill No. 86. Page 1,-- passed; page 2 -- there's just a correction of a typographical error. In Section 12 subsection (1) the word "documents" is spelled incorrectly in the first line. Page 2 as amended -- passed. (The remainder of Bill No. 86 was read page by page and passed.)

Bill No. 90.

...continued on next page

MR. MOLGAT: Mr. Chairman, we're now half way through the list of bills that were indicated as the ones that we would deal with immediately. Could the Minister indicate where we'll go to after these bills? Just so that we can be ready if . . .

MR. LYON: We'll just continue in Committee. We're making good progress and I would suggest that we'll just go back and start down the list in -- (Interjection) -- Yes, relatively in sequence as far as I'm aware.

MR. CHAIRMAN: (Bill No. 90 was read page by page and passed.)

Bill 99. Page 1 --passed; 2--passed; and on Page 3 there's an amendment.

MR. SAUL MILLER (Seven Oaks): Mr. Chairman, Bill 99 Page 2, I'm not too comfortable about this bill and what we're passing here. We heard representations from two factions in the City of Portage la Prairie, and really, it seemed to me that here was a situation where a group of people were trying to take advantage of a technicality, a technicality that occurred because, as we heard from the Mayor, the pressure of time was such that they failed to comply with the 30-day requirement for advertising of a paving project, and in that regard certainly they didn't do as they should have. On the other hand, I feel that these people are taking advantage of a situation and trying to get away with paying \$1.65 for their frontage levy as against the standard charge of \$5.09 for the same width of pavement which prevails all the way through Portage la Prairie.

Now this is not uncommon anywhere. It is standard procedure to charge a standard rate. It's done all through Greater Winnipeg; it's done all over the place; and it's true, it doesn't always reflect the actual cost. In some cases the actual cost may be lower, in other cases it may be higher, but this is the way to ensure some uniformity amongst all ratepayers in their paving projects and I think, although it's true that a technicality, or a failure to advertise, put these people in a certain legal position, nonetheless, I think if we ratify, approve \$1.65, I can't see why we shouldn't approve \$5.09, because in truth these people don't have to pay anything and so if we're legalizing an illegal act I can't see why we should limit it to \$1.65 and put these people in a position which is contrary to what any other ratepayer is being charged in the City of Portage la Prairie. I think it's wrong in principle that we ratify a special charge for these people. There is no rationale for it really, except we recognize that an error has occurred on the part of the city, and if we're going to ratify anything I think we should be consistent and make the same levy apply to all people and ratify it at \$5.09 rather than at the \$1.65 which is proposed in this bill.

I would like to hear from the Minister on this and see whether perhaps she doesn't agree that what we're doing here is actually giving to certain people - and a small handful, from what I gather - a special privilege which is not being enjoyed by anybody else, and only because of a technicality in the failure to advertise for a 30-day period.

MRS. FORBES: Mr. Chairman, in replying to what the honourable member has just said, I must tell him that Portage la Prairie, in my humble opinion, had plenty of experience in this; they were not new in the field in here, and these technicalities -- it's like many other things; if they happen once I think there should be forgiveness, and in fact if they happen twice, or more times too, but I really believe that they had the assistance of the Board through Mrs. McConaghy here, and they were well aware of what they were doing as it is presented to me.

Now in 1965, the City of Portage la Prairie presented to the Municipal Board a temporary financing by-law, By-law No. 3196, for a large paving program of the amount of \$547,264 and a few cents. Against this were calculated estimated grants from the province in the amount of \$186,648.00. Now it left a net cost to be eventually financed by the issue and sale of debentures in the amount of \$360,616.00. Now this by-law stated that all the provisions of Section 692 of The Municipal Act, with respect to all the streets set out therein, had been complied with.

Now this was true in respect of all streets except the streets that we are referring to here, namely: Saskatchewan Avenue from Fifth Street East to Tenth Street East. The Municipal Board approved the by-law by Order No. S234/65 dated August 27th of 1965. Now the estimated cost for Saskatchewan Avenue is shown as \$75,000 with anticipated grants in aid of \$66,946.00. Unfortunately the statement made in the by-law that this particular piece of paving complied with the requirements of Section 692 of The Municipal Act, was incorrect in that the first publication of the notice of Saskatchewan Avenue paving was published on August 28, 1965 and it was started on September 2, 1965 before a month ran out following the first publication of the notice by the city that the Council intended to proceed with the work. In endeavouring to clean up the many of the capital projects under temporary financing in the City of Portage la Prairie, many of these had to be validated by a special Act of the Legislature in 1966. Now when the final costs were

(MRS. FORBES cont'd) established for the 1965 paving program, Council sent out the usual notices to allow the people to prepay the frontage rate at the rate of 5.09 per front foot, but unfortunately the people on Saskatchewan Avenue East had been misled into thinking that this was 100 percent government project, when a part had to be paid by the ratepayers on this street. By reason of the fact that it did not comply with provisions of The Municipal Act, it isolated itself from the balance of the 1965 paving program. It's my understanding that a considerable number of people protested against being charged any frontage rate on this particular piece of paving when they received their prepayment notices, as they were satisfied in their own minds that the cost of the paving was being met 100 percent by the province.

Now if this error in starting the work right after the first notice of advertisement had not been made, Saskatchewan Avenue East would have been considered as a part of the 1965 paving program, but because the law was not complied with, the City of Portage la Prairie was once again having to seek special dispensation from the Legislature to rectify the error that was made in starting this work before the time of advertising ran out.

I really believe that we were not dealing with a Council that didn't know the ground rules, and I think that we have to respect this. I am further advised by Mrs. McConaghy of our department that the cost of Saskatchewan Avenue was \$80,148.23. Now the grant from the province is \$77,070 and the amount to be raised by frontage rates was \$3,078.00. Now there are 1,870.7 feet of frontage on Saskatchewan Avenue from Fifth Street East to Tenth Street East, and if the usual frontage rate of 5.09 were charged, it would raise some \$9,521.86. Now Section 701 of The Municipal Act refers to the cost of a project being charged to property particularly benefitting in one of several ways, amongst them on a frontage basis, as is being done in the City of Portage la Prairie, and a majority of the Council felt that they could not charge more than the cost laid down in the Municipal Act, or \$1.65 per front foot, and really I must add here that the quarrel was in the Council; it wasn't with the department which Mrs. McConaghy was representing, and this bill is necessary and presented by the Honourable Member for Portage la Prairie to try and ratify this. I know that the Council met with Mrs. McConaghy on many an occasion and they tried to have it straightened out in their minds. The solicitor was called in on it; they had their legal advisor too, and I can only recommend to the House to straighten out this; I hope that it's a lesson and I'm sure that the Council will try to recognize it. I feel that the Member for Portage is hoping that this will straighten out the affair and I recommend it to the members of the House.

MR. MILLER: Well, Mr. Chairman, I thank the Minister for her reply. I don't argue with her on her figures; I don't argue with her on any of that at all; but, as I said, I felt uncomfortable because apparently -- I feel that we're being put in the position of teaching somebody a lesson and meting out punishment, and I don't want to be in that position, so I'm trying to look at it from the point of view of what occurs in other municipalities. Now the fact that errors have been made, and perhaps made often in Portage, doesn't come as a surprise to me because I know, and I think other Members of this Chamber know, that these errors occur all over Manitoba. Some of them never reach this House because the errors are never caught, but in this case obviously somebody was on their toes. They realized that by failure to advertise the required 30 days they had a case and they jumped, and so they were able to argue that the \$5.09 should not be charged. On the other hand, we know that five of the ratepayers did prepay on the 5.09 basis. As I say, someone was obviously on their toes.

Now if we're going to correct, or legalize, an illegal act, then I think we have to go beyond just Saskatchewan Avenue; we have to look at the concept of the total paving program as planned by the City of Portage la Prairie, and it's very similar to other municipalities everywhere in Manitoba, where the city decides it shall undertake paving projects and it equalizes the cost. Some do it by one formula; others do it by another formula; but they end up charging a uniform levy for all these paving projects. In that way some pay more and some pay less, it's true. But in this case, what we're being told is: "Let us legalize \$1.65 which is the actual cost," although in fact I could get up and argue the legal emphasis that due to this illegality and the fact that Portage didn't do it properly and didn't advertise properly, these people shouldn't be charged anything. In other words, if we are going to mete out punishment let it be with a full measure; let's not charge anything, so they'll know better next time to advertise correctly. But if we're going to compromise and if we're going to try to override the law as it stands, then I think we have to also take into account what is happening in Portage and the fact that we don't want to get involved in a local squabble, (I certainly don't) - but we do want to treat all ratepayers the same. I don't see why we should discriminate against one set of ratepayers with

(MR. MILLER cont'd.) another, and I'm not concerned about the Council of Portage or the Mayor of Portage; I'm concerned about the equitability as between ratepayers, and I feel that in this case if 500 ratepayers are charged \$5.09, then six should not be charged \$1.65. We should be consistent if we're going to legalize anything. Otherwise, let's not touch it at all and let's simply say an illegality was done; there shall be no charge whatsoever. Let's uphold the law but if we're going to change the law then let's do it in a consistent manner and let's do it in an equitable manner.

MRS. FORBES: Mr. Chairman, we are not changing the law; we are holding to what the law is, what is stated in The Municipal Act, and respectfully requesting that the Council does so.

MR. MILLER: Mr. Chairman, the truth of the matter is that these people don't have to pay a nickel. Because the project was not properly advertised these people in any court of law could, I think, win their case that they don't have to pay anything because they weren't considered, they didn't have an opportunity to turn down the project. So what we're being asked to do is legalize something that's illegal.

MR. GREEN: Mr. Chairman, I'd like to follow this some little way. I'd like to ask the Minister whether any person complained when this project started in front of their homes. This would be a frontage project. There was an advertisement in the paper - I believe you said on August 28th, or some time around there. They had 30 days in which to complain, and the project started on September 2nd. Did anybody complain to anybody that they were engaging on a project which wasn't supposed to start until 30 days had elapsed? Do we know of any complaints?

MRS. FORBES: Mr. Chairman, I don't intend to get into an argument with a lawyer because I'm not capable, but my point is this: The Act says that you must advertise for 30 days before you start. They didn't comply with this. Now this is fine, when you ask me did they come and complain. I don't know all the parts of it and I'm not attempting -- the Honourable Member for Portage presented the bill; he may be able to tell us. But regardless of that, in my opinion we are asking them to comply with the Act, not with the argument that came in Portage.

MR. GREEN: The Honourable Minister is much too modest when she says that she is not capable of arguing because she is, but nevertheless, maybe the Member, the introducer of the bill, the Member for Portage, can tell me whether the people complained when they saw frontage being put in front of their homes, road frontage which had been advertised to take place 30 days later, or did they . . .

MR. GORDON E. JOHNSTON: (Portage la Prairie): Mr. Chairman, I'll try and explain just a little of this. The paving program had been going on for a period of about three years and every year a certain number of streets would be advertised and paved, so the people around Portage were used to seeing paving going on. Now I think, if my memory serves me, there was only one group of people on one street who formally objected to the paving program. Over 50 percent of the people on one particular street did object and their street wasn't paved for a number of years, but all the other streets, there had been not enough objections to stop any paving so that when the paving started on Saskatchewan Avenue it may have been in the minds of some people that this was also No. 1 Highway, and I believe there were two signs up. One sign said taxpayers' money of the City of Portage la Prairie was going into this project, and another sign said the Department of Public Works of the province was contributing money to the project also, so the people in the part of the street that is now objecting, didn't perhaps realize quite what was going on; and further to complicate it, a press report of a Council meeting had some wording in it that led people to believe that Saskatchewan Avenue was being paved completely by the province. Now the people didn't know until they received the bill of 5.09 a foot, and this is when the objections arose, because some of them recalled seeing in the press a report that led them to believe that the province was paying it all.

Now, I would like to say that I am very hopeful that this bill will go through, without any amendments in the way it is presented, for this reason: The Council took legal advice on what to do; they took advice from the Department of Municipal Affairs on how to resolve this; and, as the Minister has said, under Section 701 of The Municipal Act this is the only way they can legally recover their costs, and the costs in this case work out to \$1.65. They cannot legally recover more than that actual cost; these people could then refuse and not have to pay. Now if this were voted down, supposing this bill were voted down, the \$547,000 by-law is all invalid, and presently it's on short term financing at the bank - the money has been all paid out and they

(MR. JOHNSTON cont'd.) are paying a short term financing rate of interest, and the City cannot debenturize this money on a long term debenture at a lower rate of interest; so if this were turned down and they had to wait another year, it would cost the taxpayers of Portage la Prairie quite a bit of money. The money has been spent, the streets have been laid, and this one little section jeopardizes the whole by-law.

Some of you may have noticed the difference of opinion of members of Council with the Mayor in Law Amendments Committee, but I must remind the members here that it was a majority vote of council acting upon legal advice and acting upon the advice of officials in the Department of Municipal Affairs that they have done this, and I am not going to discuss the political argument at all. I hope the bill passes in its form.

MR. GREEN: Mr. Chairman, let me first of all say that there is no intention of saying that the bill shouldn't pass. The Honourable Member for Seven Oaks merely says that the amount that is put in the bill is not a fair amount to all of the citizens of Portage la Prairie; that the amount should be changed with regard to the amount that they could levy on the frontage property. and there is no question whatsoever that it would be legal to change the amount. The Member for Portage shakes his head, but I suggest that this Legislature could put that amount into this bill.

Now, the one point that I have tried to get from him and which apparently has eluded him, is that the people were not affected by this failure to advertise. The whole thing would have been legal, they would have been able to charge the \$5.09 per frontage foot or whatever that amount is, if they had not commenced work until September 28th instead of September 2nd. Isn't that what the Minister is telling us, that they commenced work too early? The advertisement appeared on August 28th or somewhere around there, and they started on September 2nd. If they'd started on September 28th, despite news items in the paper, false news items, false impressions as to who was paying, they wouldn't have been able to say one word, and I can't accept the fact that we have to give these people a break, or give them an advantage or a privilege over every other person in Portage la Prairie because they read a misleading news report. There are misleading news reports reported every day, or signs put up, or their impression as to who is paying for the work. That wouldn't have counted one iota if this work was not started until September 28th. So my question was, when they saw this work started, although the ad said that they had 25 to 30 days, I suggest that any one of those citizens could have got an injunction against the City of Portage la Prairie restraining them from going ahead with that work, but they didn't do that because they wanted the work, and I suggest -- and there's a famous Latin maxim that we use in the courts: "You can't have your cake and eat it too," and this is what these people have done. If they would have complained when they were getting this advantage in front of their homes, then I say that they could have stopped this, that there would have been no money paid out, that the situation would have been rectified, that they could have published an advertisement and gone ahead; but that's not what happened; and that being the case, what the Legislature should look at is not whether the Council made a mistake or not, or not whether certain councillors are trying to show up certain people, but what are the equities as between the citizens of Portage la Prairie. And I think the member for Seven Oaks has shown us that those equities are that everybody at Portage pays the same per frontage fee. That's all he wants. He doesn't want to stop this bill from going through.

MR. HILLHOUSE: Mr. Chairman, the point as I see it - and I hope I am interpreting the Honourable Member for Seven Oaks correctly - is his point that by reason of the fact that \$5.60 per frontage foot, or whatever it was, would be the correct rate to charge on Saskatchewan Avenue instead of \$1.00 -- (Interjection) -- Yes. Now what I am getting at is this: It seems to me that we would be inflicting a greater injustice on the people on Saskatchewan Avenue if we did that, than by not validating this by-law. If we refused to validate this bill, or if you decide that you are going to delete the Saskatchewan Avenue part from it, what is this legal situation?

MR. MILLER: . . . \$5.09 instead of \$1.65.

MR. HILLHOUSE: But are we sure, are we in a position to decide what the frontage charge should be?

MR. MILLER: It's the same across Portage la Prairie. It's a standard uniform rate.

MR. HILLHOUSE: Well my understanding was . . .

MR. MILLER: On 32 foot frontage.

MR. HILLHOUSE: My understanding was in the committee there was conflicting evidence given there. The Mayor said a certain frontage charge was chargeable; the councillors said another charge was chargeable. Now who are we going to believe? I don't think we should put

(MR. HILLHOUSE cont'd.) ourselves in the position of assessing a frontage charge in respect of municipal work. I think the only duty that we have to perform here is to decide whether or no we are going to pass this bill, and if anybody wants to delete that section let them go ahead.

MR. MILLER: Mr. Chairman, may I clarify one point that the Member for Selkirk made - the question of the frontage. The evidence before the Law Amendments Committee was that there were various rate charges too, but when the statement was made that this was reflected because the variation was due to the width rather than for any other reason, that was not challenged, so I assumed from that - and I think with justification - that \$5.09 is the rate that has been charged since 1963 or whatever year it is, for 32-foot width pavement; not 24 or 28 or anything else - 32-foot. Now because of that, I think we have justification to assume and accept that that is a standard rate charged for that width of pavement throughout Portage la Prairie, and so, to be equitable to all ratepayers and not to just give an advantage to a few because of a technicality, I would suggest that this could be amended. I'm not holding up the bill or want to throw it out, but instead of \$1.65 in subsection (b) it should read \$5.09, and that would make it equitable for all ratepayers with the same type of pavement and gutters and so on in front of their home.

MR. JOHNSTON: Mr. Chairman, I'll try once more and then I will quietly go away. The Council established a policy of \$5.09 a foot for paving. Now they also established the policy of any grants that were received from the province with respect to certain streets that were also highways went into the general fund. Right. Now, Council would like very much to be able to charge \$5.09 a foot for this paving. Everybody on Council agrees with that and would like to do it, but because of the technical point and the illegality, bearing in mind now they had to advertise 5.09, they had to give 30 days' notice and they did not do this, people had a way of refusing the 5.09 a foot. If a majority on the street decided they didn't want it, that was their chance, but because this wasn't done these people now do not -- you can't make them pay \$5.09 a foot by putting it in this bill. You cannot. I would ask the Minister of Municipal Affairs to -- perhaps her advisors would say this, but it is my understanding that the legal advice to the City Council and the advice to the Department of Municipal Affairs is that they can't make the \$5.09 a foot stick now, because they didn't advertise it. So under Section 701 of the Municipal Act they can only recover their actual costs, and the costs were the difference between the cost of the job and the provincial grant, and that's all they are legally entitled to assess those people at this time.

MR. CHAIRMAN: Page 2--passed; Page 3-- there's an amendment after (9) . . .

MR. FROESE: I listened, too, when we discussed this particular bill in Law Amendments, and it seemed rather odd to me that when we were told that apparently this by-law had been amended twice, why didn't they separate the large amounts from the one matter of Saskatchewan Avenue which is bringing in the figure of \$3,000 and some odd dollars. Why didn't they separate this from the main project, and then certainly we wouldn't have to be dealing with the whole project as such?

MR. CHERNIACK: Mr. Chairman, I don't want to inject myself into this discussion because I think it's had ample review, but I am just intrigued by the statement made by the Honourable Member for Portage who said that even if the figures of \$5.09 were put into this bill to replace \$1.65, it would not have the force of law, and I just can't accept that, because there may be a general statement in the Municipal Act, but surely if this Act makes a different provision on a specific case, then this Act will govern, and 701 or any other section of The Municipal Act would not override a specific piece of legislation here, so that, as I say, the principle has been discussed but I don't think we should be misled by I think an error on the part of the Honourable Member for Portage in interpretation, and if I am wrong it should be clarified. I think we ought to know what our powers are and not be misled by a wrong approach, and I am sure the Honourable Member for Portage wouldn't want to be a party to convincing us on a certain issue based on what I think is his wrong impression. We are fortunate we have the Legislative Counsel here. Possibly he could advise the Honourable the Minister on whether or not I am right or whether the Honourable Member for Portage is right, so at least we can deal with this intelligently, knowing the law.

MR. HILLHOUSE: Mr. Chairman, . . . of the situation was that had this bill not come before this Legislature, had things been done legally, all that Portage la Prairie could have charged the people on Saskatchewan Avenue under Section 701 of the Municipal Act, was the actual net cost to them plus any carrying charges, but as far as I am concerned, and I may

(MR. HILLHOUSE cont'd.) disagree with the Minister here, this bill has come to us because Portage la Prairie did something illegally and we are going to validate this, what they have done, notwithstanding the provisions of the Municipal Act, and for that reason, if we wanted to charge \$15.00 a foot on Saskatchewan Avenue we could do it, but I'm not recommending that we do.

MR. CHAIRMAN: On Page 3 after Section 9 there has been this amendment: "by adding the words 'but it is retroactive and shall be deemed to have been in force from and after the first day of January 1967'." Page 3 as amended --passed. (The remainder of Bill 99 was read and passed. Bill No. 101, was read page by page and passed.)

Bill No. 103. Section 1 subsection (2) has been amended by, in the first line, changing the word "greater" to the word "Metropolitan". Subsection (2) . . .

MR. MOLGAT: Does the Horse Racing Commission have jurisdiction throughout the province or is this jurisdiction limited to certain areas?

MR. CHAIRMAN: This Act doesn't deal with the Horse Racing Commission Act.

MR. MOLGAT: It doesn't deal with . . . ?

MR. CHAIRMAN: No.

MR. MOLGAT: It says that the Horse Racing Commission is going to make the decisions as to what is going to be done. Now my question is, we are saying here that this is to be for Metropolitan Winnipeg only. My question is: does the Commission have jurisdiction throughout the province, which I assume it does, and we are limiting this strictly to Metropolitan Winnipeg - is that correct?

MR. DOUGLAS M. STANES (St. James): Mr. Chairman, I believe that is correct.

MR. CHAIRMAN: Yes, the Legislative Counsel advises me that is correct.

Subsection (2) as amended --passed; 1--passed; 2--passed. Preamble--passed. Title passed. Bill be reported.

MR. FROESE: Mr. Chairman, I move that the bill be not reported.

MR. CHAIRMAN presented the motion and after a voice vote declared the motion lost.

MR. CHAIRMAN: (Bills No. 108 and 111 were read page by page and passed). Bill 116. Section 1--passed. New Section 2 has been added reading as follows: "Notwithstanding that the agreement, a copy of which is set out in the schedule hereto, is legalized, validated, ratified and confirmed by this Act, the parties to the agreement may, by further agreement, amend the schedule for public swimming Winnipeg YWCA that is set out as Schedule A to the agreement without reference to the Legislature." New Section 2--passed; Section 3 being Section 2 as printed --passed; Schedule A--passed --

MR. MOLGAT: There's an amendment in Schedule A, is there not, Mr. Chairman?

MR. CHAIRMAN: No. Well that's a copy of the agreement. The error was made in the original agreement. (The balance of Bill 116 was read and passed.) Bill No. 74, Section 1--passed; and there's a new Section 2 reading as follows: "Subsection (2) of Section 67D of the Act as enacted by Chapter 106 of the Statutes of Manitoba 1965, is repealed and the following subsection is substituted therefor "(2) Where the city has advanced a sum or sums to its Public Recreation Commission, under subsection (1), it shall deduct from the annual amount payable by the city to the Commission under subsection (4) of Section 430A of the Municipal Act, \$3,500 together with interest, if any, accumulated to the date of the deduction from the date of the next previous deduction. Section 2--passed. Section 3--passed - rather Section 367F, 1--passed; new subsection (2) (a) "and any building or structure used or designed to be used either wholly or partly for living or sleeping by human occupants, except where such use is made only by the owner of the building or structure or the owner and members of his family." New (2) (a)--passed --

MR. MOLGAT: Mr. Chairman, those are amendments that were passed in Committee, are they?

MR. CHAIRMAN: Yes. (The remainder of Bill 74 was read section by section and passed. Bill 114 was read section by section and passed.)

Bill 62 -- Which page?

MR. LYON: The schedule.

MR. CHAIRMAN: . . . go through this Bill page by page; agreed? Page 1--passed; Page 2-- and there's been a change made in that a new subsection (2) has been added. In the Bill as printed, what's shown as Section 3 under Section 2 should be shown as Section 3 subsection (1), and a new subsection (2) has been added reading as follows: (2) Where an action is brought for injuries to the person or for injuries to property within the time limited by this Act or any other

(MR. CHAIRMAN con't.) ... Act of the Legislature, and third party proceedings are instituted or a counter claim is made in respect of damages caused in the same accident, the lapse of time limited by this Act or any other Act of the Legislature is not a bar to the third party proceedings or to a counter claim by the defendant or third party. New subsection (2)--passed; Section 3 (3) (a) has been amended.

MR. CHERNIACK: I move that Section 3 be deleted.

MR. CHAIRMAN presented the motion.

MR. CHERNIACK: I want to point out that I don't think any compelling or cogent reason has been given for the variation of the standard two years which has been accepted in Section 2 for various types of actions for damages by making a special provision under the Highway Traffic Act for one year instead of two years. We discussed it quite fully in Law Amendments Committee and, as I recall it, the reasons given were the possibility of reserves having to be set up by insurance companies greater than they have in the past, although the Minister was honest enough - as he always is - to indicate that he had no reason to say that this would result in increased premiums although there had been a suggestion made that it might.

The only other reason, as I recall it, was that other provinces have the one year and therefore there was a desire not to change that pattern, but I would suggest that as far as we're concerned and the citizens of Manitoba are concerned, the important pattern is the acceptance of a two-year limitation for actions resulting from suffering ... injuries. Now, it has been suggested that the reason for this limitation of one year is that most of the actions in the courts involve traffic accidents, and it seems to me that that is only a good indication as to the need for extending it so that the effect of this uniformity of limitation period include what is the most common form of claim. I don't want to make any more extensive remarks than that but I feel that there's no reason for the distinction and that there should be a two year limitation under the Highway Traffic Act.

MR. LYON: I'll try to be very brief. I believe I said in committee, and I reiterate now, we would like the opportunity to look at this further because of the large volume of cases in our province that this would affect, and also to consult with the uniform law commissioners. It may well be that in a year or two we will be coming back with precisely the same amendment that is recommended by the Honourable Member for St. John's, but in the meantime we see that there is no prejudice to maintaining the status quo; we would like to have this opportunity for further consideration with the national body, and if everything that he says is verified by them, then of course we will be bringing in such an amendment in due course.

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. CHAIRMAN: Section 3 (a)(1) has been amended by changing the first word "subsection" in the first line of 3 (a)(1), from "subsections" to "subsection" and by striking out the word, and figure "and 3". (Section 4 was read and passed)

MR. LYON: In Section 5, Mr. Chairman, on Page 8.

MR. CHAIRMAN: Pardon, just before we come to that section there's been an amendment in that 11 (h) on Page 8 has been struck out. Section 5. There's an amendment in number 4; The Defamation Act has been struck out of Schedule A.

MR. LYON: Mr. Chairman, I should like to move that the proposed Schedule A to the Limitation of Actions Act as set out in Section 5 of Bill 62, be amended by adding thereto in the appropriate place with the appropriate numbers, the following items: The Hospital Services Insurance Act; the Manitoba Medical Services Insurance Act; and by renumbering the items therein to take into account the additional items. Now the effect of this amendment, Mr. Chairman, is to take account of the special limitation periods provided in the Hospital Services Insurance Act and the ones that are proposed in the Manitoba Medical Services Insurance Act. The Member for St. John's and others, I believe, at Law Amendments Committee raised this question; the Legislative Counsel has looked at it and has suggested these amendments to us. These amendments, without going into great detail, would have the effect of giving a special limitation period over and above the regular statutory one. This has been the case with respect to the Hospital Services Insurance Act and I suggest we maintain this and accord the same privilege to the Medical Services Insurance Act, and it would clean up the problem that was mentioned by my honourable friend. I am quick to point out, however, that it is not uniform. It would give a special limitation period with respect to these two Acts.

MR. CHERNIACK: Mr. Chairman, as I recall it, the limitations in these Acts - and I don't really know anything about the limitations in The Hospital Services Act - but these are the relations as between the Commission or Board and the insured person. Is that correct?

(MR. CHERNIACK cont'd.) I'm just wondering to what extent it affects persons with claims against the services provided, say hospitals.

MR. LYON: Yes, with respect to an action by the corporation against a party who caused injury to another person whom the corporation had to give medical or hospital care to.

MR. CHERNIACK: Now I am starting to remember, Mr. Chairman. I think that under The Medical Services Act the corporation may commence an action within a period of twelve months after the cause of action arose.

MR. LYON: The party has twelve months, the same as any other person. If the injured party does not bring that action, then the corporation has an additional 12 months.

MR. CHERNIACK: The fears that I expressed in Law Amendments was that since the person injured . . .

MR. LYON: . . . any rights of the injured person.

MR. CHERNIACK: Well it does shorten the negotiating period, it seems to me, because a person who has the right to sue for negligence and a two year limitation, would plan that in the two years he could negotiate for a settlement, whereas the commission can step in after 12 months and before the second year, just after the second year has commenced, and precipitate an action in court where it might be advantageous to keep it out of court during this extended period for negotiation purposes.

MR. LYON: There is nothing here that would inhibit or prejudice, as I am advised, prejudice the right of the injured person to continue his action. This merely gives a corollary right to the corporation to make sure that the cause of action and that the alleged damages that they feel are accruing to them can also be collected. If, for instance, the injured party abandoned his action, the corporation could then carry on. If he abandoned, for instance, on the day before the end of the period, the corporation would then have an extended time of three months in which to pick up the strings of that action and to carry it on in order to recover what it felt was damages that should be payable because of the services the corporation had given to the injured person.

MR. CHERNIACK: Well the three-month period though is after the expiration of 12 months, not 24 months as I understand it.

MR. LYON: The three-month period that we are talking about is after 21 months, and the corporation then has three months in which to bring the action up to the 24 months.

Now there are three categories as I am advised. First of all, where the injured party has the right to bring an action within 12 months and does not do so, the corporation then has an additional 12 months to start the cause of action. Now the second category is where the injured party starts the action and abandons it within the 21-month period. The corporation then has an additional three months after the 21 months in order to carry on with that cause of action. And the third group is where the injured person himself brings the action near the end of his limitation period but does not add the corporation. The corporation has at least one further month within which to bring the action to recover the medical costs when these are not included in the injured person's claim. Those are the three categories. It's quite complicated, as my honourable friend will see.

MR. CHERNIACK: If I might ask, Mr. Chairman, as to the first category, the Honourable Minister said when the injured person has 12 months within which to commence the action and doesn't do so, but I thought the injured person had 24 months within which to commence the action. That's my only concern, Mr. Chairman, that there may be negotiations being conducted between the injured person and the defendant and it has gone 13 months or 14 months, they are getting close to a settlement, and suddenly the commission steps in and starts an action and therefore immediately precipitates the matter into court to the disadvantage or the possible disadvantage of the claimant.

MR. LYON: I see my honourable friend's point now. I think the matter then, we would have to assume - and I think this has been the case under The Hospital Services Insurance Act - that the corporation, if it saw that the negotiations were proceeding satisfactorily, of course would not intervene so as to prejudice any settlement that might take place because it would be prejudicing only itself in addition to of course the injured party. So far as I am aware, the corporation has not used this right of intervention in such a way as to be prejudicial to the injured party or the corporation because it is not in their interests so to do. They have the right, but the information I have is that they do not utilize this right until such time as they feel that they are on their own and must intercede in order to make sure that their position is protected.

MR. CHERNIACK: Well, Mr. Chairman, the corporation - I must say I often mistrust corporate judgments - but the Honourable Minister says it hasn't done it in the past. Of course it never had an opportunity to do it under the new concept where we don't have a Manitoba Medical Services Insurance Act, but my impression is the limitation period was one year so they didn't have that opportunity.

MR. LYON: What is being prescribed here for the new Act is what has been in effect -- the same principle has been in effect with the Hospital Services Insurance Act. It's 12 months for The Highway Traffic Act; two years for all other general torts.

MR. CHERNIACK: And the two years, there was two years before?

MR. LYON: For general torts - person injury torts.

MR. CHERNIACK: Two years, not one. Well I must say, Mr. Chairman, I don't approve of hoping that the commission will use its judgment, especially when we are dealing with a commission that has not yet been created and which has no history. In principle, I am inclined to feel that I should oppose this, because certainly if it is found to be -- after study, it may well be that the Honourable Minister would agree with the point I am making. There is certainly no hurry about the Manitoba Medical Services because it won't come into effect for over a year from now, and as far as the Commission is concerned, I doubt very much whether we should not go ahead and include it, but amend The Hospital Services Act to extend that period after the 12 months, say, to the 24 month period.

MR. LYON: On the basis of previous experience with The Hospital Services Insurance Act, we would like to try this scheme. If any prejudice results at all, my honourable friend is quite correct in predicting that we will be back with the type of amendment that he is suggesting. We are not anticipating this, but we would like to accept the advice that we have been given in the meantime, however, to put it in this way because this has been tested under the previous scheme, and try it out. If any prejudice results, he will let us know, we will know, and we will take action immediately to cure it. I'm not anticipating any.

MR. CHAIRMAN: We have the motion of the Honourable the Attorney-General before the Committee.

MR. CHAIRMAN put the question and after a voice vote declared the motion carried.

MR. CHAIRMAN: (The remainder of Bill No. 62 was read section by section and passed.)
Bill No. 93.

MR. FROESE: Could we have this bill delayed until Monday?

MR. LYON: I think we could do this, Mr. Chairman, because we have enough business before us. We could try to accommodate my honourable friend by putting this over for consideration until this afternoon and call other bills in the meantime. But I do say to him that there is some urgency with respect to the passage of this bill because of the work that has to be done administratively advising municipalities, school districts and so on of the import of it, and if he could co-operate with us and be ready to speak on it this afternoon it would be most helpful. We would like to proceed with it this afternoon. In the meantime, we will put it over and deal with the other matters that are on the Order Paper. We could go back to Bill No. 36 and carry on down with the ones that we have not dealt with.

. continued on next page

MR. CHAIRMAN: Bill No. 36. Section 1--passed; 2--passed.

MR. HILLHOUSE: Mr. Chairman, I believe that there was some discussion in Law Amendments regarding the addition of another section to this particular bill which would make it abundantly clear that it wasn't to be considered as a direction of the court but just to impose upon the court the discretion, and I also believe that during that discussion that took place in Law Amendments that it was felt that the court, in another case, had exercised a discretion.

Now I have had an opportunity of reading that other case - I think it was a judgment of Mr. Justice Dickson - and in that other case it seemed to me that the reason why he did exercise a discretion in that case was due to the fact that a very obvious injustice would have been done had he allowed the order to go, because in that other case there was a third party involved, and the bill in the other case did not extend the period of time for bringing action against the third party, and he felt that having regard to the very right and justice of the matter and all of the circumstances of the case, that he would be inflicting an injustice on the respondent if he did grant an extension of time.

Now there was a third party involved there and it was quite obvious, on the facts that were presented to the court, that Section 92 (a) of the Highway Traffic Act precluded the respondent in the event of an order issuing for the action to be brought, precluded the respondent for making use of that third party for indemnity purposes, and by reason of that the judge felt that he'd be creating a greater injustice by granting the order than in granting it, and that was the point - it was the third party. Now there 's no third party involved in this particular case and we have no assurance on the basis of what the courts have done in other cases, that they will treat this Act as a discretionary Act and not as a direction to them, and for that reason, Mr. Chairman, I would move the same amendment which was moved in committee, namely, that Bill No. 36 be amended by adding thereto, immediately after Section 2 thereof, the following section:

3. The purpose and intent of this Act is to refer to the Court of Queen's Bench the question of whether time for the bringing of the action or actions mentioned in Section 1 for consideration of the court and decision of the court in its discretion; and this Act is not, and no provision of the Act is, a direction by the Legislature to the Court of Queen's Bench to enlarge the time for bringing the action or actions mentioned in Section 1, and neither the Court of Queen's Bench nor any judge thereof shall consider this Act or any provision of this Act as such a direction.

I therefore wish to make that motion, Mr. Chairman, and to say this in conclusion, that I can't see where there should be any objection to the adding of this section even if I am wrong in my interpretation of the court's decision in that case which was referred to by the Honourable Member for St. Matthews or the counsel for Dorothy Ungar. I don't think that it would change the law in any way but it would make it abundantly clear that what we were doing was not issuing a direction to the court to try the action, but simply giving to the court a discretionary power to extend the time for bringing the action; and I don't think that any ill purpose would be served if this amendment were adopted by the committee.

MR. CHAIRMAN: Are you ready for the question?

MR. ROBERT STEEN (St. Matthews): Mr. Chairman, I might just comment on what the Honourable Member from Selkirk has said. I have no objection to the wording of his particular amendment at all except I think it's redundant because the discretion is given to the court in Section 1 of the bill, and on the particular case he was referring to, the judge did, in fact, exercise his discretion because he felt that justice would not be done if he had granted the application. So the main point in that particular case was the judge did exercise a discretion. But I have no objection to the amendment proposed by the Honourable Member from Selkirk except that it repeats the contents of Section 1.

MR. HILLHOUSE: The only reason why I'm moving it is this; that the court in other cases, with the same wording in the bill as you have in this bill, considered it as a direction to them, and I want to make it abundantly clear that we are not directing the court to do anything; we're simply giving the court a discretionary power.

MR. LYON: ...this amendment, but I propose to move a subsequent motion that the bill be not reported even with the amendment in it, and I merely want to say that -- well, I'll make my comments I think at that time when I make the amendment to the other motion.

MR. STANES: Mr. Chairman, I'm rather surprised at the Honourable Member for Selkirk, because I think in other cases he has rather taken the attitude, which I'm inclined to agree with, that if there is other action can be taken by a plaintiff, this action is to be taken

(MR. STANES cont'd)...first. Now if there was no other action the plaintiff could take, then I would agree, but I don't think this is the case in this particular subject matter.

MR. HILLHOUSE: I'm not arguing that at all. I'm just simply arguing that what we are doing is giving to the court a discretionary power. We're not directing the court to try the action.

MR. CHAIRMAN presented the motion and after a voice vote declared the motion carried.

MR. CHAIRMAN: Section 3 of the bill will then be changed to 4. Section 4--passed; preamble -- passed; title--passed --

MR. LYON: Mr. Chairman, I beg to move that Bill No. 36 be not reported, and I make this motion dealing with the matter of principle that is involved here, namely, that if we were to pass this bill we would of course be providing a special amendment to our statutes to try to accommodate one particular individual who for particular reasons now finds himself outside of the statutes. We have just finished debate and passage for third reading of a new Limitation of Actions Act, or subsequent amendments to that Act, which are intended to tidy up the Act generally and to make it accord, we hope, more with what would be considered to be in the public interest in this day and age.

At the time this matter was referred to the Law Reform Committee I am advised that they were apprised of the problem that appears to be unique to this Legislature, of the frequency of this type of bill coming before this House, and they were asked to give their best judgment on the matter as to how we could obviate this type of special legislation for individual pleaders, and may I just digress to say this; I make no comments about the particular facts of this matter. I am not apprised of those facts; I'm dealing entirely with the principles as to whether or not we should pass this bill. I agreed, I think at second reading I said that I would not oppose it at second reading - let it go to committee. I understand it passed committee by one vote and it's here now before us. I make this motion on the same ground that I have on previous bills of this nature, and suggest that the government is not prepared to support this type of bill at this time, having just completed amendments to the Limitation of Actions Act because I think essentially the advice we have, and I think we knew this before we even asked for the advice, the only way that we can give full effect to a proper Limitation of Actions Act in our province is by way of self-discipline, and self-discipline requires that we not allow our hearts to rule our heads as to what is best in the public interest.

Now, any person on any civil action or any criminal action can always make a case that a particular hardship accrues because of some failure to comply with the particular part of the statute. You can make that case with respect to criminal matters, with respect to civil matters, and so on. But, peculiarly enough, it's only on these civil matters that the Legislature is ever asked to make special remedies available for one citizen. I'm sure that if an Act were brought before the House to give a person a special exemption from a conviction under a Highway Traffic Act that the House would not consider it; the House would not pass it. And yet the House is asked in this case to give special consideration and to amend, in effect, an Act because of a special pleading of the party that brings this bill before us, and I make no comment prejudicially against that reading at all. I merely say that the principle is wrong; the principle is not one that is blessed by a precedent that we can find in any other jurisdiction in Canada, and that if we are to have a Limitation of Actions Act that is meaningful, I suggest that we support the motion not to report the bill, and that through this means and with the proper backing up of the Limitation of Actions Act by this Legislature, we will then achieve the situation where the Act is meaningful and where all parties and all citizens of Manitoba will know exactly what their rights are because, the Act is the Act, and the Act remains unchanged unless amendments are passed to affect whole classes of people or whole groups of people who have particular problems. It has been said before and I think it's true, that when the Legislature passes an Act of this kind it does a favour for one person and it does a potential disservice to all other people in Manitoba. Now this is perhaps a harsh way of looking at it, yet I think there is a lot of truth in that statement, and it is for that reason that I make this motion; it is for that reason that I will support this motion, that this bill be not reported.

MR. CHERNIACK: Mr. Chairman, may I ask a question of the Attorney-General, since he's had conduct of Bill 62, the Limitations Act. Has there been any change made in this limitation period for this type of action?

MR. LYON: No, it's the same period.

MR. CHERNIACK: No change.

MR. LYON: So I'm told.

MR. MOLGAT: Mr. Chairman, I'd like to ask a question of the Attorney-General. I was not a member of the committee that dealt with this but when we were dealing with it here originally on second reading, I asked then who were we in fact bailing out? This is what I'm concerned about here. Are we assisting this lady or are we assisting the lawyer who is acting for this lady? Because I think that this has a good deal of influence on my view as to whether or not this should pass. If we are assisting an unfortunate person who, through no fault of hers, is now in a position where she cannot get relief, then I am deeply concerned and want to help. If on the other hand we are simply bailing out a lawyer who did not act when he should have acted in the interests of his client, then I want to know: has this lady any recourse on that lawyer? And should that not be the course of action?

MR. LYON: Mr. Chairman, I think I mentioned I'm not versed at all on the facts of this case. I would have to ask the mover of the bill to answer my honourable friend.

MR. STEEN: Mr. Chairman, in answer to the Honourable Leader of the Opposition, you are actually doing both by the passage of such a bill. Now the question as to whether the petitioner, Mrs. Ungar, has any recourse against the lawyer - yes; she can attempt to sue him for the negligence of performance of his duties. Whether or not such a suit would ever be successful in the court, I have no way of knowing. I would doubt it. But there is this action open to her - yes.

MR. CHAIRMAN put the question on the motion of the Honourable Attorney-General.

MR. LYON: Ayes and Nays, Mr. Chairman.

MR. CHAIRMAN: Call in the members. The motion before the Committee is that Bill 36 be not reported.

A STANDING COUNTED VOTE was taken, the result being as follows: Yeas 17; Nays 23.

MR. CHAIRMAN: The motion is defeated.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson): Mr. Chairman, just for the record, I was paired with the First Minister. Had I have voted I would have voted against the motion.

MR. CHAIRMAN: Title passed. Bill be reported. Bill No. 60.

MR. LYON: Mr. Chairman, I move the Committee rise.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee has adopted Bills 39, 41, 67, 71, 72, 73, 74, 76, 77, 84, 85, 86, 90, 99, 101, 103, 108, 111, 114, 116, without amendments, and Bills No. 62 and 36 with amendments, and asks leave to sit again.

IN SESSION

MR. JAMES COWAN, Q.C. (Winnipeg Centre): Mr. Speaker, I move, seconded by the Honourable Member for Pembina, that the report of the Committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Provincial Treasurer, that the House do now adjourn and stand adjourned until 2:30 this afternoon.

Perhaps I could just interject, Mr. Speaker, that I am informed for the benefit of the Members the lunchroom downstairs is open and available for their use over the lunch period.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 o'clock Saturday afternoon.