



Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Friday, March 4th, 1960

Opening prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Select Committees

MR. R. G. SMELLIE (Birtle-Russell): I wish to present the second report of the Select Standing Committee on Private Bills.

MR. CLERK: Your Select Standing Committee on Private Bills, Standing Orders, Printing & Library, beg leave to present the following as their second report. Your Committee has considered Bills No. 42, an Act to amend an Act to Incorporate St. Charles Country Club; No. 70, an Act to incorporate Ste. Rose General Hospital; and has agreed to report the same without amendment. Your Committee has also considered Bills No. 60, an Act to incorporate The Manitoba Federation of Agriculture; No. 61, an Act to incorporate the Corporation of the Synod of Manitoba of the Presbyterian Church in Canada; No. 67, an Act to incorporate Elmhurst Golf and Country Club; and has agreed to report the same with certain amendments. Your Committee recommends that the time for receiving reports of the Committee on Private Bills be extended to the 29th day of March, 1960; all of which is respectfully submitted.

MR. SPEAKER: Notice of Motion.

MR. SMELLIE: Mr. Speaker, I move, seconded by the Honourable Member for St. James, that the report of the Committee be received.

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

MR. SMELLIE: Mr. Speaker, I move, seconded by the Honourable Member for Hamiota, that the time for receiving the report of the Committee on Private Bills be extended to the 29th day of March, 1960.

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

MR. SPEAKER: Notice of Motion

Introduction of Bills

Committee of the Whole House

HON. GEORGE HUTTON (Minister of Agriculture) (Rockwood-Iberville): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Municipal Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider the following proposed Resolution: Resolved that it is expedient to bring in a measure to amend the Predator Control Act by providing, among other matters, for payment from and out of The Consolidated Fund of the bounties, or parts of bounties, for the killing of raccoons or skunks or the young of them.

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

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

MR. CHAIRMAN: The Minister of Agriculture.

MR. HUTTON: His Honour the Lieutenant-Governor having been informed of the subject matter of the proposed resolution recommends it to the House.

MR. CHAIRMAN: Resolved that it is expedient to bring in a measure to amend The Predator Control Act by providing, among other matters, for the payment from and out of The Consolidated Fund of the bounties, or parts of bounties, for the killing of raccoons or skunks or the young of them.

MR. HUTTON: Mr. Chairman, this matter has been brought before the House during the estimates and it was indicated at that time by myself that this amendment would be introduced to the House, calling for skunks and raccoons to be designated as predators within the meaning of the Act.

There are possibly two major reasons for including skunks. One certainly is to assist the farmer in the control of losses due to these animals; and the second, and still a very important aspect of the control of skunks, is the high incidence of rabies amongst these animals that has appeared and been detected. In the case of raccoons, it is of course a question of controlling losses to the farmers. There have been more than one representation made to the government with regard to these animals and we believe that it is in the best interests of the farmers and the citizens of the province that this be done.

MR. E. GUTTORMSON (St. George): Mr. Chairman, I would be less than considerate if I didn't express my thanks to the Minister for bringing in this legislation, because I think it's most important. The situation is growing worse each year, with the skunk menace particularly. I am not familiar with the damage being created by the raccoons, but I am sure there must be areas that are being affected or else the Minister wouldn't have mentioned them in the Bill.

The Minister mentioned that the reason for bringing in this Bill was the heavy losses that farmers suffer and to the high incidence of rabies. Another very important reason, too, is the tremendous amount of damage that the skunk causes to upland game, destroying the eggs, and I believe even the ducks. Not so long ago I heard a story about a fellow who made -- travelling, I think it was 6 miles -- encountered I believe 15 skunks which crossed the road in that space of time and in that short distance. So it gives you some indication how these animals are over-running the country.

Before the Committee rises I would appreciate the Minister indicating what the bounty is going to be, if he knows, and how they hope to administer it. I think that putting a bounty is certainly going to be a big help in eradicating these animals because at the present time their fur is of no value and the Indian and other trappers haven't been bothering with them, and I think now that there is a bounty that those persons who have time, such as the Indian and trapper, will spend their time trapping these animals and that it will go a long way to getting rid of them. I would like to thank again the Minister for taking this action. He will recall that I made this request in previous sessions and then again yesterday. I don't know whether he is acting on my recommendations or on his own. Whatever case it may be I am still grateful to him for bringing the legislation in.

MR. J. P. TANCHAK (Emerson): I don't know on whose behalf the Minister has taken action. I understand that he did mention that before. But there is something that isn't quite clear. I understand that this only covers municipalities, or does it cover disorganized areas and local government districts? I mean as far as control of skunks, I am not too much interested in raccoons because we are not being pestered with raccoons so much in the eastern area, but I would like to know if this would cover local government districts and disorganized.

MR. E. I. DOW (Turtle Mountain): Mr. Chairman, I was interested in the Minister's remarks about the rabies. Is that a provincial-wide scare of rabies or is it localized to any particular districts, Mr. Minister?

MR. N. SHOEMAKER (Gladstone): Mr. Chairman, will the passing of this Bill now necessitate amending the Municipal Act? I have before me a resolution that was passed at the last convention of the municipal men, and they're requesting a change in the Municipal Act to do just about the same thing as the Honourable the Minister intends to do. And I can read it, it's very brief, but they are suggesting that, "whereas no authority exists whereby a municipality can pay bounty on raccoons or skunks, or undertake any other method of control of these animals even though a severe problem may exist; now therefore be it resolved that the Province of Manitoba be petitioned to amend the Municipal Act by adding to Section 921 a new section similar in content to the following: For the destruction of raccoons and skunks or any other unprotected animal which is declared by the council to be a predator within the municipality, and for fixing the indemnity to be paid therefor, the type of proof of killing, the manner of payment, and for hiring professional or other hunters to hunt the animals named in the by-law." Now I think the reason for that last section was because of the fact that raccoons in particular are very difficult to hunt because they are a nocturnal animal, and setting a bounty of two or three dollars just isn't enough to get a man out of bed at midnight to go and shoot or track down a raccoon.

Now I wonder if the Act that we are dealing with, will it solve the problem that I refer to here?

MR. P. WAGNER (Fisher): Mr. Chairman, as the member for Emerson questioned the Minister about local government districts, will the administrator in the local government district be informed on whether he is going to have the forms that the people will fill out when they catch these predators?

MR. HUTTON: My understanding is that some municipalities have paid a bounty on, I believe it is raccoons, even though they are getting no assistance from the Provincial Government

(Mr. Hutton, cont'd)... at the present time. My understanding is that skunks and raccoons will be in exactly the same category as the other declared predators with regard to unorganized and disorganized territory. To my knowledge there is no amendment necessary to the Municipal Act, and I can stand corrected on this point. My understanding is that there is no amendment necessary to the Municipal Act once the amendment has been made in the Predator Control Act. The bounties are set by regulation and I cannot tell you at the present time at what level they will be set at, but I am sure that they will be in relationship to the bounties on fox, bear, wolf or coyote.

On the question of the raccoon and his nocturnal habits, I imagine that the bounty is set on the predators at a level which will be an incentive to the eradication of the same, otherwise there would be no point in the bounty program at all. I am not experienced in the amount of money that it takes to get a man out of bed at night to chase after raccoons, but sometimes you don't have to pay them to stay out of bed.

I think I have covered the questions. Are there any more or any that I have missed?

MR. GUTTORMSON: Mr. Chairman, I would like to ask the Minister three questions. When does he expect the program will go into effect? (2) How will it be operated? That is, will the municipalities operate the bounty system and be reimbursed by the government? And (3), what part of the animal will be taken off so the bounty can be paid?

MR. HUTTON: Well I'll deal with the last question first. Sometimes when a fellow tangles with a skunk he wouldn't need any part of the animal to prove it. But I can't answer you whether they will want the ears of the skunk or the tail of the skunk. If I was going after a skunk I would go after him head first. As to how it is to be administered, exactly the same as the other designated animals are administered at the present time under the existing legislation. It's just adding two more predators to the existing predators as designated in the Act.

MR. D. L. CAMPBELL (Leader of the Opposition) (Lakeside): Mr. Chairman, I believe that some municipalities had already paid a bounty on one or the other of these animals -- (Interjection)-- Pardon?

MR. HUTTON: I understand that. I can stand corrected on it but I am given to understand that at least one has.

MR. CAMPBELL: I suppose they have no legal authority at the moment to do so. Is that correct? I am not expressing an opinion, I am just asking the question. And does the Minister know, Mr. Chairman, what amount was paid? That is, what amount per animal?

MR. HUTTON: No. I can't answer really any of those questions. I don't know what amount was paid. I don't know whether they were operating outside of the Municipal Act or not. I do know that they do not qualify for any reimbursement from the Consolidated Fund under the Act as it is presently constituted.

MR. GUTTORMSON: I think I can enlighten the Committee on that. The Municipality of Dufferin paid a bounty on skunks. I think it was \$2 per animal. I know it was their intention to seek reimbursement from the government. Whether they ever did or not I don't know.

MR. W. H. HAMILTON (Dufferin): Mr. Chairman,.....brought to me by the reeve the other day that we have received no money yet on the bounties paid for skunks. And this was done -- the bounty was paid to check the spread of rabies. I think something should be refunded on the payment. I think it's around the neighbourhood of \$800 was paid out.

MR. SHOEMAKER: Mr. Chairman, the Animal Husbandry Act would have to be changed to allow the municipality to pay for the damage caused by raccoons or skunks. Is that not a fact? According to this resolution No. 32, it says that "Whereas the Animal Husbandry Act provides for compensating sheep owners for sheep killed by dogs as well as controlling dogs." Now if that's a fact that the municipality can go out and pay for sheep being killed by dogs, but they can't pay in cases where raccoons go out and kill a couple of hundred hens in one night, and they may want to do that. And I would suggest, Mr. Chairman, that the Animal Husbandry Act could well be changed to allow the municipality to pay, in extreme cases where a raccoon, as happened in my own constituency, where a raccoon did go out and kill 150 hens in one night. The farmer involved, he of course immediately went to the municipality and demanded some compensation for it. And they said, "well, we can't do it, as much as we may want to, we just can't do it under the Act. If the Animal Husbandry Act was amended to allow a municipality to pay, in cases where there was extreme damage -- I mean, this farmer lost \$150 worth of

(Mr. Shoemaker, cont'd) . . . . hens at least, whereas if he had had two sheep killed with a dog they could have paid him and would have.

MR. T. P. HILLHOUSE, Q.C. (Selkirk): Mr. Chairman, regarding the request of the Honourable Member for Gladstone, I think it would be very dangerous to amend the Animal Husbandry Act to cover matters such as that, because a municipality, under the Animal Husbandry Act is, under certain circumstances, obligated to pay for loss of sheep. Now I take it the type of amendment he wants is one where the municipality has permissive powers to pay. But the Animal Husbandry Act does make it obligatory under certain circumstances, and I think you would have to look very, very carefully at that Act before you impose any further liabilities on municipalities.

MR. GUTTORMSON: Just one more question for the purpose of clarification. I understand that in the municipalities the bounties would be paid to secretary-treasurers. In my constituency there is a great deal of unorganized territory. Who would look after it in those areas? The administrator perhaps would be one, but that wouldn't be enough. Would they allow the postmaster or other persons to accept the bounty there?

MR. HUTTON: If I am not mistaken, in the case of the organized and disorganized areas, the policy is administered by the Department of Mines and Resources and not the Department of Agriculture, and so I would leave that question to be answered by the Minister of that department.

I am grateful to the Honourable Member for Selkirk for raising the point that he did, because I was about to pose the question as to whether we would really be doing much of a favour to the municipalities to put them in the position where they were obligated to pay compensation for loss by predators. I think this is something else again which has nothing to do with the Bill that we have under consideration today. One is dealing with bounty, the payment of bounty on certain predators, and the other is a question of compensation.

MR. G. MOLGAT (Ste. Rose): Mr. Chairman, I appreciate that this isn't quite in the Minister's Department. He indicated that this is Mines and Resources insofar as the unorganized is concerned, but I ask then at this time, is it the intention that the unorganized territories will also pay bounty on skunks and raccoons? Because unless that is done as well, then obviously for those municipalities adjoining to the unorganized the problem of bootlegging is going to be a serious one, plus the fact that if the control is existing in the municipality and does not exist in the unorganized, then I think it defeats the purpose of the bounty, at least in those fringe areas. Now is it the intention to do something about this?

HON. C. H. WITNEY (Minister of Mines & Natural Resources) (Flin Flon): Skunks and raccoons are not included in the Predator Control Act which is administered by the Game Branch in the unorganized territory. In the unorganized territory the problem of the skunks and the raccoons has not been as pressing as it has been in the municipalities where there has been a concentration of farms. Under the normal circumstances, especially with the skunks, the people living in the unorganized areas have generally trapped them and sold them as a fur-bearing animal, and for that reason, it has not been deemed advisable to put skunks and raccoons, or skunks especially, into the Predator Control Act of the Department of Mines and Natural Resources. Now I can see the difficulty that has been drawn to the attention of the House by the honourable member. I think that it applies also to some problems in the constituency of Emerson, and this matter will have to be taken under advisement. Now as regards the unorganized territories, the RCMP and the postmaster and the game guardian are authorized to take the applications for bounty payments, and if these people haven't got the application forms, then all they need to do is to write to the Game Branch and these application forms will be sent to them.

MR. J. A. CHRISTIANSON (Portage la Prairie): Mr. Chairman, I'd be remiss if I didn't express the appreciation that I'm sure the people at the Delta Waterfowl Research Station will feel to the inclusion of these two animals in the predator control arrangement. These skunks and raccoons have been a real problem amongst the waterfowl nesting in the Delta Marshes, and I think this is a very favourable forward step.

MR. MOLGAT: Now, Mr. Chairman, I just want to appeal to the Minister of Mines and Natural Resources to take another look at this situation in the unorganized. I appreciate once you get up into the very remote areas that it's a different proposition, but for those unorganized

(Mr. Molgat, cont'd)...territories directly adjoining municipalities it becomes a very serious problem, because some of them have a reasonable population and certainly if there's no control there, the animals will move into the bounty area on their own if the population goes down in those areas. I realize the problem that faces them but it's going to be extremely difficult for those municipalities neighbouring on unorganized unless the same measures are followed.

MR. CHAIRMAN: Shall the resolution be adopted? Passed. The Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of the Whole House has adopted certain resolutions, directed me to report the same and ask leave to sit again.

MR. W. G. MARTIN (St. Matthews): Mr. Speaker, I beg to move, seconded by the Honourable Member for Wellington that the report of the committee be received.

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

Mr. HUTTON introduced Bill No. 112, an Act to amend the Predator Control Act.

MR. SPEAKER: Orders of the Day.

HON. GURNEY EVANS (Minister of Industry & Commerce) (Fort Rouge): Mr. Speaker, before you proceed with the Orders of the Day I would like to invite your attention and the attention of the honourable members of the Legislature to the gallery at your left, Sir, where sit the class of the Earl Grey School in charge of their teacher, Mr. J. A. Campbell. I am sure that you, Sir, would wish me to welcome them to the Chamber; to hope that they find their visit here interesting, and to renew the invitation for them to come back at any time and as often as they would like, to see the proceedings in this House.

HON. GEORGE JOHNSON (Minister of Health & Public Welfare) (Gimli): Mr. Speaker, before the Orders of the Day I would like to table the Annual Report of the Manitoba Hospital Services Plan for the year ended December 31st, 1959.

MR. EDMOND PREFONTAINE (Carillon): Mr. Speaker, before the Orders of the Day, I would like to bring to the attention of the House a recent event that is giving the Honourable Member for St. Boniface and myself a great deal of satisfaction. The members must be aware that the University of Manitoba Drama Festival took place this week on Tuesday, Wednesday and Thursday, and last night the trophy was awarded to the students of St. Boniface College for their play, "Les Maris Morfondus, Fondus et Refondus ou Les Epouses Confondues." Mr. Speaker, it gives the Honourable Member for St. Boniface and myself great pleasure to offer our congratulations to the students of our dear old Alma Mater, and I'm sure that the members of this House would like to join with us in congratulating St. Boniface College.

MR. M. A. GRAY (Inkster): Mr. Speaker, before I direct my question I just want to say to the Honourable Member for Carillon, if it's anything good in this world we all participate. My question is directed to the Minister of Health and Public Welfare. He, and no doubt every honourable member of this House, has received a communication in connection with artificial fluoridation. I was just wondering whether the Honourable Minister can make some comment on this letter. He no doubt read it, but if not, I could read it for you.

MR. JOHNSON (Gimli): Mr. Speaker, I'd be pleased to take that as notice of motion and have a look at the article and report later, if I may.

MR. GRAY: And now, Mr. Speaker, while all the Ministers usually ask for an order of motion, which is perfectly all right, it gives them a chance to find out the answer, I directed a question about five days ago to the Honourable Minister of Labour, and he says that he will take it as a notice of motion. I was just wondering whether he still has it under consideration? I do not want to mention this because I want you to remind yourself and make a note of everything.

HON. J. B. CARROLL (Minister of Labour) (The Pas): Mr. Speaker, I must apologize to the member for not having brought that answer in earlier. I will look it up and undertake to bring it in the first of the week.

Mr. Speaker, while I'm on my feet I would like to lay on the table of the House the Annual Report of the Manitoba Board of Censors; and a return to an Order of the House, No. 16, on the motion of the Honourable Member for Carillon; and a return to an Order of the House, No. 20, on the motion of the Honourable Member for Seven Oaks.

HON. R. PAULLEY (Leader of the CCF) (Radisson): Mr. Speaker, before the Orders of the Day I would like to direct a question to the Honourable the Minister of Labour. Is the Minister or the department planning to convene a meeting of management and labour to try

(Mr. Paulley, cont'd) . . . . and resolve the differences which have led to the strike at Brandon Packers? I might say, Mr. Speaker, this is quite frequently done by Labour departments in other jurisdictions.

MR. CARROLL: Yes, Mr. Speaker, I think it's fair to say that the department is very much concerned about the newspaper reports that we have heard coming to us from the Brandon Packers strike. We have a certain amount of information with respect to this strike. We are expecting further particulars and as soon as sufficient information is available the department will be able to decide what course of action we should follow with respect to this strike.

MR. PAULLEY: . . . . I take it, Mr. Speaker, at the present time they have no intention unless there are further developments or further information.

MR. CARROLL: No.

MR. SPEAKER: Orders of the Day.

MR. CARROLL: Mr. Speaker, to make this clear, I would just say that we're waiting for further information before we decide what course of action should be followed in this particular case. Thank you.

MR. GUTTORMSON: I would like to direct a question to the First Minister. One year ago I asked for an Order for Return regarding the correspondence between the \$85 million flood project, and I repeated the same request at this session about a month ago, and I haven't received the information. The Minister at the time that I put in the request said that he would do so subject to permission from Ottawa. In the House of Commons Mr. Diefenbaker said he is waiting for permission from Manitoba, so I wonder if he could clarify the situation?

HON. DUFF ROBLIN (Premier) (Wolseley): I can as far as I'm concerned, Mr. Speaker. If we haven't already done so, and I believe we have, we've given our consent to the tabling of this material, but the reason for the delay I think is nothing to do with that point. It is because correspondence originated in, I think, a number of different departments both at Ottawa and here, and it is necessary to make a careful search to make sure that all the relevant data is brought forward. But I fully anticipate that it will be available for the honourable member.

MR. PAULLEY: Mr. Speaker, before the Orders of the Day, in connection with the tabling of the Annual Report on the Hospital Services Plan I would like to ask the Minister of Health whether these are the only copies available, or will there be a distribution to all the members of the House?

MR. JOHNSON (Gimli): Mr. Speaker, there'll be a distribution to all the members. The audited statement was just completed yesterday and I was anxious to get this tabled as soon as possible, as I am directed, so I have tabled the first copies that have come in to me. These were typed up with an electric typewriter and we will be getting the proper printed copies distributed as soon as they can be made available.

MR. SPEAKER: Committee of the Whole House.

HON. STERLING R. LYON (Attorney-General) (Fort Garry): Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Public Works, that Mr. Speaker do now leave the Chair and the House resolve itself into committee to consider of the Bills standing on the Order Paper.

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

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

The following bills were read a third time and passed:

- No. 16, An Act to amend the Registry Act;
  - No. 45, An Act to amend The Well Drilling Act;
  - No. 56, An Act to amend The Greater Winnipeg Sanitary District Act;
  - No. 64, An Act to amend The Health Services Act;
  - No. 65, An Act to amend The Law Society Act;
  - No. 66, An Act to provide for the Education of Psychiatric Nurses, and
  - No. 68, An Act to amend The Taxicab Act.
- Bill No. 53, An Act to amend The Highways Traffic Act, Section 1 (a) to (f) (9a) (IV) was read and passed.

MR. CARROLL: I would like to move an amendment which would read 'v, following iv, to read as follows: "under the authority of a municipality, as a fire pumper."

Section 1 (g) to (i) were read and passed.

MR. CAMPBELL: Mr. Chairman, did you deal with the amendment?

MR. CHAIRMAN: Under the authority of a municipality, as a fire pumper - (iv) in (f).

MR. CAMPBELL: You passed the amendment, did you?

MR. CHAIRMAN: Yes.

Sections 1 (j) to Section 8 (1) (c) (ii) were read and passed.

MR. CAMPBELL: Mr. Chairman, I would like to ask the Honourable the Minister if -- dealing with the lighting, if he found an amendment or further explanation that's satisfactory to the Honourable Member for Brandon. I think we must have dealt with that portion mustn't we?

MR. CARROLL: Mr. Chairman, in further discussions with the member for Brandon we've decided that a course of action which might be wise to follow in this particular case, in view of the fact that all of these vehicles are being manufactured with one light at the present time, that this be discussed at the conference of the Motor Vehicle Administrators for Canada later this year to see if we can find an approach to this particular problem that would be satisfactory and we'll consider bringing in an amendment at possibly the next session of the Legislature.

MR. CAMPBELL: As long as the Honourable Member for Brandon is satisfied. I thought he had a good point there and I was depending on him to take care of our interests.

MR. R. O. LISSAMAN (Brandon): I'm quite agreeable to that, Mr. Chairman. I can see that when you have vehicles on the road, so many of them with only one light, that it would be quite a problem to introduce anything at this point, and of course there's an advantage in having uniform legislation, but I can see that at some future date we might do similarly to what we did with turn signals and say that so many motor vehicles after a certain date will be equipped with two tail lights, and that's something like what I had in mind, and I believe the Minister on principle agrees with me.

Section 8 (1) (d) to Section 8 (10) were read and passed.

MR. CARROLL: Mr. Chairman, I'd like to move an addition in another subsection here which would read: "notwithstanding any other provision of this Act, a motor vehicle may be equipped with not more than two fog lamps of such type and design, and casting a light of such a colour as may be approved by the Traffic Board."

MR. CHAIRMAN: Section 8 - 24 E (1) to Section 14 70 - 3 (3)

MR. LISSAMAN: Mr. Chairman, you're on 70-3 (3) at this point, I imagine? I raised an objection to this term "driving carelessly", in Committee, and although we heard experts make their comments on it, I wasn't too convinced of the reasonableness of their argument. Now I certainly agree with this Bill in principle, but on this particular phrase I object to it on principle and I believe that infringers of any law should be punished, certainly, but I think this is contrary to our traditions behind us that we assume a person to be guilty of a greater offense when he's caught in a relatively minor one. Now you'll notice this subsection (3) says "subject to subsections (11) to (14), a person shall be deemed to be driving carelessly when he is driving a vehicle at a rate of speed greater than...", and then it goes on to list the various speeds. Now if you'll notice lower down the page, here's a case where I would agree with the Act completely because it sets out various dangerous driving practices, but when you immediately assume a man to be guilty of driving carelessly simply because he happened to exceed a given speed limit, I think that's rather a betrayal of the citizen's interest. In my mind, law should be both explicit and truthful, and a person could be exceeding a speed limit, and I think we have all done it at various times and various places in the province, various cities or highways, and here, automatically, we don't say he was guilty of exceeding speed limit, we say he is guilty of driving dangerously -- (Interjection)-- "Carelessly", I beg your pardon. I think that is very wrong. I think that we should be accused -- in this case I think the words should be deleted, the "driving carelessly" and "exceeding legal speed limits" put in their place; because I can't see much difference in this, if a shooter were out hunting wildfowl and shot one or two more birds than he should have over his limit, and then you'd say, "well that isn't enough to charge mandatorally," and by this document we'd say, "well here this fellow must be found guilty of trying to dispose of the game warden at the same time." There's no difference in my opinion. I think this is completely wrong.

(Mr. Lissaman, cont'd)...

I must register my voice in protest to this because, as I've said before, I believe that our laws should be explicit and this mandatorally presumes that a person found to be exceeding a legal speed limit in any of the zones shall be found guilty of a greater offence. Now you can say, "well the public will come to know that this driving carelessly is sort of a blanket charge," but I think that's wrong. Certainly a person can be found to be exceeding speed limits in any city or quite often out on the highway very easily, and it's a relatively simple thing to do. As I said, I think we have all done it at times, but it's an offence to my intelligence I think, to say that a man exceeding a speed limit is driving carelessly. Now we have great open expanses on the highway. There might not be another car within miles and a person may be driving those stretches of miles quite intently and deliberately and very carefully without driving carelessly, so that I feel that this should be in this particular instance deleted, and the words "exceeding legal speed limits" substituted, Mr. Chairman.

MR. SMELLIE: Mr. Chairman, this particular section of the Act, the expression used to be used "driving to the common danger," and the same objection was raised to that particular wording as the Honourable Member for Brandon raises at this time to the expression "drive carelessly", because in effect the section is one of those blanket sections which covers many offenses but it is commonly used to cover the offence of speeding. I can't help but agree with the Honourable Member for Brandon that it is offensive to the intelligence to be charged with driving carelessly when, in a fact, the offence committed is driving in excess of the legal speed limit. Now we're informed by the experts who attended at the Law Amendments Committee that this problem is one of jurisdiction, and there is apparently a conflict between the jurisdiction of this province and the jurisdiction of the Federal Government, and I submit, Sir, that this is a problem for the draftsmen. But I would like to confirm the objection of the Honourable Member for Brandon that I would like to go on record, Sir, as being opposed to being charged for driving carelessly when in fact the offence is one of exceeding the provincial speed limit.

MR. ARTHUR E. WRIGHT (Seven Oaks): Mr. Speaker, my honourable friends are a little too sensitive about this word "careless". I like to think that our experts know as to what speed we can travel on the highway. For instance, when we come to a curve and it says 40 miles an hour you can rest assured that the grade on that curve is made to take 40 miles an hour. And if we do 45 or 50 and run off the shoulder, I think we can be accused of driving carelessly. We're not using the words "driving furiously" or "driving to the common danger". I think you have to describe it somehow and I can see no objection to the word "careless" because it's not to me so objectionable.

MR. LYON: Mr. Speaker, I'd like to make a few comments here. This was gone into I think fairly carefully at committee stage, in Law Amendments Committee, and I can appreciate there certainly is a surface logic to what the Honourable Member from Brandon has to say about it, but as I tried to point out at that time, there's more involved in this than just the question of exceeding a speed limit. In every jurisdiction, in all of the common law jurisdictions that I'm aware of, some words such as careless, or common danger, driving without due care and attention, is used for the very, perhaps not simple reason to some people, but for the very reason that you have this divided jurisdiction between the Federal and the Provincial Government, and the Provincial Government can't presume to encroach upon a field which is occupied by the Federal Government. Now it's just a question of semantics. That's all it is. Exceeding the speed limit means, by this Act, driving carelessly. It's that simple. As I say, there's a surface logic to what the Honourable Member from Brandon has to say, but at the present time, as I pointed out in Committee, we have a case before the Supreme Court of Canada which is trying to weed out where the area of jurisdiction lies as between province and Federal Government, because of the wording that was used in the present Highway Traffic Act. I think Mr. Rutherford, the Legislative Counsel, spoke to this point and made it clear that he and his colleagues, so far as I recall, had been playing around with this particular problem for some years and as yet hadn't come up with what might be called an answer that would be found suitable to the member from Brandon or perhaps the member from Birtle, but I do suggest that it be left the way it is because this is the best drafting advice that we can get on the subject. It's not just a question of a person feeling that he should be charged with exceeding the speed limit

(Mr. Lyon, cont'd) . . . rather than charged with driving carelessly. It goes very much deeper than that. It goes right to the crux of the problem, namely, the jurisdiction of the province to enact legislation in this field.

Now it may well be that after we have the benefit of the Supreme Court judgment which will, I hope, clarify the situation, it may well be that the draftsmen in their wisdom can present to us some comprised wording that would meet, if not completely, at least partially some of the objections that are raised in connection with the word "careless". But in the meantime, I would strongly recommend to the committee that we leave things just as they are in order that we may have the benefit of this interpretation from the Supreme Court, and then determine from that point on whether or not we can make any move that would satisfy the member from Brandon.

MR. LISSAMAN: With all due respect to the Attorney-General, he suggests that there's some surface logic in my argument. I think there's a great deal more than a bit of surface logic. I agree with him that it goes much deeper than that. Now if you read down under subsection (5) - - (Interjection) -- Well I'm saying that it goes deeper. Under subsection (5), it lists various dangerous driving practices. Now someone exceeding a speed limit, may be quite innocently at some time. The charge appears that they were driving carelessly. Now he could be guilty of any one of a dozen of other things and he'd have the same charge. This is a case much like our Game and Law thing that we're looking into where you have the extra penalty of confiscation. Here you have the penalty of public opinion thrust upon a man mandatorily accusing him of something greater than he committed, and I think it's wrong.

MR. A. J. REID (Kildonan): Mr. Chairman, there's another point here that I think comes into question also. Here, where it mentions 15 miles an hour, and you can be charged with driving carelessly. I know we've got a couple of playgrounds in our community, and true, we expect the citizens to slow up, but as soon as they're apprehended in that area exceeding 15 miles an hour, then they go before the local magistrate and the license is marked "driving to common danger". That's the point I'm trying to get at. If we have that word deleted, "carelessly", it wouldn't be marked on the driver's license. I know a fellow that was driving exactly 17 miles an hour and his license was marked "driving to the common danger" for exceeding the speed limit by two miles.

MR. CAMPBELL: Mr. Chairman, I regret that I was absent from the committee at the time that this particular matter was discussed. As a matter of fact, all the time that the Highway Traffic Act was before the committee, and it was there quite a time as the members know, I was absent only about half an hour and it happened that this particular point came up for discussion during that time. Might I ask the honourable the Attorney-General as to what is the conflict in jurisdiction between the federal and provincial authorities in this regard? I do not know.

MR. LYON: Well it involves largely I think this question, that the Federal Government in the Criminal Code has laid down certain prohibitions with respect to what the Federal Government now calls "criminal negligence". In the old code we used to have criminal negligence, manslaughter, and the old 235 (6), I think it was, "driving dangerously" and there were, I think it was considered to be, and I stand subject to correction by persons such as the Honourable Member from Ethelbert Plains and the Honourable Member for Selkirk who dealt with this perhaps more often than I did, there used to be considered that there were perhaps three degrees of negligence laid down in the Criminal Code. And then that part of the field that had not been occupied so to speak by the Federal Government in the code, was presumed to be left to the province, but if the province, through an accurate wording of its section passed the section which might be presumed to encroach upon the federal field, why then of course that would be declared to be ultra vires of the powers of the province.

Now at the present time there is a case going before the Supreme Court, as I understand on the old section 55 (1), which will be replaced by this section if it is passed by the House, wherein the allegation, as I recall it, and I'm speaking now only from memory and I haven't read the papers thoroughly on it, the allegation is that this field is properly a field for the Federal Government. That is the allegation being made by the person who is taking the appeal and that the province has no right to legislate in this particular field, the field having been occupied by the Federal Government. And it turns to some extent on the wording and it turns

(Mr. Lyon, cont'd) . . . . to some extent on what degrees of negligence are left with the province and what degrees are with the Federal Government. Now that is not a very clear exposition, but it's a short one.

MR. LISSAMAN: Mr. Chairman, I don't say that we remove the words "driving carelessly" from (4) down, because (5) (a) (b) (c) set out dangerous driving practices which could be assumed to be careless. All I'm asking here is that we charge a man with the crime that he's found to be guilty of -- exceeding legal speed limits. I don't think you mentioned the Federal Government had any jurisdiction over that particular charge. Now let's make our English language say what it means. I'm a sort of a logical kind of a person in some respects and it offends my dignity.

MR. LAURENT DESJARDINS (St. Boniface): Mr. Chairman, I could not agree more, in all deference to the Attorney-General, I could not agree more with the Member from Brandon. I don't think that because the Federal Government are not using the right terms that we should in turn do the same thing. . .

MR. LYON: Nobody said that, Mr. Chairman.

MR. DESJARDINS: Well, it seems to have something to do with the terms used by the Federal Government, and I think this Act is mostly to protect the public. We have other laws that will protect the public from libel, and that is practically libel. It's not the same thing at all, saying that you're careless. If I read in the paper, or if there is a certain charge where a certain fellow is not careful, another thing he's going a little faster -- definitely if it's against the law to go more than 40 miles an hour there is a charge and oftentimes it is you might be exceeding the speed limit and you may be driving to common danger, but other times, as it was explained very clearly by the Member from Brandon, it's not the case at all. You might be going about 40 miles an hour in a 35 mile zone or 30 mile zone but you're certainly not driving to the common danger. I think we owe it to the public to protect them from that and I imagine that the fine should be higher for exceeding the speed limit and also for common danger.

MR. M. N. HRYHORCZUK, Q.C. (Ethelbert Plains): Mr. Chairman, there does seem to be a sharply divided opinion on this. I'm just wondering whether we couldn't . . . . . an amendment here that would be satisfactory, and I would suggest to the Honourable the Attorney-General and the Honourable the Minister of Public Utilities whether we couldn't strike out the words "driving carelessly" and replace them with the words "to have committed an offense". It would read: "subject to subsections (11) to (14), a person shall be deemed to have committed an offense when he is driving a vehicle at a rate of speed greater than" -- (Interjection) -- Well, just an offense.

MR. LYON: Then if you did that, of course, you'd have to apply to the General Prohibition Section, the offense would then come under the general prohibition and penalty section.

MR. HRYHORCZUK: You could put an amendment on that section too, I guess.

MR. WRIGHT: Mr. Chairman . . . . . of the Highway Traffic Act is to get uniformity. Could the Attorney-General tell us how this fits in with the laws of other parts?

MR. HILLHOUSE: Mr. Chairman, the difficulty as I see it, and I can appreciate the stand taken by the Honourable Member for Brandon, that is, in having this omnibus section which says that a person is deemed to be driving carelessly or to drive carelessly under a certain set of circumstances which, in the opinion of the honourable gentleman, does not constitute careless driving within the meaning of that expression as used by him. But I must agree with the Attorney-General that there is a big constitutional difficulty here, and as to the point raised by the Honourable Member for St. Boniface, it's the Federal Government in the Criminal Code which describes the offense, and once they describe an offense in a certain way, we are prohibited from describing offenses similar to them, because that is an invasion of the Criminal Law. And I would suggest, until such time as the Supreme Court of Canada brings down its decision in that case which is now before it, and clearly differentiates between the various jurisdictions, that we leave this matter alone. Now I was never in favor of the old common danger section in the Highway Traffic Act because that covered a multitude of sins, and of varying degrees. Sins that were more acts of omission than acts of commission, and I always objected to that section because, before the Highway Traffic Act was amended, a conviction under that section would give rise to a suspension of your license, but since the

(Mr. Hillhouse, cont'd)....Highway Traffic Act was amended there was a discretion vested in the Magistrate which in most cases he exercised. But at the same time, in the interests of highway safety, and in the interests of enacting legislation which we can do so constitutionally, I would say leave this section alone until we hear from the Supreme Court of Canada.

MR. SMELLIE: Mr. Chairman, this objection was raised by the Honourable Member for Brandon and by myself for the purpose of drawing this matter forcefully to the attention of those concerned with the drafting of uniform legislation on this problem. I think that by now we have made our point, and I for one would be quite in agreement with the Honourable Member for Selkirk and with the Honourable the Attorney-General that the section should be passed at this time in its present form, but that we have made our objection known and that as soon as possible, amendments should be brought in to bring the subject more into line with the thinking of the average motorist.

MR. DESJARDINS: Mr. Chairman, I think that throws a little bit of different light, after listening to the last two speakers, but if this section is allowed to stay the way it is, I think that if this is feasible or possible I think that at least the Magistrate and Judges should take the time to explain to some of those people, because I know of some cases where the people receiving their summons, where they were careless are enraged and going out there with the idea of maybe giving them a piece of their mind, and they might end up in more trouble than they were when they started. So I think that they should be very patient, at least we owe that to the citizens, and make them realize that that is not accusing them of being careless but that's just the way of saying they're going a little too fast.

MR. D. M. STANES (St. James): Mr. Chairman, may I ask the Attorney-General if there are any practical problems in this particular conflict? The reason I ask that question is because I recall in the press some months ago of a person driving a car at a very excessive speed, and I believe it was in Winnipeg in the early hours of the morning, and he was charged with careless driving, and I believe the judge or magistrate stated -- (Interjection)-- .. reckless driving, I beg your pardon. Anyway in this case he was found not guilty on account of the fact that the road and so on was completely clear. I wonder if that has something to do with it.

MR. LYON: Mr. Chairman, if I may say so, under the present Highway Traffic Act there are two sections which purport to deal with speeding; one of common danger, and there's another one, I think it is in the 70's somewhere, of reckless driving -- reckless and furious driving. And then of course you move from there into the Criminal Code. If for instance you're travelling at 125 miles an hour down Portage Avenue at high noon, that might well be considered a good case for driving in a criminally negligent fashion. I think that differentiation should be made known. The other question that was asked by the Honourable Member for Seven Oaks has to do with what the Uniformity Commissioners recommended. I have here the proceedings of the 40th Annual Meeting of the Conference of Commissioners on Uniformity, and in section 17 of their proposed draft bill, it starts off by saying in this section, as we do here, "drive carelessly means drive without due care and intention and without reasonable consideration for other persons using the highway." Now I'm not for a moment admitting that this meets the complaint that was raised by the Honourable Member from Brandon and others, but I do say this, that for drafting purposes, and let's remember always that this is largely a question of semantics, it's not a question of principle involved in it at all, but for drafting purposes we have here the combined opinion of the senior draftsmen from all provinces across Canada, along with senior counsel across Canada, who say that in their considered opinion the words "drive carelessly" are the best words to use at the present time for this omnibus or collective type of prohibition section that we have; and I would be very chary to go against that distilled advice of all of these men who are very eminent in their field. When the Supreme Court decision comes down I think we may well then take another look at it, but until that time I, as a lawyer, certainly would be very hesitant to turn their advice aside and to make any changes which might on the surface appear to us to make sense. It might get us into a series of legal and constitutional problems which would be much more difficult to extricate ourselves from than the present one.

MR. FRED GROVES (St. Vital): Mr. Chairman, I think in addition to considering the lawyers' problems in these matters that we have to consider the person that is on the other

(Mr. Groves, cont'd)....end of the stick, and section 70-3, subsection (1) says, "in this section 'drive carelessly' or 'driving carelessly' means to drive or driving a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway." That means, according to my interpretation, that if somebody's coming home on a highway at maybe 2 o'clock in the morning and he happens to go through a 30 mile an hour zone at 40 miles an hour and he's picked up by the police, that he's charged with what appears to me this very serious offense of driving without due care and attention and without reasonable consideration for other persons using the highway. Now then with our point system, it is my understanding that the various offenses are graded and you receive points against one's record according to the offense that you commit. Well that means that in this case the person that's exceeding the speed limit by only 10 miles an hour at an odd time of the night is going to be charged with a very serious offense, and I think that's something that we should look at as well.

MR. LISSAMAN: Mr. Chairman, with due respect to all who have spoken in opposition to my opinion on this, I cannot see how this infringes any Federal jurisdiction whatever. All that I'm asking is that in subsection 3 the words "driving carelessly" be substituted with "exceeding legal speed limit." That doesn't remove the phrase driving carelessly from elsewhere in the act. Charge a person if they drive carelessly, that's what I'm saying. (Interjection)-- Well, in my opinion, and of course I'm no lawyer, but I think this only applies to subsection 3 that a person should be charged with exceeding legal speed limits at that point. But I can see that the opinion has been raised here on both sides of the matter and I must take the Attorney-General's word that it will upset a greater portion of the Act than I presume it to. But the point has been raised and I think public attention will be drawn to it, and as has happened so often in the past when the public's attention is drawn to various things which the average man might consider to be wrong, then quite frequently in a few years action is taken, and the wrong is corrected; and so with that in view I will not move an amendment but I felt duty bound to draw this to the attention of this House.

MR. CAMPBELL: Mr. Chairman, the Honourable Member for Brandon deserves a lot of credit for doing this because quite frankly I had been thinking of not this point -- it had escaped my notice -- but I'd been thinking of raising another one, and then I just happened to miss this part of the consideration in Law Amendments Committee and decided to let it go. But one reason that I don't like this expression of driving carelessly applying as it does to the various subsections is because we have seen fit -- and I'm not criticizing this -- but we have seen fit to leave the 60 mile an hour speed limit in there in daylight driving, and I know -- shall I say from personal experience, yes, from personal experience -- and I know from experience of other people who have passed me on the road when I have been flirting with the speed limit, that a great many people exceed the legal speed limit under good weather, road, etc., conditions much of the time. I can say to this Committee, and it is true, that I have had two Attorneys-General of the past -- and I am not referring to the present Attorney-General or to the immediate past Attorney-General, although I have no doubt that it applies to both of them, -- I am not referring to them at the moment, but two Attorneys-General before them have passed me on the highway when I was going the very full limit. And if I was going the full limit -- and maybe a little bit more -- then they were going it and that has happened time and time again. When I was driving a car for which the taxpayers paid, both the first cost and the operation, I was able under those circumstances to drive an expensive car and to travel very fast, and now that I have been reduced in my station to where I have to buy a car of my own, I of course drive a very, very modest little car and now stay with the speed limit for a change. And I notice that as I go to Portage la Prairie over these wonderfully good roads that the former administration built I find that more people pass me than stay behind me -- and that is true.

Now if we had changed the speed limit -- and I was going to talk about this in committee-- I happened to miss it and had decided to let it go, but I can't resist the temptation any longer now that it has come up -- if we had decided to change the speed limit a little bit more in keeping with the practice, then I wouldn't consider this so serious. But knowing as I do that a great many people, a great many of them, do exceed the speed limit regularly, then I think that that's all the more reason why we should give attention to the wording of this Act. I'm not

(Mr. Campbell, cont'd).....defending the people that exceed the speed limit. If it isn't high enough let's raise it, and quite frankly I think there is a case to be made under these circumstances for raising it; but I also think there is a good argument for not raising it, so I wasn't going to take any great part in that argument or at least I wasn't going to precipitate it -- and I'm not urging it now. I think maybe on balance it's better to leave it where it is. But I don't like leaving it where it is when I know that so many people break it without intending any harm and see them held responsible for something that I think, according to the wording of this Act, because as the Honourable Member for Brandon says, that it seems to tie in with careless driving in a later section with more serious connotations than just the speed limit itself -- I think we should attempt to get a better wording.

However, I'm impressed by the argument that the Honourable the Attorney-General uses that these commissioners have given a lot of time and attention to this. It's a tremendous temptation to me to debate with the lawyers the question of authority of jurisdiction here because I can't see personally anything more that is in the realm of property and civil rights that this case --and where the Federal Government can crowd us out of that, I don't know. But there are better lawyers than I dealing with this matter and I won't go into that point. I'll accept his statement on it, but I think that that being the case we should do what someone has suggested here: let's see that during the time before the Supreme Court decision is handed down that we don't unduly harass these people who may come up charged with this particular offense. Charge them with going too fast as long as 60 miles an hour is the speed limit. Charge them with that -- and there'll be a lot of us caught -- well, a lot of us except me, because now that I'm driving this little car I can't go any more than that. But a lot of you other folks will be caught and I'm perfectly willing to see you charged with what you deserve. (Interjection) If you were you'd have a tough time. But I don't like to see any of you charged with something that is more serious than the actual offense you committed.

MR. PAULLEY: Mr. Chairman, the Leader of the Opposition mentioned about this coming in while he was out of the room. Would anybody inform me as to whether or not the vote was changed after I'd left the committee room which made permissive the 70-mile an hour limit? That's still in there, is it? (Interjection)

MR. CAMPBELL: Isn't there a permissive 70 mile an hour in here?

A MEMBER: Yes.

MR. CARROLL: Mr. Chairman, we'll come to that section in just a moment. It was passed by the Committee.

MR. CHAIRMAN: 3 passed; 4 passed.

MR. WRIGHT: Mr. Chairman, in view of the fact that we are going to consider on the next page increasing speed limits on certain highways, section 4 here, that says a person shall be deemed to be driving carelessly when he is exceeding, when driving a truck upon a highway at a rate of speed greater than 50 miles an hour. Did we satisfy ourselves that that is -- someone mentioned that the trucking companies were content to leave it at 50 miles an hour.

MR. CARROLL: Mr. Chairman, at our committee meeting this point was raised. It has been discussed with the Manitoba Trucking Association and apparently it is their wish to retain the speed for trucks at 50 miles an hour.

MR. CHRISTIANSON (Portage la Prairie): Mr. Chairman, the reason given by the trucking companies was that the consumption of fuel and other reasons of their own, their own particular reasons, were why they would want the thing retained. Now I'm wondering if those are sufficient reasons for us to set up a legal limit to trucks, because in my own mind I think it would be far safer on Manitoba highways if the speed limit was the same for all vehicles. These trucks are equipped with excellent braking devices and can stop just as quickly as you can stop the average passenger car.

MR. PAULLEY:.....some consideration and this is the one that influenced my thinking, from the Association itself, was in the interests of safety on the highway. They pointed out that if they had the same speed limit as the ordinary automobile has on the highway, the chances are that the travelling public in their automobiles would never be able to pass them and they also took that under consideration in addition to gas consumption. That was their argument that influenced me, and at first I thought that they should have the uniform speed

(Mr. Paulley, cont'd)...limit but when that was drawn to the attention of the committee, to the Minister, it convinced me of the validity of that argument.

MR. CHAIRMAN: 5 (a) passed; (b) passed; (c) i, ii, iii.

MR. M. E. McKELLAR (Souris-Lansdowne): Mr. Chairman.....on this iii, most of us have driven a lot through different parts of the country where there is school zones. I don't think this will apply very good because most of us don't know what time the kids go to school or what time they have recess, and many of us could break this law without knowing -- on a miscount -- because many schools do not have recess and other ones have them at different times. I would like to see it if it was possible, change this from 8 o'clock in the morning until 5 in the afternoon or while the grounds are in use by the children. I would just like to get the opinion of the Committee here on that, so many of us could be charged for driving carelessly and still not have any knowledge of when the schools come in or go out or when the recesses are. (Interjection) No in the city or anywhere.

MR. J. M. HAWRYLUK (Burrows): Mr. Chairman, I just want to follow up what was just mentioned because it was brought to my attention by a party that I know, just recently was coming home, I think it was around ten o'clock at night, he was passing a restricted area in front of a school and he was picked up by the police even though he felt that he might have exceeded the 15 mile limit, and this particular party had to pay a fine. (Interjection) That's in the City of Winnipeg. Now the point is this, just as the member over there has just mentioned, I think I'd like to get a clarification from the Attorney-General. Does that law hold as far as the restrictions in the school areas where there is nothing at all going on after -- beyond the 15 mile limit for 24 hours of the day? I think it's an important question because I've been asked time and time again about it.

MR. LYON: .....this conviction, presumably was under a city by-law. Does the Honourable Member know or not, Mr. Chairman, whether that was a by-law conviction or a Traffic Act conviction? The present Traffic Act to the best of my recollection -- I don't have it in front of me; I think the wording of it is the same though as we find in (iii) here and it has never been my impression that a person driving by at night when the grounds -- if the grounds were not occupied -- that's the main guiding feature after school hours -- if there is a rink on the grounds, and the children are playing on the rink, then you should slow down. But if the grounds are not occupied I can't see cause for any conviction under this section. Now I don't know what the by-law says. I haven't seen the City by-law in this regard.

MR. HAWRYLUK: .....and this particular gentleman -- this happened in front of St. John's Technical School on Salter Street there and that school faces Salter. There is certainly no playground facilities at all and he was picked up as I said between 10 o'clock at night and he had to pay a fine -- (Interjection) -- Well, I mean I tried to tell him that but the point is this that we started a discussion among a group of men there and we couldn't find out exactly which was which and what was the law.

MR. W. B. SCARTH, Q.C. (River Heights): Mr. Chairman, when that case was before the magistrate the officers who were prosecuting would have had to give evidence that there were children on those playgrounds or wherever it was, otherwise the magistrate would not have convicted him; so that I think that there was very probably reason for the fine.

MR. HILLHOUSE: .....in the City of Winnipeg there is an absolute prohibition about passing a school at more than 15 miles an hour or passing a playground at more than 15 miles an hour regardless of the time of day or time of night. (Interjection)

MR. HAWRYLUK: Then why should there be one different law in the city and then outside of the city limits you have a different law? I think that's not quite fair.

MR. LYON: One of the purposes of this Act of course is to bring the provisions of the Highway Act, Traffic Act provisions and use of the road provisions more into line throughout the whole province, and one of the effects of this, I think, would be to move into some fields where heretofore they have been occupied by a municipal by-law.

MR. CHAIRMAN: (iv) passed; (v) passed. subsection 5 passed, 6 passed, 7, 8, 9, 10, 11 (a), (b) passed.

MR. JAMES COWAN (Winnipeg Centre): Mr. Chairman, I wish to speak on this question. It seems to me that this Legislature should be interested in trying to do what it can to reduce traffic accidents, reduce injuries, reduce fatalities on the road in this province, and I submit

(Mr. Cowan, cont'd)...that these subsections open the way to increasing traffic accidents, injuries and deaths on our highways. It gives the Traffic Board power to increase the speed limit up to 70 miles an hour both day and night on certain specified highways as it may decide. I think most of us know that excessive speed is a cause of accidents and I would just like to tell you of the percentages from the 1957 edition of "Accident Facts" put out by the national safety council in Chicago. And at page 50 it states "About 3 out of 10 drivers in fatal accidents were violating a speed law according to reports from 18 states. Specifically violations were reported for 32% of the drivers, 22% were exceeding stated speed limit and 10% were exceeding safe speed although travelling at less than the stated speed limit or on roads where no stated limits existed. These speed violations were factors in 38% of the fatal accidents even though only 32% of the drivers were violating." And from Manitoba we have a report entitled "Manitoba Highway Safety Report for the years 1956 and 1957 put out by the Commissioner of Motor Vehicles Mr. R. B. Baillie, and at page 30 it reports that "excessive speed was the driver violation indicated in 28.3% of all accidents in the province, and in 40.5% of all cases where there were fatalities." There was no other cause of accidents that equalled even half the number of accidents that resulted in fatalities from excessive speed. And then if you take the area outside of Winnipeg -- and I think that's the area we're concerned with primarily in these subsections -- we find that in 43.5% of the accidents excessive speed was the driver violation indicated, and in 42.4% of the cases where there were fatalities, excessive speed was the driver violation indicated. And so we still through speed....

MR. HILLHOUSE: That excessive speed, is that in excess of the legal limit?

MR. COWAN: It doesn't say in this Manitoba report. It says excessive speed. In the American report that I read they reported that there were violations in 32% of the cases, and in another 10% it was excessive speed. I would like to point out that in other provinces in Canada there is no place that the speed limits are similar to ours; in Saskatchewan the maximum speed limit is 60 miles per hour on pavement and 50 miles per hour on gravel or other surfaces; in the Maritimes the maximum is 60 miles an hour, in all the Maritime provinces; in Quebec 60 miles an hour; in Alberta 60 miles an hour, 50 at night; in Ontario 50, unless on specially designated highways - it can be higher than 50 in Ontario; and in British Columbia 50. And in the states that are near Manitoba, I checked upon a number of those, and we found that the maximum speed limit varied from 55 to 65 miles per hour. So in putting it up to 70 we're putting it up at a considerably higher rate of speed than exists in other parts of Canada and in many parts of the United States. And already we have heard that the Manitoba Trucking Association didn't want this speed increased over 50 miles per hour. They realize that speed means far more accidents and less safety. And then if we have a 70 mile per hour speed limit on certain sections of the highway, that is going to make for confusion. People will perhaps not realize just when they go off from a 70 mile per hour highway on to a 60 mile per hour highway, and vice versa. Then we have the fact that we are not saving very much time, if you're going 70 miles, a trip for 70 miles, it means that you will save 10 minutes in your time, not very much time to be saved, and yet perhaps we will save something in the way of an accident or a life, or prevent an injury. And then we have the fact that if you permit 70 miles per hour, a lot of people are content to drive at 50 or 60, and it makes for more cars weaving in and out of traffic.

And then we have another statistic that is shown in this Manitoba report that I think will be of interest to members of the committee and that is this fact: Under the heading, "leading causes of death at school ages 1955 in Canada" page 24 of this Manitoba report -- rate per one hundred thousand in the age group -- they vary the age group from 5 up to 24 -- but I will just give you the age group 5 to 24 - "the leading cause of death in Canada was traffic accidents 18.5% per 100,000 persons. The next cause was again less than half the first figure, 9.1% for drowning, and as a matter of fact accidents are now the fourth highest cause of death of all the population. And so I think, Mr. Chairman, if we wish to make for greater safety, if we wish to save lives, if we wish to save the great loss of property and injuries and suffering that we should not go along with the idea of this permission for 70 miles per hour speed limit.

MR. CAMPBELL: Mr. Chairman, I have a great deal of sympathy for the position taken by the Honourable Member for Winnipeg Centre; in fact, I think I can agree with practically everything he said. But I have a different or a further complaint to raise with regard to

(Mr. Campbell, cont'd).....section 11 and those immediately following, and that is that I do not like the principle of us giving to any Board the authority to make these orders. I think that's something that we should decide and put into the legislation ourselves here in this House. I admit it's not an easy decision to make. As I said a minute ago, I can see a good bit of good argument on each side of the question and maybe we should have some way of asking our experts and those departmental officials very close to this to make a further study of this question of speed limits and report to the House later -- perhaps something like that should be done. But in the meantime I do not like the principle of giving the authority to the Traffic Board to make this decision. I think this is a case where the government should make up its own mind and present legislation as they have done on so many of these things after study -- because it's not a simple matter -- but that the House should write the speed limits into the Act. I don't even like them being set by the Lieutenant-Governor-in-council. I notice that these Orders of the Board will have to be confirmed by order-in-council or else they disappear in three or four months or something of that nature. In the meantime I -- added to the objections that the Honourable Member for Winnipeg Centre has raised -- I raise these further ones because I think that's not a good principle and one that we shouldn't endorse.

MR. LYON: Mr. Chairman, on the point as to whether or not the Lieutenant-Governor should have the power. Of course, under the present Act he has that power for designated speed areas and so on and that power has been in the Act for very many years, so I don't see that there is any great abrogation of principle taking place in this proposed section at all. And of course the section says that unless sooner confirmed by the Lieutenant-Governor-in-Council the order would expire. Now I think it's apparent, and I'm not going to get into the field that is probably that of the Honourable the Minister of Public Utilities, namely, of describing for what purpose this would be used and on what designated roads and so on, but I did want to speak to that principle, and say that this is not a new principle insofar as this legislation is concerned. It appeared many, many years ago. I'm speaking from at least 12 years' experience in the field, in acts past, for very many years past. So I don't think there is any point in principle involved in that regard.

MR. CAMPBELL: Mr. Chairman, I think the Honourable the Attorney-General means though only so far as the Lieutenant-Governor-in-Council is concerned -- not the board.

MR. LYON: Not the board.

MR. CAMPBELL: I recognize that and my objection is the general one that's been raised very, very often in this House regardless of what government does it, and certainly we did it on many occasions. I think, and I've always agreed with the Honourable the present First Minister when he was in opposition, that we should keep to a minimum the amount of legislation that we leave to regulation by the Lieutenant-Governor-in-Council. And that's one thing, and I know that it existed before; it was becoming more usual in legislation as time went on. I think it should be kept to a minimum. But the one thing here is a new principle and that's giving the authority to the board to put it in for a certain length of time. I think that's much worse again.

MR. CARROLL: Mr. Chairman, I think that the view of the department with respect to speed is -- in all our considerations we were primarily concerned with the safety of the people of this province. It certainly is not our intention in introducing this legislation to make our highways less safe. In fact, it would be our hope to make the highways much safer than they are at the present time, because I think with the laws that we have today respecting speeds we're encouraging general disrespect for all the provisions of Highway Traffic Act, because these limits are not being enforced today. The public feel that the limits are unreasonable, and once you're over 60 miles an hour, you might as well be over 70 or over 80, so that I think that the public in general feel that these speed limits are unreasonable. I think that our laws should be capable of being enforced and I think that this is one of the things that affected the decision to provide for some raising of limits on some highways, and certainly there is no intention that this should be a general increase.

Now it's been suggested that most accidents are caused by speed. I regret that I don't have the information available with me at the moment, but I have seen graphs drawn by people expert in statistics and in motor vehicle accidents and it would appear from looking at these graphs that the safest speed would appear to be something around 60 miles an hour. The speed

(Mr. Carroll, cont'd) . . . . at which most accidents occur I believe is somewhere between 30 or 40 miles an hour, not at the higher speeds. There tends to be a general increase as you go above 60 miles an hour, but certainly there is no indication that speed in itself is primarily responsible for accidents. I think speed in relation to highway conditions is certainly a different thing. In other words we may have a 60 mile limit today, but if the weather conditions are such maybe 30 miles an hour would be an excessive speed. So I think that we must bear in mind that the greatest offense is driving too fast for the conditions and that could be traffic conditions; it could be weather conditions; it could be road conditions and many others.

Now the Attorney-General has advised that we plan to go to radar controls in this province some time in June, and this means an effective reduction in the enforced speed limits within this province, because we must allow a fairly wide tolerance with our present inefficient methods of enforcing the maximum speed limits on our highways. Now the Board, insofar as the Board setting the limits is concerned, they only have the power to set the limit for a very limited period of time, and we believe that the people best qualified to do that are the people that are most expert in this field. The people who understand highway construction and who understand the operation of motor vehicles and the technical matters that are involved here. And on this Committee we would hope to have members of the enforcement department, Public Works, the Motor Vehicle Branch and others who have this kind of technical knowledge that we think would be so desirable in coming to an intelligent conclusion with respect to speed. As I said there will be no general increase, in fact on some highways in the province, in the authorities in this Act there may be a decrease in maximum speed limits. The raising of the limits may be restricted to limited access highways or to four-lane highways and things of that kind. Certainly they will be well thought out and they will have to have the endorsement of the Lieutenant-Governor-in-Council before they have the effect of law, after the trial period.

We are building better highways today and we are building them with much wider shoulders and the Department of Public Works pointed out at committee that this was certainly one of the important factors in raising the speed limits; the shoulders should be wide enough for cars that break down to be completely off the highway.

With respect to warning devices for speed limits, I can assure the committee that we would insist that adequate signs be placed on our highways warning when you were entering and when you were leaving highways that had limits above the present maximum.

MR. HILLHOUSE: Mr. Chairman, I think the Honourable Minister of Utilities has enunciated a very dangerous principle. Namely, that if a law has been broken, the best thing to do is condone it by changing the law. I think that the problem as far as highway traffic is concerned, is lack of enforcement. We haven't got the police force in Manitoba to properly enforce our law; but with the introduction of radar I think perhaps we will be able to do it. And I don't think the answer lies, just because people are not travelling at 60 miles an hour, or travelling 65 miles an hour, is to jack up the speed limit, because once you jack it up to the 65 they are going to start travelling 70 and they'll keep increasing their speed according to the horsepower of their motor.

Now I agree with a great deal that the Honourable Member for Winnipeg Centre has said, and I believe too, that a great number of accidents on our highways are due to excessive speed, but unfortunately the statistics quoted by him do not tell us whether that excessive speed was in excess of the legal limit or whether just excessive speed having regard to the circumstances involved. But there is one point that I would like to make and that is this, that I don't agree with the principle of having a board fix speeds. I think that the traffic board should be a fact-finding board and should make recommendations to the Minister who in turn can pass on these recommendations to this House. I think that this House should be responsible for the laws made in this province and not some board.

MR. SMELLIE: Mr. Chairman, this question of speed is a question of relativity. I don't want to go into the theory of relativity but the . . . .

ONE OF THE MEMBERS: Sure, go ahead.

MR. SMELLIE: I wish I could but that is not the point in this debate. The Honourable Member for Winnipeg Centre indicated that there were many people content to drive at 50 or 60 miles per hour on our highways today. I am quite certain that he must drive on different highways than the ones that I drive on because I don't find many of them who are content to

(Mr. Smellie, cont'd)...drive at 50 or 60 miles per hour. I am like the Honourable Leader of the Opposition. I drive a modest car and I usually drive within the speed limit or very slightly in excess thereof, but I find that even driving very slightly in excess of the speed limit, most of the vehicles on the road are passing me.

The Honourable Member for Winnipeg Centre suggested that excessive speed was the effective cause of most accidents and in that regard I can heartily concur with him. But what is excessive speed? I think that if you take a look at the road conditions within this province, what is an excessive speed on one road may be a perfectly moderate speed on another road, having regard to the condition of the road itself and also having regard to the traffic which normally uses that road. Well I can think of the road conditions that I find travelling between my home and the City of Winnipeg. When you leave Winnipeg and you travel from here to the junction of one and four west of Portage la Prairie you find traffic conditions that I don't find again during the rest of my trip from that point home. There are many, many vehicles travelling on Number 1 highway and those vehicles, although they are travelling on a good road, present a traffic problem that I won't meet again between that point and my home. When I turn off Number 1 highway onto Number 4, we find a good highway with a good surface and good shoulders on that road. And I would suggest to you, Sir, that the speed of 60 miles per hour on Number 1 highway during daylight hours may be a reasonable one but when you get on to Number 4 highway there is less traffic that same speed may not be reasonable. And having regard to the conditions of the road it may be quite within the realm of safety to travel at 70 miles per hour or 65 miles per hour. Then again I think of other highways in this province where, although they may have a very good surface, they have no shoulders at all or only a two foot shoulder. So that if any vehicle gets into difficulty, if he has a flat tire and has to stop he can't pull off the travelled portion of the road, and he then creates a traffic problem that you wouldn't ordinarily expect and a speed limit of 60 miles per hour may not be a satisfactory speed on that particular road.

I would suggest, Sir, that this Committee take consideration of the fact that when we come to subsection 15 of this same section we are giving this same authority, same Board the authority to reduce speeds where the present maximum speed limit is not a reasonable one. And I would suggest to my honourable friend from Winnipeg Centre that what may be an excessive speed under some road conditions may be a very moderate speed on the same road under different conditions. If the sun is shining and the traffic is moving normally a speed limit of 60 miles per hour may be a reasonable one, but on that very same road during a snow storm 60 miles per hour may not be a reasonable speed at all. I am one of those, Sir, who would prefer to see no set speed limit, because you cannot set a speed limit which is satisfactory under all conditions. I think of the case where we have the one man driving a 1960 model car which is in excellent condition and we have another man on the same road driving under exactly the same traffic conditions who is driving a farm truck that hasn't seen the inside of a garage for 15 years. Now is the same maximum speed limit to apply to both those vehicles? Technically the same maximum does apply, but within the limits of what is safe and proper I would think that there would be a totally different speed limit for those two drivers. I would suggest, Sir, that the suggested section of this Act that we are now discussing is reasonable under all the circumstances. It is at least a step in the right direction and if we can't eliminate these set maximum speed limits then at least this is some improvement over what we have had in the past.

Section 14, 70 - 3 (3) to Section 42, were read and passed.

MR. CHAIRMAN: Will the Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of the Whole House has considered certain Bills and directed me to report as follows: No. 15, No. 16, No. 45, No. 56, No. 64, No. 65, No. 66, No. 68, without amendment, and No. 53 amended, and ask leave to sit again.

MR. MARTIN: Mr. Speaker, I beg to move, seconded by the Honourable Member from Minnedosa the report of the Committee be received.

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

MR. SPEAKER: Orders of Return. The Honourable Member for Emerson.

MR. JOHN P. TANCHAK (Emerson): Mr. Speaker, I move seconded by the Honourable Member from Gladstone that an Order of the House do issue for a return showing: 1. What government departments, boards, commissions, and crown companies have employed the services of G. Campbell MacLean as solicitor, or in any other capacity since the present government took office in June 1958. 2. What government departments, boards, commissions and crown companies are at present employing the services of G. Campbell MacLean and how much is he being paid and on what basis in each case. 3. For what period has he been employed. 4. How much has he been paid by any government department, board, commission or Crown company since June 1958. And 5. On what basis is he now being paid?

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

MR. SPEAKER: Address for Paper. The Honourable Member for St. John's.

MR. D. ORLIKOW (St. John's): Mr. Speaker, I move, seconded by the Honourable Member for Seven Oaks that an humble address be voted to His Honour the Lieutenant-Governor for a Return of: 1. All the correspondence between the Government of Manitoba and/or the Manitoba Telephone System and the Canadian Broadcasting Corporation with regard to the provision of facilities for the extension of TV service to Northern Manitoba.

Mr. Speaker put the question.

MR. ROBLIN: Mr. Speaker, I'm not rising to oppose this address, but merely to say that am not quite clear as to whether it's conventional to ask the permission of the Dominion Government with respect to correspondence with the Canadian Broadcasting Corporation. It may not be necessary to do that but if it is I make the reservation, but I do not oppose the address.

MR. SPEAKER: I didn't hear the last sentence.

MR. ROBLIN: Pardon Sir.

MR. SPEAKER: I didn't hear the last sentence....

MR. ROBLIN: Oh, I do not oppose the address.

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

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Member for Turtle Mountain. (Stand).

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Member for Inkster and the amendment thereto by the Honourable for Rhineland. The Honourable Member for St. Matthews.

MR. MARTIN: Mr. Speaker, there are two things that I would emphasize briefly in connection with this matter. One is that under the Social Allowance Act of Manitoba, the government accepts as a first responsibility its duty to old age pensioners, and that anyone who has attained the age of 65 and who is in need may qualify for extra cash allowance on the basis of need. The point being that here in this province we are recognizing the place that our senior citizens have in our economy and if they come towards the eventide of life without the necessary means of subsistence and are in need of help, they can apply for this cash allowance. The other thing I would mention, Mr. Speaker, is just this that as the Federal Government, under the Unemployment Assistance Agreement, is sharing 50% of all cash allowances given on the basis of need, and that the government has undertaken to do this as of February 1st, that I consider the amendment of the Honourable Member from Rhineland as not in order and suggest that it be voted down.

MR. J. M. FROESE (Rhineland): Mr. Speaker, if there's no one else that wishes to speak I would like to close the debate.

MR. ROBLIN: I would like to point out, Mr. Speaker to my honourable friend that I believe he is the mover of the sub-amendment. That does not give him the right to close the debate. That is only accorded to the mover of the main motion, so having spoken and introduced the sub-amendment he has exhausted his opportunity to speak on this occasion.

MR. GRAY: Mr. Speaker, can I close the debate now?

MR. ROBLIN: I think, Sir, my honourable friend has already spoken on the sub-amendment; therefore we have to take the question unless there's someone else who wishes to speak.

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

MR. PAULLEY: The ayes and nays please, Mr. Speaker.

MR. SPEAKER: Call in the members. The question before the House is the amendment to the motion introduced by the Honourable Member for Inkster by the Honourable Member for Rhineland, the amendment reads as follows: "that the words from \$55 to \$75 per month in the last line be deleted." Are you ready for the question?

A standing vote was taken, the result being:

YEAS: Messrs. Campbell, Desjardins, Dow, Froese, Gray, Harris, Hawryluk, Hillhouse, Molgat, Orlikow, Paulley, Peters, Prefontaine, Reid, Schreyer, Shoemaker, Tanchak, Wagner, Wright.

NAYS: Messrs. Alexander, Baisley, Bjornson, Carroll, Christianson, Corbett, Cowan, Evans, Mrs. Forbes, Messrs. Groves, Hamilton, Hutton, Ingebrigtsen, Jeannotte, Johnson (Assiniboia), Johnson (Gimli), Klym, Lissaman, Lyon, McKellar, McLean, Martin, Ridley, Roblin, Scarth, Seaborn, Shewman, Smellie, Stanes, Strickland, Thompson, Watt, Weir, Witney.

CLERK: Yeas 19; nays 34.

MR. SPEAKER: I declare the motion defeated. The question before the House is now the motion for the Honourable Member for Inkster that this House request the government to petition the Federal Government for an increase for Old Age Blind Pensioners in the Province of Manitoba from \$55.00 to \$75.00 a month.

MR. MARTIN: Mr. Speaker, there have been many important utterances in this House on this very vital question. It isn't my intention to delay the House at this particular time by making an extensive speech because one member on my right here has placed the case very thoroughly before the House as have others. And so, Mr. Speaker, I beg to move, seconded by the Honourable the Member for Winnipeg Centre that the resolution be amended by deleting all after the word "House" in the first line thereof and adding: "approves the principle that a major responsibility of the government is to meet the needs of those over 65 years of age as provided in the Social Allowances Act."

Mr. Speaker put the question.

MR. PAULLEY: I wonder if you would be so kind as to take the subject matter of the amendment under advisement. I question as to whether it is in order.

MR. SPEAKER: Yes, I'll take it under advisement. Adjourned debate on the proposed resolution of the Honourable Member for Fisher and the proposed motion in amendment thereto by the Honourable Member for Hamiota and the proposed motion in further amendment by the Honourable Member for Carillon. The Honourable the Minister of Agriculture.

MR. HUTTON: Mr. Speaker, in rising to speak on this resolution I do so realizing the many and varied opinions that are held, not only by the members of this House but by those who are interested in the farm industry and the farm community throughout, not only throughout Manitoba but throughout the length and breadth of this country. And so whenever one expresses an opinion with regard to the question of agriculture and especially the problems that agriculture has to face at the present time, one is certain that he will not receive the agreement of all who may have the pleasure, or displeasure of having to listen to him.

The other day, Mr. Speaker, when the Honourable Member for Carillon spoke to this resolution in making his amendment, he congratulated the Honourable Member for Fisher on a point well taken and a speech well documented. I would agree with the Honourable Member for Carillon that when anyone takes up the point of the farmers difficulties today, it is indeed a point well taken. Certainly if there's anyone in our economy who is finding difficulties it is the farmer, but, although I can join the Honourable Member for Carillon in his congratulations on these two points, I must take issue with some of the statements made on this general question during the debate in the House. It has been suggested that all we have to do to solve the farm problem in Canada is to introduce deficiency payments with regard to cereal grains.

Now I think it might be worthwhile to take a look at the results of such a policy in the United States where the farmers have had the benefit of a policy that is being advocated and was, I think, forthrightly advocated by the Honourable Member from Brokenhead. And he took issue with those who criticized the policy that has been followed in that country and felt that the farmers in the United States had had a material advantage over the farmers in this country. Well, they have had a price support policy down there growing out of the era of '35 to '39 and during the war years and in the post-war period the supports were raised to artificially high

(Mr. Hutton, cont'd.)....levels and maintained there over a long period of time and even today they enjoy supports, although there's a great deal of controversy over it, they still enjoy supports on some of their field crops that are higher than those in Canada. And yet here's what's happening down there. 75% of the farmers in the United States produce 15% of the marketed products; this in spite of a generation of high price supports; 75% of the farmers producing 15% of the marketed products -- in other words 75% of the farmers in the United States getting the advantage of the money that is put into these price supports. 15% of the money. 800,000 farm people are migrating annually from the farm to the cities. One million of the farm families in the United States consume about 75% of all they produce. Two million farm operators grow only 15% of the country's products. Not the products marketed but they grow 15% of the total products produced. They've got an annual budget down there for agriculture of 6.7 billions; they're piling up the grain; they call it the great American dilemma today. One speaker referred to it as the schizophrenia or the schizophrenia affecting the American society, and I have here some articles taken from Life Magazine of last December and they show you what has happened in a very distinct manner. Here we have the heading of "The Farmer and the Dough"; this is the extremes it has led to "The Farmer and the Dough." Jack O'Neill of Fresno, California farms 5,000 irrigated acres in the once parched San Joaquin Valley, he grows cotton, barley, seed alfalfa and melons; he feeds 5,000 head of cattle and sells the beef in his own meat packing plant; he runs a frozen food business; operates a television station; he has his own plane and private pilot. One of the giants among prosperous California --- business men, he is worth several million dollars." And this man takes annually as much as \$40,000 out of the funds that are allocated, supposedly to help the American farmer that is in trouble, and the only reason he just takes \$40,000 is the fact that he sells most of his produce outside of the government support plan. But there are many down there who operate on as large a scale who milk the government of the United States, while 800,000 each year have to give up the ghost and leave the farm. In Canada on the other hand where we haven't enjoyed the benefits of a munificent Federal Government, the largest 15% of our farms produce more than 70% of the products marketed or 85% of our farmers market 30% of the farm products. It isn't quite as bad here.

The question that comes to my mind is that, has this policy in the United States done anything to help the farmer who is in trouble over and above the policy and policies that have been followed in this country, and I think that the evidence is 100% against the idea that a type of policy that the United States Government has followed can help the farmer who's on the margin; the farmer who is really in trouble. And I would suggest, gentlemen, and I have said this to the honourable members in the past in the short time that I've been in this House, that we have a real trouble, a real problem in agriculture and it's on that which we've got to get onto, but I don't think we're going to do it if we merely grasp out at something that looks attractive and that seems easy to sell. I think that to be honest to the farm community and with ourselves we have to face up to it; we've got to spend money but it's going to take time, and we have to spend it in the right places and in the right way if we're going to effect a solution to the present crisis. We can help some by merely increasing the prices, and I have nothing against increasing the prices; I'd love to see higher prices, and I think the farmer is entitled to higher prices, but if we do this indiscriminately without solving the basic and fundamental problems in agriculture, in the long run we're not doing anybody any favour, either ourselves, the farm community or the people whom we say we want to help.

I have a quotation here from Dr. McFarlane of MacDonald College who states, referring to the farm policy of the past; "What is important is that we recognize the fact that the farm policy measures employed to the present time, research, credit, rehabilitation price supports and crop insurance make almost no contribution in the direction of dealing with poverty and agriculture." In another place he has this to say, "The wheat farm organized on the basis of annual production of 6,000 to 10,000 bushels per man or the dairy farming which has a production of more than 200,000 pounds of milk per man, generally has the overall efficiency to yield a good living even with today's prices. The result of the policy in the past and of the operation of our enterprise economy has been that the large farm units, highly capitalized have been able to make moderate to quite satisfactory returns." And then he goes on to say where the real problem lies of a small farm.

I think that it's important that we diagnose the troubles and try and discover what the

(Mr. Hutton, cont'd.)....real trouble is. I have some interesting figures here that I was able to get from the Canadian Wheat Board with regard to the size of farms and the percentage they make up of the total farm picture in this province. And 49% of our farmers in the Province of Manitoba have less than 199 acres, that is specified acreage -- listed in their permit books and I think that we can be sure that these figures are accurate. 71% of them have less than 300 acres.

MR. E. R. SCHREYER (Brokenhead): Is that arable acreage.

MR. HUTTON: Yes that is cultivated acreage. It includes all their field crops, summer-fallow, forage crops and so on. When 71% of our farms fall into this class with 300 acres or less of cultivated land, I think we have to recognize that their difficulties in financing aren't just the price of grain. One of the difficulties that we face on the farm today is the fact that our yield in a sense is limited. Now it's true we can grow 40 bushel per acre crops but we can't deliver them. If we have a crop failure as the people in the constituency of the Honourable Member for Carillon had this year, we can't make it up next year even if we have a bumper, and I'm sure the Honourable Member for Carillon remembers the days when, if a farmer had a poor crop he used to look forward to next year. Well the fact that we have these quotas today and this restricted delivery system, we can't look forward to next year. If you lose a crop it takes years to make it back if you try to do it purely on the delivery of grain. I know this from experience. If you lose half your crop this year and under the existing quotas in that delivery year you might have been able to deliver a 20 bushel crop and you lost half that and you didn't have it to deliver, the next year when you come back and you try to recoup your losses, it doesn't matter whether you had 30 or 40 you can still only deliver that 20 bushel to the acre. And this is a real problem and it's just as real as the price problem, and it's driven an awful lot of our farmers into livestock farms, and I'll deal with that a little later.

I would like to give you some figures as to what we the farmers of Manitoba could deliver and did deliver on the average in wheat, oats and barley in the '57-'58 crop year and in the '58-'59 crop year. In '57-'58 we could deliver 17.67 bushels per seeded acreage. If you had the grain you could deliver 10.26 bushels of oats, barley 10.71 bushels; this is the maximum on the average that you could deliver. In 1958-'59, 17.52 bushels of wheat. If you delivered as much wheat as you possibly could and delivered all the oats that you could, 7.78 bushels per seeded acres, and barley 14.02 bushels per seeded acre. Well, I am quite sure that the honourable gentlemen sitting across the way know very well that even if the prices were better it's still going to be a difficult job to finance a farm on those kind of deliveries. I know they agree with this because anyone that's had any experience with farming knows that you have to have more than that kind of a yield to make a living at this game. Now, what happens when we lose a crop, we get behind and we've got no way to catch up except maybe somebody wants to buy some cheap feed grain. And then we under sell the Wheat Board price. And this has gone on more than we know, 35 cents a bushel for oats; 48 isn't a good price, I'll admit that, but 35 isn't nearly as good. And if you can't make money growing grain at 48 cents --oats at 48 cents a bushel, surely you're going to lose a lot more by selling it for 35. But countless farmers in Manitoba during the last four and five years have been selling their grain consistently, and I know there are members on the other side of the House who know this and are aware of this. They have been selling their grain consistently, some of it at least, to people who are feeding livestock or poultry, at below Wheat Board prices, much below, often times, even initial Wheat Board prices in order to get their hands on some money. Now I think this is one of the things that we have to recognize, that this is just as much a problem to the farmer, the market for his grain, as price. Now as I have said this has led the farmers of this province and other western provinces to go into livestock. This isn't bad really, in the long run, it's the best thing in the world that can happen to Manitoba. But when the pressure comes on as it did suddenly and the farmer finds himself pressured into the position where he must convert this grain in a hurry into livestock, and livestock products and poultry products, he has a tendency to go into those lines of livestock production where he is going to get a quick return on his investment. He is going to go into turkeys, he is going to go into poultry, he is going to go into pork to name a few. And when he does that this causes more trouble because we get overproduction of products that aren't easily stored and held as is the case with cereal grains. And so temporarily we find ourselves in difficulty there.

(Mr. Hutton, cont'd.) . . . . And I am going to make the statement, and you can take issue with me if you wish, that one of the underlying troubles with the whole western economy today, is not primarily the price of cereal grains but it is the uncertainty of the marketing situation. It's this dark cloud, really in a sense, that hangs over us from year to year and even when we are fortunate enough to get rid of more grain in one year, we still aren't certain when we go out to sow that crop, what we are going to be able to sell and we are afraid it isn't going to be too much, and sometimes when the decision has to be made as to whether we are going to sell fertilizer or not, we decide against it because you can't pay for fertilizer with grain that you're holding in the bin. And so I maintain that the best thing that can happen to Canada is for our Federal Government to try and get this surplus of cereal grains off the backs of the western Canadian farmers as fast as they can. This is the most important thing, not only to the grain-grower but to all the other producers who rely on grain for their feed requirements.

MR. ROBLIN: Mr. Speaker, if I may interrupt my honourable friend and observe that it is pretty nearly 5:30 and normally at this time of the day you leave the Chair, Sir. My honourable friend interests me in his speech and he has some more to say. Normally, I suppose he would be through now and perhaps have an opportunity to continue next time private members roll around, and if that is the wish of the House we can do that. On the other hand if it is the wish to allow him to finish his speech when we resume, I suppose that can be done, but I would like it to be understood that I know my honourable friend would not wish me to ask for any special consideration in this matter, only if the House feels that they want to hear his speech after the dinner recess. Otherwise, perhaps I might have the indulgence to allow him to stand it over until the next time that this item turns up on the private members' agenda.

MR. PAULLEY: Mr. Speaker, if I may just make one observation and I, too, am enjoying the remarks of the Honourable Minister of Agriculture. And I think that possibly we should cease now and let the Honourable Minister continue the next time we meet. But I do suggest this, Mr. Speaker, that it has been enjoyable and educational listening to the Honourable Minister, but I do not think, as interesting as it is, that at one point in his discourse has he referred or debated the subject matter under the amendment to the amendment. It may be that these are just his preliminary remarks up to the amendment to the amendment, and I give him credit if that is the case. But I would suggest that in case his notes that he has with him at the present time do not eventually get to the amendment to the amendment it might be well if we cease now and the Honourable Minister pick up where he leaves off today. But I do assure him and the First Minister that I also have enjoyed, most thoroughly his discourse thus far.

MR. CAMPBELL: Mr. Speaker, as far as we are concerned either method is quite satisfactory to us either that the Honourable Minister continue this evening, if that's what the government prefers or that we consider that the motion stands adjourned for him when it next comes up.

MR. ROBLIN: Mr. Speaker, I thank the House, Sir. I would suggest if the Minister can promise us that he can finish up in about 20 minutes that we might hear him after the dinner recess and then proceed to the Committee of Supply. So if that is satisfactory Sir, perhaps you might call it 5:30.

MR. SPEAKER: It is 5:30. I shall leave the Chair until 8:00 o'clock.