

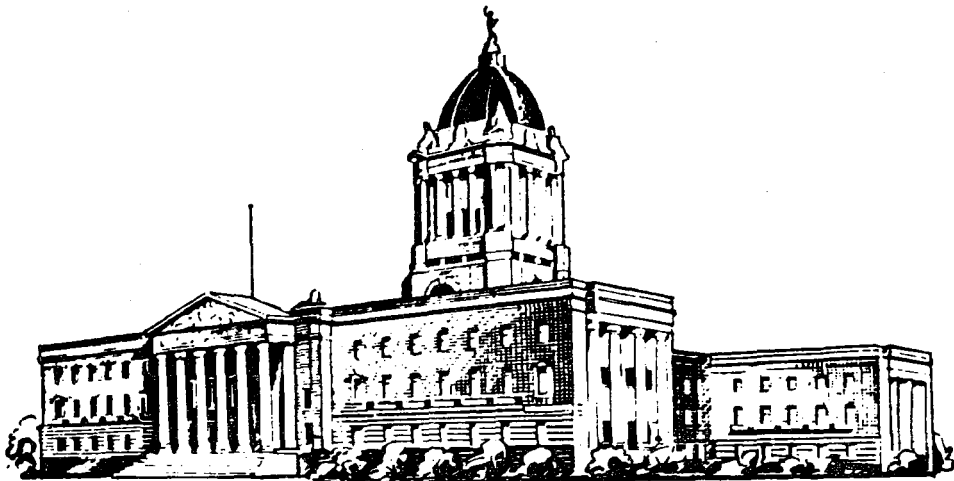


Legislative Assembly of Manitoba

**HEARING OF THE STANDING COMMITTEE
ON
PRIVATE BILLS**

Chairman

**Mr. D. James Walding
Constituency of St. Vital**



TUESDAY, June 14, 1977 9:30 a.m.

Private Bills
Tuesday, June 14, 1977

TIME: 9:30 a.m. CHAIRMAN: Mr. D. James Walding

MR. CHAIRMAN: Order please. We have a quorum gentlemen. The Committee will come to order.

PRIVATE BILLS

BILL (NO. 58) - AN ACT FOR THE RELIEF OF PETER MARTENS

MR. CHAIRMAN: We have one bill before the Committee this morning, Bill 58, An Act for the Relief of Peter Martens. If you recall this was held over from the last meeting. Is the solicitor for Mr. Martens present please? Mrs. Helper.

MRS. HELPER: Good morning gentlemen. I wish to inform the Committee that I spoke personally with Mr. John Bergen on Thursday evening and on Friday a copy of both the bill and the petition that was presented by Mr. Martens was served upon Mr. Bergen. I also served the Manitoba Public Insurance Corporation yesterday with a copy of the bill and the petition that was presented by Mr. Martens.

When I did speak to Mr. Bergen he advised me that either he himself would be present or he would have somebody else speak on his behalf this morning, however, to my knowledge he is not here this morning.

MR. CHAIRMAN: Thank you, Mrs. Helper. Anyone else present wishing to speak to the Committee on Bill 58? There being none shall we proceed page by page? Page 1—pass; Page 2—pass; Preamble—pass; Title—pass. Shall the bill be reported? Mr. McGill.

MR. EDWARD MCGILL (Brandon West): Mr. Chairman, the circumstances that are related here in connection with Mr. Martens' position, are, it seems to me, related entirely to his lack of knowledge of the requirement in respect to the Statute of Limitations. If the Committee finds in favour of this claim, or this bill, it will have great difficulty, I think, in rejecting any other claim by any other person who simply says I was not aware of the law. My problem here is to accept that as a legitimate reason for setting aside the Statute of Limitations in this matter and, I think the Committee should seriously consider this as to whether or not it is considered a valid reason for providing relief in the case of an applicant who's almost total claim is based upon an ignorance of the law.

MR. CHAIRMAN: Any further discussion? Shall the bill be reported? Mr. Petursson.

MR. PHILIP M. PETURSSON (Wellington): Isn't there some way in which people who suffer damage, with the possibility of suit following, of informing them that it must be done within the terms of the Statute of Limitations, the time — could it be done through Autopac if there is an injury, things of that sort, or some other way. Is there any kind of a recommendation that we could make in that direction and it would eliminate this sort of thing?

MR. CHAIRMAN: Mr. Bilton.

MR. JAMES H. BILTON (Swan River): Mr. Chairman, going along with the thought that has just been expressed to the Committee, I am at a loss to understand why Autopac, this man was obviously a client of theirs and they offered him a settlement, as I recall the remarks that were made earlier, it seems to me as a government agency, in his interest that they might have indicated that the Statutes of Limitation existed and assisted him in that direction, as well as in other directions. As a consequence I have an open mind on it at the moment, and as sad as the case may be, it seems an awful long time has gone by and the legal profession know of this too, and why the contact at such a late date?

MR. CHAIRMAN: Any further discussion? Are you ready for the question? Those in favour that the bill shall be reported please raise their hand.

MR. CLERK: Three.

MR. CHAIRMAN: Those opposed.

MR. CLERK: Five.

MR. CHAIRMAN: The Motion is lost. Anything further for the Committee this morning? Committee rise and report. Committee rise.