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BJORNSON, Oscar F.	Lac du Bonnet	Lac du Bonnet, Man.
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CARROLL, Hon. J.B.	The Pas	Legislative Bldg., Winnipeg 1
CHRISTIANSON, John Aaron	Portage la Prairie	86-9th St., N.W., Ptge. la Prairie, Man.
CORBETT, A. H.	Swan River	Swan River, Man.
COWAN, James, Q.C.	Winnipeg Centre	512 Avenue Bldg., Winnipeg 2
DESJARDINS, Laurent	St. Boniface	138 Dollard Blvd., St. Boniface 6, Man.
DOW, E. I.	Turtle Mountain	Boissevain, Man.
EVANS, Hon. Gurney	Fort Rouge	Legislative Bldg., Winnipeg 1
FORBES, Mrs. Thelma	Cypress	Rathwell, Man.
FROESE, J. M.	Rhineland	Winkler, Man.
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HAMILTON, William Homer	Dufferin	Sperling, Man.
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HARRISON, Hon. Abram W.	Rock Lake	Holmfield, Man.
HAWRYLUK, J. M.	Burrows	84 Furby St., Winnipeg 1
HILLHOUSE, T.P., Q.C.	Selkirk	Dominion Bank Bldg., Selkirk, Man.
HRZHORCZUK, M.N., Q.C.	Ethelbert Plains	Ethelbert, Man.
HUTTON, Hon. George	Rockwood-Iberville	Legislative Bldg., Winnipeg 1
INGEBRIGTSON, J. E.	Churchill	Churchill, Man.
JEANNOTTE, J. E.	Rupertsland	Meadow Portage, Man.
JOHNSON, Hon. George	Gimli	Legislative Bldg., Winnipeg
JOHNSON, Geo. Wm.	Assiniboia	212 Oakdean Blvd., St. James, Wpg. 12
KLYM, Fred T.	Springfield	Beausejour, Man.
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LYON, Hon. Sterling R., Q.C.	Fort Garry	Legislative Bldg., Winnipeg 1
MARTIN, W. G.	St. Matthews	924 Palmerston Ave., Winnipeg 10
McKELLAR, M. E.	Souris-Lansdowne	Nesbitt, Man.
McLEAN, Hon. Stewart E., Q.C.	Dauphin	Legislative Bldg., Winnipeg 1
MOLGAT, Gildas	Ste. Rose	Ste. Rose du Lac, Man.
MORRISON, Mrs. Carolyne	Pembina	Manitou, Man.
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PAULLEY, Russell	Radisson	435 Yale Ave. W., Transcona 25, Man.
PETERS, S.	Elmwood	225 Melrose Ave., Winnipeg 15
PREFONTAINE, Edmond	Carillon	St. Pierre, Man.
REID, A. J.	Kildonan	561 Trent Ave., E. Kild., Winnipeg 15
ROBERTS, Stan	La Verendrye	Niverville, Man.
ROBLIN, Hon. Duff	Wolseley	Legislative Bldg., Winnipeg 1
SCARTH, W.B., Q.C.	River Heights	407 Queenston St., Winnipeg 9
SCHREYER, E. R.	Brokenhead	Beausejour, Man.
SEABORN, Richard	Wellington	594 Arlington St., Winnipeg 10
SHEWMAN, Harry P.	Morris	Morris, Man.
SHOEMAKER, Nelson	Gladstone	Neepawa, Man.
SPELLIE, Robert Gordon	Birtle-Russell	Russell, Man.
STANES, D. M.	St. James	381 Guildford St., St. James, Wpg. 12
STRICKLAND, B. P.	Hamiota	Hamiota, Man.
TANCHAK, John P.	Emerson	Ridgeville, Man.
THOMPSON, Hon. John, Q.C.	Virden	Legislative Bldg., Winnipeg 1
WAGNER, Peter	Fisher	Fisher Branch, Man.
WATT, J. D.	Arthur	Reston, Man.
WEIR, Walter	Minnedosa	Minnedosa, Man.
WITNEY, Hon. Charles H.	Flin Flon	Legislative Bldg., Winnipeg 1
WRIGHT, Arthur E.	Seven Oaks	4 Lord Glenn Apts. 1944 Main St., Wpg. 17

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Tuesday, March 7th, 1961.

MR. SPEAKER: Adjourned debate on the proposed motion of Bill No. 17. The Honourable Leader of the CCF Party.

MR. PAULLEY: Mr. Speaker, I want to thank the House and you, particularly, for calling it 5:30 when in effect it was only 26-1/2 minutes past 5 o'clock. Because while I may not be too long on this particular bill, I think that we should give very serious consideration to the subject matter of the bill before we pass the same to second reading. To me it's rather unfortunate that the bill is introduced as it is, containing a number of clauses. I can appreciate very, very much the desire of the school district of St. James to have properly the name of the school division or St. James School division, and the first few sections of the bill before us, Mr. Speaker, suggest that the Legislature should make those changes, and I am quite in accordance with them. But I think Sir, that it is very, very unfortunate that the bill contains also, another clause which I think departs from a principle which we have tried to establish in this House -- with the co-operation of all parties of attempting to have some uniformity in the school divisions in Manitoba. It appears to me, Sir, by section #7 of the bill that this Legislature is being asked to do something that has been rejected by a Board of Revision Committee and also by one of the courts of the Province of Manitoba. Now, Sir, it's not always that we as individual members of this Legislature may agree with the decisions of the Court, but I think in this particular case the learned gentleman who heard the case was perfectly correct. I am not standing here this evening, Mr. Speaker, as the leader of my particular party but as an individual who is vitally concerned with the principle contained in this bill. I was pleased and I feel sure that other members of the assembly also received a communication from the chairman of the Assiniboine North School Division No. 2 of Kirkfield Park, address of Kirkfield Park, outlining for our information what is proposed in this bill. And basically Sir, it appears to me that what is being attempted by the school division of St. James is to take away from the Assiniboine North School Division what may be a valuable section of property.

I happen to have been born, Sir, in a district which is called Weston and had an opportunity during my childhood days, which are a few years away, to come to know this particular section of Greater Winnipeg that the school board or school division of St. James are now desirous of taking away from the Assiniboine North School Division and having included in the school division of St. James. This particular area for a number of decades was an area far removed from the central area of St. James, it appeared that there was not much hope for the future of this particular area. And now due to the rapid expansion of the industrial areas of Greater Winnipeg it appears to me that the school division of St. James are desirous -- because of the revenues it may receive from this area -- of having it included in their school district. When the School Boundaries Commission were considering the areas which should comprise the respective divisions in the province, this particular area which for many years had been considered a component part of Brooklands to all intents and purposes, was included in the Assiniboine North school division. I'm not aware, Mr. Speaker, of any objection being raised on the setting up of the school division areas at that time by the school division of St. James, but due as I say to the rapid expansion of industrial Greater Winnipeg in the last year or so, this area has become very valuable. I think when the school divisions commission were setting up the school areas, they did take under consideration the fact of trying to have a reasonable level of assessment within the area, and I think the Assiniboine school division, including this portion which the St. James school division now wishes to take out, was set up with that objective in view. It appears to me as I study the assessment figures of the areas concerned that due to the development of the area under consideration of transfer that it may be that the taxpayer, due to industrial expansion, the taxpayer in the Assiniboine North school division may have some alleviation as to the cost of education on the ordinary taxpayer. I don't think I need to say to the members of this assembly, Mr. Speaker, that the people that I am primarily concerned with, are the people in the village of Brooklands itself. These people are of ordinary means. I think the village of Brooklands, which is a component part of the Assiniboine school division, should be congratulated on their struggle over the years for a fight for their existence and the improvement of their community; and in this there is an opportunity for

(Mr. Paulley, cont'd.) them to obtain within the school division which extends of course as it does, to areas southerly across to the Assiniboine River, some reward for their services.

The alternative would be that the relatively rich school division of St. James would garner on to itself, if we passed this bill as it presently stands, additional high-priced or high assessed property into the school division of St. James. I have no quarrel with the school division of St. James as such. I think that they're doing a very, very good job, as I think most of our school divisions in Manitoba are doing, but after this matter had been referred to a board of reference and the appeal of St. James had been rejected, and then after the matter had been further appealed to His Honour, John Solomon the County Court Judge, I think there, the school division of St. James, should have allowed their case to rest. The other night, or last night when I was speaking on the department of agriculture estimates, I said that I was no lawyer, and of course I am not, but I wonder after all of this procedure has been gone through, whether we as a Legislature have any right to take this matter under consideration, because if I recall the school act correctly, or that portion of the school act, dealing with the setting up of school divisions, there is a clause in there that after the school divisions have been set up and such things as the procedure that has been gone into in respect of the school division, that the school division shall remain intact for a period of five years. I stand to be corrected on that, but that appears to me, Mr. Speaker, to be my interpretation correctly or otherwise, of the School Divisions Act of the Province of Manitoba. I think if that is so -- and again I'm subject to correction -- if that is so the school division of St. James exhausted their legal procedures when this matter was referred to a board of reference and then appealed to a County Court judge. So, Sir, I say to the Members of the Legislature give this matter your very serious consideration. I have no quarrel with the school division of St. James, but I do suggest that there is a very very vital principle involved in this section of the bill that can be detrimental to the whole system of school divisions here in the Province of Manitoba, and that if we allow ourselves to be led into the support of, particularly this section of the bill, then it is conceivable that every session of the Legislature we will have bills before us to change the plans, to change the division of every school district in the Province of Manitoba. And while, as I said at the offset, Mr. Speaker, I can appreciate the first sections of the bill and the desirability to change the name from St. James School Board or school -- whatever it is -- to school division, I can appreciate that, but I respectfully suggest as a matter of principle and not as a matter of politics or any consideration of politics, that the members of this assembly should give very very serious consideration before allowing this bill to pass.

MR. SPEAKER: Are you ready for the question?

MR. CAMPBELL (Leader of the Opposition) (Lakeside): Mr. Speaker, if there's a likelihood of this bill going to the vote at the present time I would simply wish to say that while I do not -- and I think at least some of my group take this same position, we do not intend to oppose the second reading -- that as far as we are concerned we make the same reservation with regard to the points that have just been mentioned -- the Honourable Leader of the CCF Party as he makes. I would not want it to be thought that I was supporting that part of the bill.

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

MR. SPEAKER: Committee of Supply.

MR. ROBLIN: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Agriculture that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the supply to be granted to Her Majesty.

Mr. Speaker presented the motion and after a voice vote declared the motion carried, and the House resolved itself into a Committee of Supply.

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

MR. CHAIRMAN: Administration 1 (a) . . .

MR. CAMPBELL: Mr. Chairman, does the Minister intend to continue with his

MR. HUTTON: Yes I do. Oh I couldn't, Mr. Chairman, let the Honourable Leader of the Opposition away as easy as it seemed he seemed to get off last evening. -- (Interjection)-- We might be here a week yet.

I would like first of all, Mr. Chairman, to give some information that was asked of me last evening and it's in regard with the property involved in the floodway -- the number of properties, the number of owners and the number of people who will need to relocate because of

(Mr. Hutton, cont'd.)....the construction. There are approximately 1500 properties involved; approximately 650 owners and approximately 200 people who will be forced to relocate because of the construction of the Greater Winnipeg Floodway.

We were talking about, if I recall, we were talking about or discussing the farm credit program in Manitoba when the clock got around to eleven o'clock last evening and the Honourable Leader of the Opposition had made some comparisons to prove, I believe, that agricultural credit, or the province was not required to get into the field of agricultural credit; that it was the domain of the Federal Government, and that we had done nothing but succeed in duplicating what he termed to be a service which was superior to the one that we are offering. Now he made a rather unfortunate comparison because he chose to compare the number of loans disbursed in Manitoba in the year ending March 31st, 1960 and he compared that figure of 309 with our figure of, I believe, over 400 -- 355. But what he didn't bring to the attention of the members was the average amount of the loan made by the Farm Credit Corporation compared with that of the Manitoba Agricultural Credit Corporation. And of course, this is the reason why the Conservative party advocated a provincial credit scheme, because the Federal farm credit scheme had gotten out of date, had become obsolete in terms of the amount of money that they were making available to our farmers. If my quick calculations are anywhere near accurate I think the average loan made by the Farm Credit Corporation in the year ending 1960 was something a little over \$5,000, and the average loan made by the Manitoba Agricultural Credit Corporation during the same period was something in the neighbourhood of \$10,000. So on these terms I think there is ample justification for the Manitoba Credit Corporation being in the field. I might point out to the Honourable Leader of the Opposition that since 1960, I believe, in the past year -- '60 - '61 in this current year -- that the record of the Federal Farm Credit Corporation is somewhat better in terms of the amounts being loaned to farmers. But again I must emphasize that there is ample justification for the provincial operation and in the field of loans to young farmers there is nothing to take its place. Forty-four point nine percent of the loans were made to young farmers in the year ending March 1961, and they received, as I said last evening, 46.8 percent of the monies. The average loan to these young farmers was \$11,583.69, and to the older group who received 55.1 percent of the loans and received 53.2 percent of the money, the average loan was \$10,738.73. So I think that we have a great deal to be proud of especially in our young farmer program because they received these substantial amounts of money at four percent. I think it has been mentioned in the debate that we're still a year behind. Well on March 31st, 1960, we had 1,011 applications to deal with, and as of February 15, 1961, we had 651 applications to deal with, so we have made very good progress in the past year and I believe that giving us another year to deal with this we should be pretty well caught up with the backlog.

Before someone gets up and charges that we aren't making loans for the purposes for which the act stipulates, that we are confining our loans to the purchase of farms only, and the purchase of real estate, let me outline to you the breakdown of approved loans and the purposes for which they were made. For the purchase of land by the borrower, \$3,738,797; permanent improvements to be affected to buildings -- these are new homes in some cases, the Honourable Member for Rhineland might take note of that -- \$298,096; for permanent improvements to be affected to land, \$12,295; for the removal of encumbrances, \$1,173,670; for the consolidation of debts, \$512,615 -- over half a million dollars for the consolidation of debts; for the purchase of livestock, \$102,157; for the purchase of equipment, \$98,641; for other purposes, \$1,000. The total approved was \$5,937,272.

MR. CAMPBELL: Mr. Chairman, I'd like to ask the Minister what period does that cover?

MR. HUTTON: That covers from April 1st, 1960 to February 15th, 1961. Mr. Chairman, there's no argument at all that this is an excellent program, that it's doing an awful lot of good in the Province of Manitoba, and I'd like to make a little comparison. The other night we were speaking on education and I pointed out that the honourable members of the Liberal Opposition, official Opposition, might find themselves in an embarrassing situation when they found themselves standing on Duff Roblin's platform in the auditorium of schools across the province. I know it's an old one. But do you know the same thing is going to be said and can be said about the situation in regard to our credit program. They're going to find themselves

(Mr. Hutton, cont'd.)....in the position, in another two or three years, when they drive through the Province of Manitoba -- and later on in the estimates when we get down to the farm credit program, I'm going to bring in a map to show the distribution of the farm loans across the Province of Manitoba -- it just struck me as a bit amusing that as they go from farm to farm through the province and complain about farm credit program, they can never be too sure when they'll be standing on a Conservative platform in somebody's backyard or out in the field. I am quite sure that of all the programs that we have, the one that is appreciated far and wide across the Province of Manitoba is the farm credit program.

Now, we've got one on sewer and water, yes. Boyoh, boy! --(Interjection)-- Well, there's been a lot said about the sewer and water program. That's what the old chap said who was sitting in the bathtub when the bomb fell and the rescuers rushed in and he was sitting there holding his head and he said: "all I did was pull the plug and the whole house came down." Well, there was a great deal of criticism levelled at our program. I want to say once again that it was the honourable members in the seats opposite who blew this program up and gave it more publicity than I had ever dreamed of; more publicity, I think, than I could have bought at any price for the Department of Agriculture. I'm very thankful to them for it. It could be that if it's as terrible a program as they say it is, it never would have gotten off the ground at all -- if it hadn't been for the boost that they gave it. They love to compare the program in Manitoba with that in Saskatchewan, and I suppose I can understand that. The CCF group in the House, they think that all good things come from Saskatchewan. I had a great deal of interest in the Saskatchewan program too, and I took the trouble to find out just what was going on out there in Saskatchewan, and let me assure my honourable friends in the official opposition that there's still some things wrong out in Saskatchewan. They haven't created heaven out there yet for the farmers. No. Our program -- I think I made this clear a year ago -- our program was designed as all our extension programs, to work with the farmer, to enable him to help himself towards some of the conveniences of life -- and it's true that the cost of water and sewage has been one of the factors that has held the farmer back from getting water and sewage down on the farm. We felt that if he knew, if he understood the principles involved and the methods and the techniques of installing plumbing and water service on his farm -- and knowing the farmer to be a pretty independent sort of a guy in spite of what our honourable friends in the CCF tell us about him, but knowing him to be a pretty independent sort of a guy who likes to stand on his own feet -- we figured that if we could make this information available to him, make these techniques available to him, that he'd probably grab onto this and go ahead and get water and sewage installed. During the course of this past year we did acquire a trailer because in our experimental program of last winter, we found that it was inconvenient to load up all these pieces of equipment and transfer them from one building to another in different communities, and that also in the course of giving this instruction it was at times a little bit messy, and we felt that it would be advantageous to have our own mobile classroom; and so we stepped out and we bought a classroom. We had our ag reps advertise the program and wherever they got an adequate number of people, a substantial number of people together who were interested in taking this course, a course was organized.

Now, I have two programs. I have the Manitoba program and I have the Saskatchewan program. The Saskatchewan program is under the following heading: Publicity - radio and newspaper releases; Manitoba: Publicity - release to radio and newspapers; Agricultural representatives, radio talks, newspapers, agricultural councils, farm groups. Interested farmers list their names with the ag rep. Out in Saskatchewan they send out circular letters. I understand that they tried that with crop insurance and it didn't work at all. Then when they got enough interest in Saskatchewan in certain areas, they declare it an area, and then a technician is sent out to the district and he visits the farms and he draws a plan. Here in Manitoba we send out a technician -- oh, we even send out the home economist to help lay out the kitchen and help the housewife plan her bathroom -- and then the technician goes out and he visits each farm and he draws up plans for the interior and exterior water supply and sewage disposal system. The technician draws up a list of the material and he attaches it to the plan. The technician also gets the farmer to fill out his application for water and sewage disposal permit. It seems to me they're doing the same thing in Saskatchewan. Let's see now. Oh, there's only one difference here -- six copies of plans, we only have three. Yes, they've got six. We

(Mr. Hutton, cont'd.) only have three. We have an agricultural engineer at these short courses who lectures and gives instructions on water supply, pumping and outbuilding. We have a sanitary inspector there who outlines the regulations and the reasons for the regulations as regards sewage disposal and water supply, we have a technician who gives instruction on the installation of water and sewage system and a practical course in how to do it. We have the sanitary inspector inspect the installation and where it's requested and required, either the engineer or the technician will visit the farm where the farmer is having difficulty with the installation. I must admit that our program isn't as large scale as the one in Saskatchewan, but I want to point out that last year I was subjected to a great deal of criticism because the government of this province wasn't getting into the plumbing business; we weren't setting up any warehouse and -- (Interjection) -- Oh, yes, you pointed out how the Government of Saskatchewan was setting up a warehouse and they were buying up all the plumbing supplies and the farmer was going to get them so much cheaper than the farmer in Manitoba. Well, you really created curiosity on my part because I wanted to find out just how much they were getting out there.

MR. SCHREYER: Mr. Chairman, I said last year if the Minister cares to find out, I said that in relation to the publicity given it in the Throne Speech, it seemed that this government should undertake a project of the size similar in Saskatchewan. And then I pointed out what they were doing there. If the Minister thinks that it's not necessary, all I suggest is that he needn't have included this in the Throne Speech.

MR. HUTTON: Mr. Chairman, I'd point out that the amount of publicity that my honourable friends over there have given this it would break the province to do justice to it. There was quite a point made here last year and I'm taking this opportunity to just get this on the record so we all understand what's going on out there. Last year

MR. ORLIKOW: I wonder if the Minister would permit a question. Before he finishes-- he's comparing the Saskatchewan program and the Manitoba program telling us how similar they are. I'd like when he finishes for him to tell us why they did 750 farms in Saskatchewan last year and they're going to do 1,500 this year, and the Minister can't even tell us that they've done 10 in this province up till now?

MR. HUTTON: Yes, I'll finish -- I'll finish it. We might be here all night but I'll finish it. Last year it was pointed out that we had made no provision for farmers who were in water short areas and I was given to understand, and I think that the rest of the members in the House went away with the understanding that out in Saskatchewan, free of charge the farmers were going to have dugouts put in and water supplies developed for them. Well, I've got a copy of the regulations here and it says: "The total cost of water development works and of outdoor water transmission works in Section 15 shall not include the cost of constructing dugouts, dams, ditches, flumes, gates or other structures or works which are eligible for financial assistance under the Prairie Farm Rehabilitation Act." That's a revelation. There is some more. The Minister may do certain things, he may take certain steps to set up the program. "The Minister may require a down payment of 75 percent of the estimated provincial average retail price of the materials ordered by the farmer." A little farther down: "the Minister may send an invoice to the farmer for the cost of construction services plus the outstanding cost of materials provided, plus any other debits on the farmer's account minus the value of any grant payable and minus any other credits on the relevant account. The invoice shall be due and payable within one month from the date of the invoice." I think the farmers are paying out there too. Then much has been made about the guarantees that are available out in Saskatchewan - guaranteed loans from credit unions. The loans issued by credit unions and guaranteed under this act shall be limited to \$1,000 for each applicant and to a maximum term of five years. That's one provision. Down here at the end: "Request for implementation of guarantee shall not be considered before the final payment on a loan is more than one year in arrears, nor after the final payment has been in arrears for a period of more than three years." In other words, a credit union could make a loan which was not honoured and they might have to wait for the seventh year before the government would consider to make good on it. Then here's an amazing statement, and I just wonder what the members think of this. It seems a lot of power for a Minister: "Requests for implementation of guarantees on loans shall be submitted on forms prescribed and supplied by the Minister and shall be accompanied

(Mr. Hutton, cont'd.)....by evidence which in the opinion of the Minister shows that diligent efforts have been made by the credit union to collect all overdue payments on the loans concerned." Boy that's a lot of arbitrary power they're giving to a Minister.

MR. SCHREYER: ...like your Conservative tariff policies.

MR. HUTTON: Pardon? --(Interjection)-- A lot of power for one Minister. Listen to the interest. The interest rates, they're not doing anything about them. "Interest rates and terms of payment applicable to these loans shall be determined by the individual credit union." I have on other occasions said in this House that we felt in Manitoba that the credit facilities that were available through the Farm Improvement Loans, indeed through our own credit policy in some instances, through the credit facilities that are available through credit unions in the Province of Manitoba, that these facilities were adequate for the needs if the farmer could afford to put in plumbing at all. Now, you know what the costs of administering our program are. They work out to about \$21.00 per farm. Last year in the Province of Saskatchewan the total grant to the Family Farmer Farm Improvement Branch was -- or the total appropriation was \$492,735 and of those monies \$214,000 were spent for administration....

MR. ORLIKOW:just about the same percentage as your crop insurance.

MR. HUTTON:and \$112,000 for grants --\$112,000 for grants. And how many homes were done -- how many farms 700 and some....

MR. ORLIKOW: That's right.

MR. HUTTON: What does that work out?

MR. ORLIKOW: 731 to be exact.

MR. HUTTON: Well they're spending a lot of money on administration. And you know I don't wonder, I don't wonder. You know -- look it, look it, when you get into the kind of bureaucracy the honourable members over there would love to set up. Just look at this, for forms to be filled out. This is what's costing the money. You've got one advantage -- with every installation an ample supply of paper.

MR. WAGNER: Would the Honourable Minister permit a question now? As I said yesterday that I'm not concerned too much with what Saskatchewan does; I'm concerned what Manitoba does. But we always draw attention to different provinces in Canada, and this on water and sewer is one of the grounds laid in Saskatchewan. That's where I was drawing my example, but if the Minister -- seems that the farmers are getting so much water and sewer-- in Manitoba they seem to be hard up because they're not going any place. They're at a standstill, and I'm surprised that the Minister wants to quote everything what Saskatchewan does. Probably he wants to do it likewise.

MR. HUTTON: Well we have ten courses this winter and although we felt that when we got underway there would be 200 farmers take part in it -- in fact I think we originally contemplated as many as 225. Of course we can never tell by the end of the program just how many will complete the course but the turnout has been satisfactory. There has been a great deal of interest in Carman. We are holding the second short course in as many seasons. They asked us to come back. There's another, I believe it's Pilot Mound that's asked for two courses this winter because I think there were 29 signed up for the program and the accommodations in the trailer were not large enough. We believe that we're getting up into the hundreds, we're sure pushing for the second hundred anyway, and we know this, that in every community where this course is held, that not only the people who take the course put in plumbing, but we know that their neighbours become interested and possibly twice the number that actually take the training put in plumbing as a result of holding a course in the district. When we teach a dozen or more people in a district the fundamentals of plumbing these people make their skills known and I think most communities are much like the one that I live in and farm people still today help one another a great deal, maybe much more than people who are not living on a farm realize. We still have our "bees" here and there and there is a great deal of co-operation. If there weren't I'm afraid the farmers in terms of labour on the farm would be in a great deal of difficulty. This natural behaviour in the farm community tends to see a greater impact on the program than would be intimated merely by the numbers of people who are actually enrolled in the course. I have some figures here I think which indicates the effectiveness of our program in terms of bringing down the cost of installation. I would point out that our effort at purchasing plumbing facilities on a community basis through tendering worked out very

(Mr. Hutton, cont'd.)....satisfactorily at Carman. The people at Carman who tendered for their supplies received them at approximately five percent over wholesale, and of course, they got this price not only on the piping and the pumping unit but they got this same discount in respect of fixtures, which are not included in the Saskatchewan program, and they got it on such things as the hot water tanks and the softeners which are expensive items. I can't find the figures on this, Mr. Chairman, oh, here they are. I have a rundown of the estimates. Where we do group buying and group contracting the total estimated cost, and of course this is an estimate, and hypothetical, we can't make any direct comparison between two similar communities or communities with similar soil types and so on, but on a hypothetical basis the costs in Saskatchewan under the family farm programs are 14.30 in Saskatchewan buying at retail 17.75. In Manitoba buying on a group basis 13.75; buying on a non-group basis 17.75 -- and you see that our costs are in this analysis lower than they are in Saskatchewan and this includes the \$300.00 or maximum \$300.00 because I am told on pretty fair authority that the grants in Saskatchewan amount on the average to about \$150.00 per installation.

MR. SCHREYER: Excuse me. This group buying that the Minister refers to, this group buying in Manitoba, where has this been done?

MR. HUTTON: At Carman.

MR. SCHREYER: At Carman?

MR. HUTTON: Well there were only two groups last winter and I'm not in a position to tell you what the communities are doing or where these course are being held. But if they do group buying they can effect substantial savings. This is also true in the field of excavation for the outdoor disposal tanks, and the excavation for water lines. If a community tenders, say on the basis of a dozen or twenty units to be constructed, they can get a pretty good bid; whereas if they do it as individuals they are going to pay considerably more. We don't compel anyone to go into group buying. We feel that after all it's a free country; they can buy where they want to, but we do recommend that they follow this procedure in buying their material and in getting their excavation done. And where they do this they can realize substantial savings. Now I have outlined I think what we're doing here. We have two technicians on the road, we have -- Mr. Hudek is giving a great deal of his time to the program and Mr. Buchanan of Dauphin who has had some experience in this field and whose experience has been very valuable in terms of finding answers for difficult installations; answers for the proper location of the pumping unit, and I know some of my friends who have been on the farm will understand what I mean when you try to get water from the hoppen to the cattle barn to the house and so one, you try to do it with one unit, and he's been very valuable in this work, and I look for the program to grow. I think that it'll grow in popularity and I think that you will see increasing numbers attend. I think that if you went back to the start of the welding courses in Manitoba you would find that there weren't too many attending in the first instance, and I think this year there's some 600.

Mr. Chairman, I think I should say a word, just a word about crop insurance because my answer to the Honourable Member for Brokenhead who claims that the fact that we went out in Manitoba last year and sold crop insurance is an indication that it's a failure -- I think this is a tremendous statement.....

.....Continued next page.

MR. SCHREYER: Mr. Chairman, how many times do I have to insist

MR. HUTTON: Three times they visited, three times

MR. SCHREYER: That's precisely the point, three times per farmer.

MR. HUTTON: Three times they had to visit the farmer he said, and this is the fault on the part of the Government of Manitoba. We believe in crop insurance and we want to sell it.

MR. SCHREYER:collect it.

MR. HUTTON: Yes, well I'll tell you what the relationship costs. You want me to relate it to Saskatchewan's experience? Here it is; here it is -- 415 out of 40,000 -- 415 out of 40,000. We didn't approach anywhere near this number of people last year. Not even near it. I don't expect that we approached -- we didn't approach 10,000 farmers last year.

MR. ORLIKOW: Mr. Chairman, surely you're not suggesting they approached 40,000 people.

MR. HUTTON: They sent out applications

MR. ORLIKOW: To every farmer of course, to every farmer.

MR. HUTTON: 40,000 farmers, and they got 415 replies; 415 farmers were interested. We were criticized because we put some pressure on the farmer and spent some money to acquaint the farmer with the facts. We took the trouble to acquaint the farmers with the facts.

MR. ORLIKOW: Tell us what the administration costs were for your plans.

MR. HUTTON: Well, there's

MR. ROBLIN: were basing their contribution to the debate. I think that by and large they were allowed to do so. I suggest that we accord the Minister the same courtesy, and if he doesn't give all the facts my honourable friends are interested in, by the time he's concluded, I am sure he will be glad to deal with any questions that be raised.

MR. HUTTON: Thank you, Mr. Chairman. The costs of administration were \$140,000. To the best of my knowledge they compare reasonably well with those of Hail Insurance Companies, and they compare extremely well, in fact they're much better than the record of the cost of administration of the program in the United States. And after all, we're the only crop insurance program in Canada, so if you want to compare crop insurance you have to go to the United States to make a comparison. We're the only province in Canada that wanted to stick our neck out. They say that we aren't making any contribution. This is a ridiculous thing. Under the terms of the Federal Act have we experienced any widespread losses? The Province of Manitoba is standing behind the farmer and you can't do much more than that. That's what the farmer asked the Province of Manitoba to do for a good many years, but the Province of Manitoba wasn't interested. The crop insurance program I would say, is a success in Manitoba in 1960, and indications are that it's going to be successful in 1961. Much too successful for my friends. We are enlarging two of the areas; another one will be set up; it will be announced in the House. We are extending crop insurance to the beet growers in Manitoba. Some of you say that they're not going to take it. I don't know. (Interjection) Well I don't know if we could sell it up there. The honourable member isn't very impressed with it up in Fisher. If he tells the same story up there that he tells in the House about crop insurance; if he criticizes it as much up there as he does here in the House I don't know whether there would be much advantage in taking it in

MR. WAGNER: Is that the reason?

MR. HUTTON: That isn't maybe the reason, but it would be awfully good reason for not offering it up there.

MR. WAGNER: What have you got against the people if you have it against me?

MR. HUTTON: A lot of criticism has been made because it's costing too much. Well actually Manitoba is doing the research work, in one sense, for all of western Canada, because we're the only area in western Canada that is in crop insurance. Our experiment has been confined to areas representing about 20 percent of the Province of Manitoba. We've learned a great deal; we've come a long way in terms of getting information. Sooner than you wish to think we'll be in a position to offer crop insurance to the whole Province of Manitoba. Saskatchewan tried it and failed so far. I imagine they'll try again. I think they'll find out that you don't get a crop insurance program started by merely sending out application forms. I think they're going to find out that as we said here in Manitoba that it's an educational program. We made some changes this year. I don't mind telling the members of this House that in some

(Mr. Hutton, cont'd.)....instances they were misunderstood, but we'll go out and we'll explain the changes because we think that they're good -- that they're in the interests of the farmer and that they're interests of the program. So I think that you're all wrong on the value of crop insurance in Manitoba. We're setting the pace in Canada in crop insurance, but then we're setting the pace in Canada in the field of agriculture in many many ways. We've got one and we're moving towards one of the finest agricultural faculties in Canada. In some respects, in some branches, it's right at the top. We've got the only land use classification study going in Canada, the only one in Canada, here in Manitoba. We didn't promise this to the people when we ran for election, but we're doing it because it's fundamental, and it's fundamental to this new Agricultural Rehabilitation and Development program that my honourable friend from Fisher laughed at today. Well, let me tell you Mister, let me tell the honourable Member over there that the salvation of the Interlake, the salvation, the very salvation of your country depends upon the development of such a program as this, and prices or no prices, the highest prices in the world won't feed your people up there. (Interjection) Maybe the Conservative Government won't but it will be a program of this kind that does, and don't laugh at it -- (Interjection) -- and as long as you maintain it, my poor mislead, unfortunate friend, just such poor leadership will you give to the people who need your help so much up there.

MR. WAGNER: Mr. Chairman, I regret the Minister's saying this because he has his own colleague sitting on Gimli constituency and the Liberal member on the west side of my constituency -- I am fortunate to lead the Interlake area there.

MR. HUTTON: Mr. Chairman, my honourable colleagues are not making fun of programs that are needed in your area. Well, it's getting on, Mr. Chairman, getting on. I think that I have spoken on those points. I had a few remarks to make for the benefit of the Honourable Member for La Verendrye but he isn't in his seat. I'd like him to be there when I

MR. WAGNER: Mr. Chairman, before the Honourable Minister leaves this study of the soils, does he think in his own mind, did he conduct a study there, that it will change the quality of the land?

MR. HUTTON: It's a great surprise to me, Mr. Chairman, that the Honourable Member for Fisher doesn't know the significance, the breadth, the comprehension of the Agricultural Rehabilitation Development Act and what the significance of it is to the areas such as the northern Interlake, the southeast, and some of the other areas that we describe as marginal and sub-margin.

MR. PAULLEY: Orders-in-Council changed all the roads in Manitoba. You ought to know that.

MR. WAGNER: That's the

MR. HUTTON: And he says, he refers, Mr. Chairman, to this legislation as a study, and it's probably the most significant legislation that has been brought down in respect, especially, in respect to these areas that we have which have been a problem to us down through the years, and how the honourable member can sit there and refer to this legislation as a study, -- I referred to a study, but that study is just a part of the significance of this legislation. And I'm not a Johnny Appleseed, Mr. Chairman. I'm not going to advocate that you can solve the wheat surplus problem in western Canada by planting trees, but there are an awful lot of other things that can be included in this Act; there's programs for alternative employment; programs for training people; programs for relocation of people; programs for redevelopment of the area, and my honourable friend, the Honourable Member for Fisher doesn't even know that it's in the Act.

MR. SHOEMAKER: Mr. Chairman, I would like to introduce to you, Sir, and through you to the members of this Legislature, a group of fine farm products in the Speaker's gallery. Now, it's true that most of them have become city slickers, rural-turned-urban as a result of the cost-price squeeze. Some of them are from that fine constituency with the fine-sounding name of Roblin, others, including my daughter, from the best constituency in the province, Gladstone, and let's not put these milkmaids off the farm by voting for the colouring of margarine.

MR. CAMPBELL: Before the Minister's salary item is passed, I had not expected to speak again on that item, but the reason that I'm speaking is because I had the pleasure of listening to and looking at the Honourable Minister of Agriculture on TV during the dinner hour, and I must take this opportunity to disagree emphatically with what he said at that time. Now,

(Mr. Campbell, cont'd.)....it's difficult, of course, to quote a person and my honourable friend is in a position to correct me if I do not quote him properly, but he was being interviewed with regard to the acquisition of land for the floodway, and as nearly as I can repeat his remarks, he said to the interviewer: "If we had done what the members of the Opposition were recommending, we would have had to deal with those people with regard to their land in a very short time, in a matter of 30 days, and that wouldn't have given them the opportunity that we want to give them to see that they make the best arrangement." Now is that a correct quote? Well, now

MR. HUTTON: Not quite. The arrangement part; you're incorrect in the arrangement part, but all the rest of it is correct. You have a remarkable memory. But the part where you go wrong is that it didn't give us any time to establish the kind of a relationship and give these people an opportunity to adjust themselves to the idea of moving. We didn't want to say "You've got 30 days; here's the price; 30 days to make up your mind or go to arbitration."

MR. CAMPBELL: Now, I was pretty close, considering, and certainly I do not want to misquote my honourable friend. But, Mr. Chairman, I think he was misquoting the members of the Opposition, because I listened with great attention to everyone who spoke on this side of the House, and to my honourable friend when he spoke yesterday on this subject -- because it's an important subject. I didn't get the inference -- that's a popular word these times -- I didn't get the inference from any member on this side of the House that he was advocating what my honourable friend says we were advocating. Now, if they did, I missed the inference, but I can speak mainly for myself, and even at the expense of repetition -- and I hate to have to do this, but I do not want the Minister's statement to go unchallenged -- I must repeat what I said. And here it is from Page 548, and I think quite frankly that this was better said by some of the other members than by myself. But here's what I said: "Surely there was a better way to do it than this, Mr. Minister. Surely they could have gone out and consulted with the farmers first. And even though some information would have leaked out undoubtedly in that way, it perhaps would have given an opportunity to some speculators to rush in, and I suppose that's the only justification there is for trying to do it this way. But suppose that had been done, it could still have been expropriated, and when the question came before the Courts then I'm sure that those few cases that had been dealt with in that way, the Courts would give them very short shrift, because they would say that the value of land was established by the others, not by the ones who had dealt in that way. So I think that this is a misfortune all around. I too read the Act in this connection and certainly my interpretation of it was the same as that of the Honourable Leader of the CCF Party. I think that there has been a mistake made in the legal proceedings here when an offer of the compensation did not accompany the filing of this expropriation regulation."

Now, I perhaps used a couple of wrong terms there but the idea was clear. The point that we were trying to make, all of us I think from this side, certainly the point I was trying to make was that, instead of doing it this way, that the representatives of the government should have gone first and talked to the farmers, and tried to arrive at an amicable arrangement by that method. And that if that had been done, then following the terms of the Act was not a hardship. And I still think that's the way it should have been done, but I do not want the Minister to continue to say that what we were advocating, what I was advocating, was that we should follow a procedure that would cut down the time that the farmers would have for making their representations. That Act could have been followed completely and a better result achieved by the representatives of the government going first to talk with the farmers and try and arrange a settlement at that time.

Now, the other point that I want to repeat while I'm speaking on it now -- and I had not intended to bring this up again tonight until I saw my honourable friend on TV -- the point I want to make is that having reread the Act, once again, I believe that the government officials have broken the law in this regard. I think that it says that they SHALL send an offer, and I think that my honourable friend on TV should not have mentioned the name of their solicitor because he said on TV tonight that they were advised in this matter by R.D. Guy, who has just recently become Mr. Justice Guy, and I think he should not have -- he didn't tell us that last night; I don't blame him for that particularly in those circumstances, because I think he should not have said that the new Mr. Justice Guy was the man who had given this advice, which I think

(Mr. Campbell, cont'd.)....is wrong advice. Now the new Mr. Justice Guy is certainly a better lawyer than I, there's no doubt about that, but I think that this is not only wrong in principle but wrong in law. So I want to register an emphatic protest against the statement that my honourable friend the Minister made on TV tonight.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): Mr. Chairman, I've been reposing in my seat for some time while this debate has gone on concerning law, and I only thought it perhaps proper that I should now rise from my seat as the legal officer of the government, and perhaps try to shed a bit of light on this subject, if that is possible, and I don't claim to be perfect in my interpretations of the law at all, but I try my best. There's been an awful lot of heat generated on the subject but not too much light, and I shall attempt to do what I can with respect to that. And I hope Sir, that by the time I have finished the few words that I have to say tonight that I will have effectively demonstrated to the two barrack-room lawyers on the other side of the House that perhaps -- barrack-room lawyers, that's not a bad term either, that's a good term -- we perhaps can demonstrate to them that the government, nor the government agents, nor the property committee of the floodway, are flouting the law of Manitoba but rather they are following the law of Manitoba, interpreting it according to the best interests of the public of Manitoba and indeed of those people whose land unfortunately must be expropriated, and generally are conducting themselves as all of us would want them to do.

Now, Mr. Chairman, I would refer the honourable members first of all to the Expropriation Act and to Section 3 thereof, which states very clearly -- and remember that this Act first of all was divided essentially into three parts; the first part deals with expropriations effected by the Crown; the second part deals with municipal expropriations; the third part deals with expropriations which are given under special powers to private companies and so on and so forth. And then there are some general provisions at the end of the Act which apply equally to all three of these groups. But we're only concerned here, I suggest, with the expropriations by the Crown and in fact that part of the Act is entitled, "Expropriations by the Crown - Part I." And Section 3 says that the Minister may for and in the name of the Crown purchase or acquire, may without the consent of the owner thereof enter upon, take, use and expropriate any land which he deems necessary for any public work or purpose connected therewith or any public purpose of the Government of Manitoba, or of any department of the executive government of this province. I think that's quite clear; that's the general enabling section which I think is common to most Expropriation Acts in our provinces and to the Federal Expropriation Act as well. Well now, there are a number of intermediary sections which come in talking about the interests and powers of the Crown, restoration and maintenance of walls and fences, and so on, but then we come up to Section 8 of this Part I, and it contains the very general statement that the Minister may enter into any contract or agreement, give any notice, make any declaration or endue any other act or thing that is deemed necessary or advisable for the purpose of carrying out this Act. That's another general enabling section which we find in the Expropriation Act of Manitoba.

Then we come down to Section 10, a section which was in discussion last night and we find that Section 10 reads as follows: "Where the Minister desires to expropriate land under the powers conferred by this Act, he shall deposit in the Land Titles Office for the Land Titles District in which the land is situated, a plan signed by himself or his deputy and by a surveyor, and that land shall thereupon become and be vested in the Crown." So that is the effective executive act which must be taken by a Minister pursuant to this statute to vest land in the Crown. It's quite clear; I don't think there's any point in discussing that further -- by deposit of a plan, that's the way that you effect expropriation in Manitoba.

Now, we come down to Section 12 of the Act and that's entitled -- there's a sub-title at the top of it, and of course, these are only meant to assist us in a proper reading of the Act; they don't really mean anything, they have no substance of effect. But Section 12 says, Procedure to Fix Compensation. We start in with sub-section (1) which says this: "That the Minister shall make to the owner of land entered upon, taken or used by him or injuriously affected by the exercise of any of the powers conferred by this Act, due compensation for any damages necessarily resulting from the exercise of those powers, beyond any advantage that the owner derives from the contemplated work." And mark these words, "And any claim for

(Mr. Lyon, cont'd.).....such compensation not mutually agreed upon, and any claim for such compensation not mutually agreed upon, shall be determined as hereinafter provided." As hereinafter provided -- hereinafter means following. And if you can't reach an agreement as they suggest that you should under Section 12 of the Act, hereinafter, or following that section is the procedure by which agreement -- if agreement is not reached -- the procedure by which the ultimate solution for the compensation problem will be met. Subsection 2 really doesn't mean anything except -- it's important, but it says that date with reference to which compensation or damages are to be ascertained shall be the date in which the Minister deposits the plan. So that's quite easily of understanding.

Now we come to Section 13, and I'm ready to admit right at the outset that perhaps the word "upon" is the one that's leading my honourable friend the Leader of the CCF Party and my honourable friend the Leader of the Opposition, leading them perhaps a wee bit astray, because I have a great respect, Mr. Chairman, for the interpretations that are given by these two gentlemen, but I would suggest to them this, that if they want to pursue their course of study in the law they must remember that you don't pick one section out of an act and read it by itself. You must read all sections of an act, because one section by itself sometimes doesn't mean anything. One section by itself sometimes give an impression which was not intended when you read the whole act in context. When you read Section 13 remember what I just read to you from Section 12. "Any claim for such compensation not mutually agreed upon shall be determined as hereinafter provided." Don't forget those words, and I ask the two honourable gentlemen not to forget those words, because here is the procedure that is then set out if negotiations fail and an agreement can't be reached. And here is the first section: "Upon the plan of any land taken for a public work being deposited" -- not immediately upon the plan being deposited, not forthwith upon the plan being deposited, but "upon the plan being deposited, the Minister shall cause to be served" --(Interjection) -- just listen to it, "The Minister shall cause to be served by registered mail upon all persons shown by the records at the Land Titles office to be owners of the land so taken." Mark these words, "Unless the owner has agreed upon his compensation with the Minister" -- unless he has agreed upon his compensation with the Minister -- "a notice setting forth the compensation which he is ready to pay therefor, together with a description of the land", and so on and so forth. I would suggest to you, Sir, and to the members of the committee, that this procedure that we are now describing in Section 13 is an extraordinary procedure which comes into play only where it has been impossible for the Minister or his agents to come to some agreement with the person whose land has been taken, or who has been injuriously affected by the expropriation proceedings. An extraordinary procedure, the final step you might say, because as you read on in Sections 14, 15 and 16 what does this lead to? It leads ultimately to arbitration. And arbitration is the final remedy that the landowner has. So there are two-- there's the one basic prerequisite; first, the negotiation, and that's the important thing, and if negotiations fail then you resort to the extraordinary procedure which is set out in Section 13.

Now, from Section 13 on we find that this deals with the determination of compensation when by the arrangement in negotiation this figure can't be arrived at between the parties. But I suggest, Mr. Chairman, that the Act is quite clear. If you send out a notice -- if the Minister were to take the advice that is proffered from the other side of the House -- I realize that my honourable friend the Leader of the Opposition was skating himself on side a wee bit when he just stood up, but he made a mistake; he went a little bit too far. He said he still thought it was illegal. Well I'm trying to demonstrate now that he was wrong in that; that he was skating himself on side a wee bit. If the Minister sends out the notice this machinery starts immediately. The minute he sends out a notice to a farmer; that farmer has 30 days in which to reply to that notice and to indicate either acceptance or rejection of it. Having indicated at the end of 30 days his rejection of it, then you follow on to these other sections which shows what remedies he has. I was disturbed, I was disturbed when I read in Hansard -- I was out of the House last night -- the Honourable Member for Selkirk asked whether or not the Minister had advertised these things. Well now surely, Mr. Chairman, the Honourable Member for Selkirk isn't going to fall victim to the same error as his Leader and the Leader of the CCF, and read only one section in the Act.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): I asked that to find out whether the Minister

(Mr. Hillhouse, cont'd.) . . . had followed the alternative procedure.

MR. LYON: Surely, Mr. Chairman, this procedure would not be followed unless of course it had been determined there had been negotiations they had failed, and the alternative procedure was going to be used, the exception of the extraordinary procedure. So I think that that question that was asked by the Honourable Member for Selkirk -- and I appreciate his interjection -- I think that's self-explanatory. Of course it wouldn't be done unless the Minister was moving to force arbitration onto these people. He must accept or reject within 30 days after he receives this notice. Section 15 talks about the advertisements, buying of same. I don't think anybody was seriously suggesting that that should be done. Section 17 carries on with the further procedure for the notice of arbitration following upon the notice that has been sent out and so forth.

Now I suggest, Mr. Chairman, that it's patently clear from the Act itself that the procedure that is presently being followed is the proper procedure. The proper procedure as you read the Act as a whole is to attempt to negotiate compensation. When that procedure breaks down then you refer to notice, and ultimately to arbitration. So I think we can demonstrate beyond any question in my mind that this in fact is being done. What the Minister is doing now, he has filed the plan, notification goes out to the people that the government is ready to treat with respect to compensation. I understand that -- I know of one case I was told by the officers of the floodway people that was settled recently, and not a small case -- I think the figure mentioned was something like \$18,000 -- where negotiations were held, an agreement was signed, releases were signed by the party involved, authority went through from the solicitors to the Comptroller-General and a cheque issued for \$18,000, and the deal was completed. No notice was sent to that man at all. Now, I suggest to the Honourable the Leader of the Opposition that the practice that is being followed with respect to notice here is exactly the same practice that has obtained in the government service for years. I have some passing knowledge of this because I used to be a solicitor for the Department of Public Works and only on rare occasions did we ever send out notice and when did we do it? Only after the negotiations between the right-of-way agent and the farmer or the land owner in question had broken down. That's the only time that you send out notice, because immediately you send out notice you start this inexorable machinery working whereby he's got 30 days either to accept or reject, and you move right on to arbitration.

Now I don't think anybody on the other side of the House -- and I mean this quite sincerely -- I don't think anybody on the other side of the House was trying to suggest that this is the procedure that should be followed. I don't think that that is the case at all, because I think that your concern is the same as ours, namely, that the interests that should be looked after here to the best of our ability and to the best of the ability of this House are first of all the public interest. We've got to look after the interest of all of the people of Manitoba and see that we can buy this land at the best price possible, a fair and equitable price. Secondly, we must look after the interests of those landowners who are injuriously affected, because they're a part of the public as well. And I don't think that anybody can say that by using this procedure that that interest is being affected in one stage or the other. And I don't think for a moment that my honourable friends opposite were knowingly, knowingly suggesting that we invoke this procedure realizing, as I hope they now do, what its inexorable result would be, namely, ending up in Court, or under force practically, or under the suggestion, of course, coming to a settlement because of the procedure that is set up subsequent to Section 13. I wonder if the rights that are accorded to an individual whose land is being expropriated -- expropriation acts are not new to Manitoba or to any other province. They're one of these unfortunate pieces of legislation that are really necessary however for the public interest, the Crown, municipal corporations, school districts. All public bodies must have this power to enter, to take land and to use it, subject to the rate always of paying new compensation to the owner who is injuriously affected. The only rights that are accorded under this legislation or any other legislation that I know of, Mr. Chairman, is the right to negotiate with the Crown on a decent price, and the right ultimately, if you don't agree with this price, to go to arbitration. Now I would be highly disturbed if my honourable friends opposite could suggest that the action that has been taken by the floodway property committee has led to any diminution whatsoever of either of these rights, because all of us I think, would be genuinely concerned about this. We don't want to do it. But I

(Mr. Lyon, cont'd.).... suggest tonight, Mr. Chairman, that these rights are not being diminished in any way whatsoever. The right to negotiate for compensation is not diminished in any way. In fact the notification that the landowner gets is an offer to treat, an offer to treat, saying we want to negotiate with you and setting out the facts that the land has been expropriated, and so on and so forth. Does it diminish in any way his ultimate right to go on to arbitration? Of course it doesn't. It would if the suggestion which I know wasn't given in this sense by the honourable members opposite, but it would if we followed their suggestion and sent out this notice.

MR. HILLHOUSE: Mr. Chairman, could I put a question? How could any of these owners go on to arbitration until they had something to arbitrate? How could they go on until they knew what compensation the government was going to offer? That's the point.

MR. LYON: Well, my honourable friend misses the point then completely, because the point is that the Crown in its first notification to the landowner says that we want to -- it will be necessary to appraise your land, we want to negotiate with you. And after that if we can't negotiate on a proper price then the rights of arbitration move in, as in all other cases. There's no question about that at all.

MR. HILLHOUSE: I don't want to butt into the Honourable Attorney-General while he's talking, but Section 14 (1) of the Arbitration Act says, "Where any person so entitled and served with a notice is dissatisfied with the amount offered, he shall," then the arbitration proceedings follow. But I submit that that man must be notified by the government as to the amount of compensation the government is going to offer him before he can avail himself of these arbitration procedures.

MR. LYON: Mr. Chairman, my honourable friend is merely demonstrative that he has missed the whole point of the argument. My honourable friend is demonstrating that he does not understand the two procedures, namely that of negotiation, and subsequently that of arbitration. They are two separate procedures. Only do you resort to the second when the first has failed. So how can there be any diminution of the second before you have even decided whether or not there's going to be an agreed price between the Crown and the landowner? I suggest it's quite simple to me, it's quite simple to the law officers of the Crown, and I don't see why it isn't clear to my honourable friend, because I have a high respect for his ability as an interpreter of statutes. In any case, I suggest to you that there is no diminution of these rights whatsoever. How can there be, because they are merely starting to negotiate? The point that is made by my honourable friends opposite and I think more clearly by the Leader of the Opposition tonight, is that he is talking about former practice followed probably in his time where, when roads were constructed, there's an engineer survey, and then very often the right-of-way agent -- most often I think the right-of-way agent would move in -- and in fact what was done of course was that the road was constructed on the basis of the engineer's survey, and that only after the construction of the road was the expropriation plan filed. And the plan was filed after the road had been built, after the land had been used and the money was sometimes paid out a year or two subsequent to it. I know because I used to meet these landowners when they came in sometimes complaining about delay and so on, but this was the practice that was followed then and I think, to some extent, with some improvements that were made, it obtains at the present time, although I understand now that caveats are filed to register an intention of the Crown to file a notice of expropriation against this property. But that's by the way. All I can suggest to honourable members opposite is that on the basis of the legal advice that I have had, on the basis of my own reasoning, the question is quite clear that there are these two procedures, that there has been no diminution of the rights of the landowner in any case at all. Now I suggest that from that standpoint there is no question on the legal argument at all. If you read the sections in context with the other sections of the Act you can only come to the one conclusion, namely, that the notice is not sent out at the time the land is expropriated unless you know at that time that negotiations have failed. And how can you know that negotiations have failed when in some cases as my honourable friend has suggested they haven't even started. I understand that most of the owners -- this is information that I'm given by the staff -- most of the owners have been contacted; negotiations are going on. I mentioned the one case that was settled. I don't know if there are others that have been settled or not, I don't really know. But I do suggest to the honourable members opposite, Mr. Chairman,

(Mr. Lyon, cont'd.)....that it is only in a rare case that a notice will be sent out under section 13 because it won't be necessary, because compensation will be mutually agreed upon between the parties, and you won't start putting gas and oil into this machinery of arbitration until you have to use it. So I suggest that their complaints in law are, while perhaps understandable because of the unfortunate constructions that they put upon the word "upon" -- and I am the first to admit that perhaps "upon" is a misleading word there -- but "upon the plan being filed the Minister shall do such and such," when you read it with the rest of the Act it's crystal clear that it means, upon the plan being filed and upon there being a failure to negotiate and to reach an agreed price.

Now, I don't intend to say anything more on the subject except to point out again to the honourable members opposite, and I'm sure they're aware of this, that we are tremendously concerned: (a) that this huge project should be carried on as expeditiously as possible and with as little disruption as possible to the landowners affected. It's necessary, it has to be done; expropriations are done every year; they've been done every year since probably governments were known in Manitoba. It's unfortunate for the people who are affected but the duty and the job of the government is to deal as expeditiously with these claims, as expeditiously as possible to make fair and reasonable settlement. Not only fair and reasonable to the people whose land is being bought, but fair and reasonable to the people who are paying the shot, the taxpayers of Manitoba or generally the taxpayers of Canada. And that's exactly what we're trying to do here. I sent this information out in a letter to my honourable friend the Leader of the CCF Party in a letter which I wrote to him, and I appreciate it, Mr. Chairman, his coming in to see me when he did last fall, raising this problem with me. I think this was quite the proper thing to do. I thought I had been clear in my reply to him but unfortunately I wasn't and I'm the only one who can take that blame. I can't blame my honourable friend for not understanding me however, but I do remember saying at the end of my letter to him that the law officers of the Crown advised me that the procedure above outlined -- which I've just gone through again tonight -- is in no way contrary to the Expropriation Act, indeed I would suggest that it represents a common sense approach to this vast land acquisition project. I appreciate your bringing this query to our attention, however, and trust you will advise if you have any suggestion whereby the present methods of dealing with lands to be expropriated might be improved. And I meant that just as sincerely, Mr. Chairman, as I know the honourable member the Leader of the CCF meant when he came in to see me about the problem. I think our argument is perhaps one of semantics or of legal interpretation, but I don't think there is any want of interest on the part of the government or indeed on the part of anybody in the opposition for the people who are affected. I suggest that if I have failed in my explanation, I may try to clarify points but that in essence is the legal argument I suggest what is being done by the Floodway Committee is quite proper in a legal sense. Objection can be taken to it perhaps in principle as the Honourable Leader of the Opposition has said because of notification not coming until after the plan is filed, but then when you counter that, when you counter that with the problem of speculation -- remember that we're dealing here with 4,500 acres of very rich land -- it's involved in farm lands, market gardens, commercial enterprises, summerhomes, permanent year round residences and so -- when you consider the vast extent of this, 30 miles long, a half to three-quarters of a mile wide, then I think that the honourable members opposite will realize that the flood property committee and indeed the government under whom that committee works are doing their very best to be fair to the landowners affected, but also to be fair to the public of Manitoba who are paying the shot. I think that the compromise or the results that they have arrived at in their procedure is fair to all concerned. We hope that the bulk of these cases will be negotiated settlements, not notices under Section 13, and we hope and trust that we can do whatever part we can to make sure that these settlements are carried out expeditiously.

MR. CAMPBELL: Mr. Chairman, before anyone, and I know that there'll be several who will want to speak, before they do, may I ask the Honourable the Attorney-General if it makes any difference to his argument to be informed of the fact that in many of these cases, many of these cases, there was no negotiation before this notice was sent out?

MR. LYON: No, it makes no difference at all, Mr. Chairman, because the negotiation must take place first before section 13 is brought into play. The letter which was read last night in the House by the Leader of the CCF Party points this out. The landowner receives the

(Mr. Lyon, cont'd.)....letter saying that your land has been expropriated, we now wish to appraise it and to negotiate with you on price; and you'll never come to section 13 if they come to agreement, if you see my point. Section 13 is only used where you can't come to agreement. I think my honourable friend is referring to the fact where previously they would go out on the smaller, narrow strips of road, probably go along and negotiate with the farmer because they're taking 1.7 acres off a quarter section at \$100 an acre or something like that. They could afford to go along and deal with the farmer knowing full well that the plan of expropriation wasn't going to be filed until after the road was built. In any case, they could go along and do these negotiations. I suggest that the size and the amount involved in this massive expropriation almost precludes that type of approach and that the approach that is being followed is the proper approach in the public interest -- and I stress those words -- and it's a proper legal approach, I have no doubt about that at all. I think you might make some little hay with us on the argument in principle as to whether or not a man should be notified before his land is taken, but the power is clearly within the Act to do it.

MR. CAMPBELL: I'm still dealing with the legal angle, Mr. Chairman, because I'd like to ask the Honourable the Attorney-General how can, how can they arrive at any price if they don't negotiate?

MR. LYON: Maybe this -- my honourable colleague here has helped me a lot. The letter that is sent out, the letter that was read last night is not a notice under section 13.

MR. PAULLEY:It is not?

MR. LYON: Oh no, no, no, no. I'm glad now that this point has been cleared up. That's not a notice under section 13 at all. (Interjection) "Information that the land has been expropriated and that the government wishes to negotiate with you", that's not the notice under section 13. Not at all That's the first

MR. PAULLEY: The first intimation, Mr. Chairman, may I suggest -- it was the first intimation that the people received that they didn't own their land anymore.

MR. LYON: That's right, that's the first formal intimation -- now my honourable members will appreciate just as I do that there have been surveyors, engineers tracking around that property now for some considerable time, and you don't have people walking all over your property without knowing why they're there. That is the case, but the first formal notice that the land has been expropriated is the letter, but that is not the notice required to be given under section 13 to start arbitration proceedings. This is in the same category as a right-of-way agent going to a farmer or a landowner and saying to him we intend to expropriate your land, what's the going price for the land. That's just what that letter says. We're going to appraise it and negotiate with you. Perhaps we're getting through now on this argument -- that I would suggest to the Leader of the Opposition, Mr. Chairman, is what the effect of this letter is. It's the same as Howard Good in your day going out to the farmer and saying, now "we're going to take the land and let's start negotiating on price," that's what the effect of this letter is. It's not the notice under section 13.

MR. PAULLEY: Mr. Chairman, if I may. Far be it for me just an ordinary railroad worker in the Town of Transcona to argue on points of law with the senior law officer in the Province of Manitoba. I recall, Sir, that when I was Mayor of the Town of Transcona that my solicitor told me -- incidentally it was John McLean, Q.C., -- told me that the law was based on common sense, and I'm surprised this evening, as I have been surprised in the negotiations, if you want to call them negotiations, that have been proceeded with by the law officers of the Province of Manitoba today that that law is no longer based on the premise that law is based on common sense. (Interjection) I did not help to write it at all. I was not here when the Expropriation Act was written into the Statutes of Manitoba, but I do suggest this in all deference to my honourable friend opposite that if I was charged with the responsibility of an interpretation of the law I would see that the basic premise of the law being based on common sense was adhered to. I raised the point in the House yesterday on the expropriation of this property for the floodway. The Attorney-General is perfectly correct that I raised the question with him back in September or whatever the month was in the fall, because I did not conceive at that time, and I do not yet, despite the attempted explanation of my honourable friend that the law of the Province of Manitoba has been adhered to. My friend tells me, the Attorney-General, tells me that one of the reasons that this method, that his law officers advised him to pursue,

(Mr. Pauley, cont'd.).....was done, was because of the protection of the people involved in expropriation of property. He mentions to me that if the sections that I had listed had been pursued, particularly the sections in respect of the 30-day clause, that they wouldn't have had full opportunity. I suggest to him that it wouldn't have mattered that the law of the Province of Manitoba could have been fully adhered to. I suggest to him that notwithstanding what he's attempted to tell us this evening that the letter that I read into the record last night was the first official notification of expropriation of their property, that prior to that time the people concerned did not know that they did not (Interjection) I don't care a continental whether my honourable friend who is more learned in the law than I, and I frankly admit that, whether it constitutes a notice under the expropriation proceedings of the Act or not.

MR. LYON: Would my honourable friend permit a question or not?

MR. PAULLEY: But I want to ask my honourable friend this

MR. LYON: Would my honourable friend permit a question just at this point and I hope it will help clarify your thinking? Can my honourable friend point out to me the section of the Expropriation Act that requires the letter such as is given -- read into the record last night-- to be given to a landowner; can he point out to me the section that requires that to be given?

MR. PAULLEY: Mr. Chairman, I'm not going to argue with my honourable friend as to all of these implications of the law. I frankly admit, as I said at the offset, I am not learned in the law, but I am learned, I think, in common sense, and I think in this particular case, common sense has deviated from law. Now then, I suggest to you, Mr. Chairman, that the first indication of any notice at all to the people whose property was being expropriated, whether it's within the terminology of law or not, is a notice of expropriation as my honourable friend suggests, was when they did receive this letter informing them that they no longer owned their property. Then my friends opposite tell me that one of the reasons that this method was used, because they wanted to subvert the law insofar as the 30-day clause was concerned because of the possibility -- (Interjection) -- you answer me afterwards. I'm just speaking here as I said, Mr. Chairman, as an ordinary individual, I don't happen to have four years at law, but I do think that I have some basic understanding of the basic principles of British justice. I say this to my friends opposite, and particularly to the senior law officer of the Province of Manitoba in respect of this 30-day clause, that if there was a fear of the government of Manitoba of speculation, that under this 30-day clause the individuals concerned had perfect right to reject the initial offer of the government. It didn't, as I understand the reading of the Act -- it does not say that the matter must be consummated within 30 days; it just simply means, as I read the Act, that within 30 days the people affected must give notification that they are not satisfied with the terms that have been suggested by the government. And I think this is basic to our British parliamentary system and the treatment of property. And despite what my honourable friend, the Attorney-General has said, I say that there has been a violation of the principles, and I don't give two hoots what has happened with former administrations -- this is the first time that this has come to my attention. I think that we have -- and the freeholders, as one editor makes mention of tonight, that we as freeholders of property have the right, under the Magna Carta, to certain rights which have been violated by this government. There is ample process under the Expropriation Act of the Province of Manitoba to go through all of these things without using the method that the Government of Manitoba has used in respect of this expropriation. I agree with the Honourable the Attorney-General that the public interests of Manitoba are vitally concerned with the question as to whether or not we should pay too much money in respect of the right-of-way for the floodway. But I suggest, Mr. Chairman, that had the due course of the law been pursued in this instance, that if it appeared that there were speculators who were prepared to take advantage of the fact of the floodway that our courts are so constituted that they could have come to a reasonable appraisal and I suggest that there has been no real right of negotiation with those people concerned in the right-of-way, and I reject entirely (Interjection) It's not nonsense, it's true!

MR. LYON: It's nonsense and you know it is. If you have any brains, you know it is.

MR. PAULLEY: I haven't any brains!

MR. LYON: Well, all right then.

MR. PAULLEY: That is why, Mr. Chairman, I'm not learned in law, if my honourable friend so thinks. I say to him, despite my lack of brains, that the Government of Manitoba, the

(Mr. Paulley, cont'd.) Attorney-General and his law cohorts or advisors have erred in the procedure which has taken place in respect of the expropriation of the property in respect of the floodway. I say that they are fully protected; the public of Manitoba are fully protected by the Expropriation Act of the Province of Manitoba. There could have been other ways in which this was done to protect both the interests of the people concerned and the public at large and that this has not been done. And I want to say this, Mr. Chairman, and I don't like to argue with the press. There is a suggestion in the Tribune tonight in one of the editorials that I am doing this because of political reasons. Now I want to say to this House that no person in my constituency informed me of this. They're all outside of my constituency. My only interest in this whole case is because I thought that I saw, and I think that I have good substantiation for it, that the rights of individuals and their freeholds are being prejudiced by the manner in which the law officers of the Province of Manitoba are dealing with this very, very important point of the acquisition of property in respect of the floodway.

MR. HILLHOUSE: Mr. Chairman, I agree with my learned counsel, the Honourable Leader of the CCF. I'm only a little country lawyer; perhaps I'm ignorant, but I can't understand the English language and read into Section 13 (1) what the Honourable the Attorney-General does. Now I fully appreciate, Mr. Chairman, that this isn't a court of law, that we're not going to decide who is right or who is wrong and perhaps it's a waste of time to become embroiled in a legal argument but my interpretation of this section is this -- but before I go on to the interpretation I'd just like to point out one thing; this is the first time I have ever known the Province of Manitoba to register a plan of any public work before the public work was completed, and I submit, Mr. Chairman, that the reason why they followed this procedure was because they had registered this plan before the work was completed, and that the Honourable Minister of Agriculture let the cat out of the bag, when he said that it was for the protection of the people of Manitoba and to prevent people from exploiting the situation. Now, the Campbell Government has been accused of being a government of decrepit, decadent, old men. But there was one thing that the Campbell Government did, and I submit that this government should have done the same thing in connection with this floodway, and I refer to the action of the Campbell Government before we negotiated with the Winnipeg Electric for the acquisition of their hydro electric plants on the Winnipeg River and their transmission system. We passed a special act giving us powers in respect of expropriation different to the powers that were contained in the Manitoba Expropriation Act. Now, I submit that that's what this government should have done rather than registering this plan the way they did. They could have stopped all that profiteering, all that exploitation, by including in that Act, special provision which would have dealt with all these matters which they were trying to avoid.

Now getting down to the interpretation of section 13 (1) -- and I know it's a useless thing to argue law in a Legislative Assembly -- but the only way that I can read this section is this, and you've got to -- don't read the section from beginning to end, but pick out the parts. Now if you pick out this part: "Unless the owner has agreed upon his compensation, the Minister shall cause to be served by registered mail upon him, a notice setting up the compensation that they're going to pay him." Now, when does the Minister send this registered letter? Upon the plan of any land taken for a public work being deposited. Now ordinarily the Provincial Government, when they are going to construct a public work, whether it be a drain or a road or whatever it is, they usually send out their appraisers to negotiate with the owners. They get an agreement with the owners; they go ahead and file a caveat in the Land Titles Office in respect to that agreement. The Public Works Act allows them to pay so much compensation but they never register the plan until the work is actually done. Now in this case

HON. J.B. CARROLL (Minister of Public Utilities) (The Pas): May I ask a question? I was just wondering, how did they get their transmission lines in; did they follow the same procedure or did they follow

MR. HILLHOUSE: I don't know anything about transmission lines. They get easements.

MR. CARROLL: I'm talking about the transmission lines that were purchased; how were they purchased?

MR. HILLHOUSE: I don't know how you purchase them, but most of them were purchased by easement agreements. But the Department of Public Works in respect of highways and drains has always negotiated before they registered the plan, and they only registered the plan after

(Mr. Hillhouse, cont'd.)....the work was done. And if there were any people -- I know of one case just recently on Highway No. 8 where they were widening PTH No. 8 and one owner held out. Now the government did not start expropriation proceedings in respect of that owner until after all the other work was done and the plan was registered. But there was a half mile stretch of that road which was left out and they couldn't enter into that man's land until the plan of expropriation was registered. Because, Mr. Chairman, unless the government does, unless they negotiate, there can't be any agreement between the parties. If they don't negotiate and just go ahead and register a plan, I submit that by the virtue of this section 13 (1), it cannot be said that the owner has agreed upon compensation. And since the owner has not agreed upon the compensation, the government must by law follow out this section. I know that this matter is going into court, and we'll see when the courts get hold of it who's right and who's wrong. But I think that this is one thing that the government jumped into too fast without thoroughly considering all the complications and implications that were involved. I submit that they should have got experts who are thoroughly familiar with expropriation matters, the same as the Campbell Government did regarding the Winnipeg Electric -- we brought up from Ontario one of the best corporation and expropriation lawyers in the Province of Ontario. He advised the government on the steps to be taken. Now I think that's what this government should have done here, and I don't think they would have been involved in this. Now the Honourable Minister talks about the interests of the people of Manitoba.

MR. LYON: I would like to ask the honourable member a question before he leaves that point. He is suggesting, I take it, that upon the plan being filed and there not being an agreement between the parties inexorably you have to move to the second thing and send out a notice under section 13. Can the honourable member point out the section of the statute which requires negotiations to take place prior to expropriation or after expropriation?

MR. HILLHOUSE: Section 13 (1) says that unless the owner has agreed upon compensation.

MR. LYON: And the honourable member interprets the word "upon" the filing of the plan as meaning "forthwith".

MR. HILLHOUSE: At the time of, as soon as possible, yes. No, the point with me, Mr. Chairman, is this, that these owners are precluded now until the government advises them what compensation they're going to take. These owners are precluded from taking arbitration proceedings. But I think what the government is trying to do here is, they have expropriated the land, they've notified these people that their land has been expropriated, they've quoted the Expropriation Act, they've told them that the government is now the owner of that land, to come in and see them and arrange a lease. In other words the government is assuming all the rights of an owner and are placing the registered owner as the tenant. They're asking them to come in -- Interjection -- That was a registered letter.

MR. LYON:Mr. Chairman, that it's going to be maybe a year or two, three years, before some of this land will be used, and does he object to these people remaining as tenants?

MR. HILLHOUSE: The point is this, Mr. Chairman, I think that the government could have overcome all of this if they had passed a special act dealing with this matter. They could have prevented exploitations or dealings in these lands in such a way that they wouldn't have to pay an inflated price. Now I know what they were trying to avoid. They were trying to avoid having to pay compensation to the registered owner of the land and to the lessee of the land; that's what they were trying to pay.

MR. LYON: Do you object to that?

MR. HILLHOUSE: No, I don't object to it -- I don't object to it. But what I say is this, that you could have done that by a special act of the Legislature, and dealt with it specifically. Instead of this you put these 1,500 people -- there's 200 of them who are going to be dispossessed -- these people are not the owners of this land now because it's been expropriated. Now these 200 people who have been dispossessed, they have certain rights too, and I think it's the duty of this Legislature to try and protect these rights. Now as the situation exists today, what are they going to do? They've got to find some other place to go; what are they going to use for money? They've got to come back to the government and negotiate with you and I submit that's the main reason why you've registered this plan to force these people to negotiate.

MR. LYON: Mr. Chairman, does my honourable friend suggest that he would prefer most of these cases to be settled by arbitration through court?

MR. HILLHOUSE: No, I would prefer to have the government able to settle with negotiations.

MR. LYON: Does my honourable friend then not admit, Mr. Chairman, that that's exactly what the government is doing right now?

MR. HILLHOUSE: But you're forcing the people to negotiate by the proceedings that you have adopted.

MR. LYON: Would he prefer to have them negotiate before the floodway is built or, as in the case of roads, negotiate after the road is built? What's the difference?

MR. HILLHOUSE: I don't care when they negotiate but I don't think your procedure was right. I think you've put these people in an intolerable position.

MR. LYON: Mr. Chairman, I suggest that my honourable friend hit the nub of his argument when he said he didn't care when we negotiated, because he knows in his mind and in his own heart, Sir, I suggest to you that, what the government did was within the law, and he's putting up a bit of a smoke screen of an argument for what purpose I don't know.

MR. J. M. HAWRYLUK (Burrows): Mr. Chairman, as a layman here who's interested in all aspects of the technicalities of the law, I would just like to ask for information whether it comes from the former government or the present government in regard to a project that was set up a few years ago regarding the Disraeli Bridge. Now I think there's a great deal of similarity. The former government at the time negotiated, or the City of Winnipeg negotiated with the former government, in which monies were to be given in order to get this bridge started. Later on I believe the present government here added to it because of increased costs in order to build this bridge. But if I recall, and that could be correct, that there were two phases to the construction of the Disraeli Bridge, two phases. The first part was completed and negotiated for in dealing with people concerned nearest the river bank and dealing with the CPR Railway Company, and it was completed, and then there was a delay for at least a year, if not more, before this bridge was completed. And if I recall correctly, according to the comments in the newspapers that the City of Winnipeg at the time did not start the second phase until all properties concerned had been bought. Now, I'm just wondering whether the same procedure has been conducted by the present government regarding the floodway as it was done in regards to the Disraeli Bridge?

MR. LYON: Mr. Chairman, I can answer that shortly by saying that of course the powers that are accorded a municipality under the Expropriation Act are not as broad as those powers that are accorded the Provincial Government or the Crown in the right of the Province of Manitoba. Because with the municipality, and I presume, unless there's something to the contrary in the Winnipeg Charter, with the municipality, before taking land and the exercise of its powers, except in the case of highways and drainage works, municipalities shall deposit with the Clerk a plan of the land to be taken or used for the work, the names of the owners and the Clerk shall cause to be served upon every owner of land to be expropriated, notice setting out the municipality's intention to proceed. So it's a different procedure, these of the municipality, as it is with respect to the Crown. That's the only short answer I can give without knowing the details of the point you're making, Mr. Chairman.

MR. MOLGAT: Mr. Chairman, the Honourable Attorney-General says that these people who are involved with these expropriation proceedings had some knowledge of this coming on because there had been surveyors on the land. Well, I would like to submit, Mr. Chairman, -- I'm not taking this from the legal standpoint at all; I am not a lawyer and do not want to get involved in that aspect of the discussion -- but I am very much concerned about the personal situation of the people involved in these expropriations, and I'm very disappointed in the way that this has been handled. It's true that a good number of them had seen surveyors out but, Mr. Chairman, there's been surveyors running around the Province of Manitoba for years on all sorts of projects. PFRA had surveyors out to various parts of the province at different times. Certainly on this question of the floodway with the report of the investigation committee on the Red River and everything that went on prior, I'm sure there had been surveyors in that area for the past six, seven years looking at various aspects. No one in this area had any way of knowing whether their land would be involved or whether it wouldn't. From a

(Mr. Molgat, cont'd.).....municipal standpoint, the same situation exists. I've checked into this and I find out that the municipalities in that area were not informed of the government's decision on this subject. They received no advance notice from the government that lands were to be expropriated within their municipalities. As far as I know at the moment the municipalities have no indication whatever what the government proposes to do in payment of taxes on these lands, or once they're used for the floodway, of payments in lieu of taxes. And to certain of those municipalities this can amount to a very substantial portion of income, because when you take a section, a strip of land through an area as expensive as this land is in the immediate vicinity of Winnipeg, you take out a section roughly a half to three-quarters of a mile I think my honourable friend said, in width, right across the length of the municipality, this means a great deal of assessment. What do the municipalities know about it? At this stage, as far as I can find out, nothing. The government has not advised them, had not discussed it with them. To this stage they have no advance notice.

But let's get back to the people who are involved. I have here a case, a registered letter dated November 4th -- I'm not going to read the whole thing; it was read into the record yesterday by my honourable friend, the Leader of the CCF, but this letter of November 4th simply tells this man that the land has been surveyed, the plan entered and deposited in the Winnipeg Land Titles Office on the 14th of October. In other words a full two weeks before, and it suddenly advises him out of the blue, on a fine Monday morning, that he no longer owns his land. The first time this gentleman has heard about this; there've been no negotiations with him; there's been no one down from the government to speak to him. Out of the blue he's advised suddenly that the land that he's living on, the house that he happens to inhabit, the place where he's been living all his life, two weeks ago became the property of the government. And I submit that it's just plain high-handedness! There's absolutely no need for that sort of treatment to the people of Manitoba. Why couldn't this have been discussed with them before; why do we have to suddenly tell people that two weeks ago your land was taken away from you, and that's exactly what was proceeded on in this whole thing, and then, very generously they asked him if he would like to become a tenant. Would you like to be a tenant, in other words, of the house that you owned until two weeks ago when we took it away from you? That's exactly what this government is telling these people, and I submit, Mr. Chairman, that it's a plain case of taking advantage of these people. Well, but it is! It's a case of rights as far as I'm concerned. These people have either purchased this land originally or homesteaded it in the past -- I don't know how -- but they certainly owned it in absolute legal fashion, and with no advance notice, no discussion, no opportunity for any negotiations whatever, they're told, "You're now a tenant!". And I submit, Mr. Chairman, it's just a plain case of the government using its authority in a fashion that it shouldn't. There's no reason that this could not have been negotiated and arrived at in a satisfactory fashion.

.....Continued on next page

MR. M. N. HRYHORCZUK, Q.C. (Ethelbert Plains): Mr. Chairman, I'm not getting up here as a lawyer because we all know that no two lawyers agree unless they're on the same side of the fence, and then only sometimes. But, I think it is quite plain that the government in connection with this floodway has done something that no government should take upon itself to do. Now, illegally or otherwise, the Expropriation Act is a privilege extended to the government, and I believe, Mr. Chairman, that every privilege has a corresponding responsibility. Otherwise we would not be respecting private ownership in this province or anywhere else for that matter. Now what happens in this case? The government decides to build a floodway, and the floodway encompasses a lot of very fertile and expensive land. They try to save some money on the purchase, which has been gone into pretty fully, by avoiding speculators getting in there ahead of them and I think that they were, to some extent, justified in that, but I think that this goes a little deeper, Mr. Chairman. I think that the government not only tried to save some money on the purchase of that land but I'm not too sure that the government is in the financial position to pay the owners of this property if they had to do so within 30 days. Now, the Act says that the government has certain rights to expropriate, but the Act also was worded in such a way to protect the private citizens of the province, and the key word is in Section 13 "upon" which is referred to by the Honourable Attorney-General, saying that "upon" could mean a day, two, a month, a year or anything. Well I don't think that's what it means. I think that section is put in there so any owner of land, whose land has been expropriated, will know within a reasonable time as to where he stands in regard to his ownership. They do not. The Honourable Attorney-General says they do. He just said a moment ago there may be a year or two or three before the whole thing is completed, before these people will know where they stand.

MR. LYON: On a question of privilege, I think my honourable friend, Mr. Chairman, misunderstood me: I said I thought it might be a year or two or three before the project was completed, not the settlements made. Before there was actually a channel running through.

MR. HRYHORCZUK: All right. What was the purpose of making that statement?

MR. LYON: Oh, merely to point out that there was some good and valid reason for these people being allowed to remain as tenants for one, two or three years to carry on on their former property.

MR. HRYHORCZUK: Well, Mr. Chairman, is it fair to dispossess a citizen of Manitoba of his ownership of land and force him into being a tenant, not knowing whether it's going to be six months or a year, or two years, or three years from now as to when he can obtain the purchase price, the value of that land, and make up and find a place for himself there, being dislocated, dispossessed without being even given an inkling as to when they can expect to receive payment for their lands.

MR. LYON: On a question of privilege, Mr. Speaker. My honourable friend unfortunately still misunderstands what I said. I didn't say that the settlements would be a year, two or three. I said that the owner could continue in use of the land for a year, two or three. He may well be paid off. --(Interjection)-- Well, I only know of one myself. There may be more but I heard of one.....

MR. HRYHORCZUK: All right, all right, Mr. Chairman, if you want to ask me a question it's all right. We are told now that five months after the plan was registered one owner had received settlement out of 650. At that rate when are the other 649 going to receive their settlements? And that is the point, and that is why the Opposition is objecting to the method used by the government in taking away privately-owned lands without giving the owners the opportunity as is provided under the Act to accept an offer by the government or to go into arbitration. One or the other, but the owner would then know where he stood. As it is, the future is unknown to him; he doesn't know what plans to make; he doesn't know when he'll be in a position to make them. I think, Mr. Chairman, that the government is using its position to ride rough-shod over the private citizens of this province, and that isn't the first time. We've had incidents of a similar nature in the past in the various programs that this government has undertaken. Now I say.....

MR. CARROLL: Would the member permit a question? I asked the former member whether -- what your procedure was with respect to high transmission pole lines -- I'm just wondering if maybe you can tell us, because certainly the commissions would have to get the

(Mr. Carroll, cont'd.)....permission of the government before they could expropriate these. I was just wondering whether this was the procedure that was followed by the Utilities at that time?

MR. HRYHORCZUK: Mr. Chairman, if the same type of procedure is followed in connection with the transmission lines as has been followed in this particular instance then that Act or that right should be changed. --(Interjection)-- That's my answer to your question, or do you want to give the answer to your own questions?

MR. PAULLEY: It's in the Acts of the Province of Manitoba that you have the right to do that. You know that as well as I do, and I'm no lawyer.

MR. HRYHORCZUK: I say, Mr. Chairman, that what this government should do is, without any undue delay let the people who are affected by this floodway know where they stand relative to their inherent rights as citizens of this province.

MR. W. B. SCARTH, Q.B. (River Heights): Mr. Chairman, I have no law books in front of me, but there is nothing to indicate here that the Province of Manitoba wants to steal anybody's land or that he wants to get it at less than its actual value, and I don't think that this administration or any administration in the past to which I am aware has ever tried to undervalue land or put the squeeze play on anybody in expropriation. Now, Sir, a lot has been said about expropriation methods -- and let us go a little closer to home. When the Federal Government expropriated the present Post Office site on Smith and Graham and so forth, there were roughly I would say 45 to 50 property owners. An expropriation order was filed against the entire block, and immediately upon that expropriation order being filed the land automatically vested in His, then, Majesty the King, in the right of the Dominion of Canada. There was no argument, the land vested in the Crown. The next question, of course, was for the Dominion Government to give proper compensation. What happened was this. We will say 329 Smith Street -- I just take these numbers out of a hat -- there might be a brick house built before the century; the owner of that house might think his property is worth \$10,000, but if you go down the street three or four houses to very similar premises of no more value, that owner might think his property was worth \$20,000. What happened? It got into the Exchequer Court; the Court sat here and experts were called in connection with one case as a test case, and then the evidence was read into them all, and after all the evidence pro and for, or I should say pro and against, had been submitted on both sides, everybody cooled down. The result of it was that in the whole block I believe the Exchequer Court only gave judgment in about two cases because the rest of the people then were able to properly evaluate their lands and they got a fair price from the Dominion Government, and I submit, Sir, that here we've got not, say, 50 properties but some 650 properties, and if people will negotiate and come in and let proper appraisals be made, I think that everybody will be happy, and I, Sir, see no reason for quite all the excitement that's going on here this evening.

MR. PAULLEY: Might I ask the honourable member a question? How long did the people concerned have to wait before they were aware of the prices which the Government of Canada may have been prepared to pay for their land and how long was it before these cases came into the Exchequer Court?

MR. SCARTH: I would not like to be too definite on that, but I would say that the Exchequer Court sitting took place about nine months after the original expropriation order was filed, and then when settlements were made, the people were allowed to stay in their houses and occupy them until the next spring when the Dominion Government wanted to go ahead and build.

MR. PAULLEY:question? How long was it before the people knew of some offer from the Dominion of Canada?

MR. SCARTH: I wouldn't care to answer that.....

MR. PAULLEY: I can well appreciate that, Mr. Chairman, because I again, not learned in the law, know a little of the case that my honourable friend is talking about.

MR. HUTTON: Mr. Chairman, I'm not learned in the law either but there were some people over on the other side of the House that were laying claim to having common sense. There wasn't much evidence to back it up. This same honourable member said last evening: "I would agree, Mr. Chairman, that it might be only a tentative figure, but the Minister should have put something in there." Now the Honourable Member for Ethelbert Plains has

(Mr. Hutton, cont'd.) said that this was an awful way to get the news, by registered letter, that the land had been expropriated.

MR. HRYHORCZUK: Mr. Chairman, I never mentioned a registered letter in all my talks.

MR. HUTTON: You said this was the way you get it.

MR. HRYHORCZUK: You must be referring to some other statement.

MR. HUTTON: Well somebody over there said this was an awful way to get the news. Well I agree, Mr. Chairman, that this is bad news. This is bad news to a man who has lived in a place all his life, but it wouldn't matter how he got the news, whether somebody drove into his yard one day and told him that he was going to be dispossessed, that he was going to have to lose his property or whether he got the word by mail; it's still bad news. And I suggest, especially to the Honourable Leader of the CCF, the honourable member of common sense, that if I as Minister had included in that letter a tentative figure, and he would agree that necessarily it would have to be a conservative figure, conservative offer, being tentative, it would have been worse news, and it would have created a great deal more misunderstanding --(Interjection) -- Wouldn't they? Wouldn't they?

MR. PAULLEY: Just wait for the answer to the Honourable Minister.

MR. HUTTON: They, I'm afraid are causing more commotion in the Chamber than has taken place over the whole length and breadth of the floodway. I'm quite sure of that. --(Interjection)-- Oh, our men are out. . . .

MR. SCHREYER: Mr. Chairman, I would like to ask a question of the Minister. Does he think that there is no concern out in the area, and if he thinks so, I would invite him to a meeting to be held next week at which all the people in the Gonor-Narol area affected by this, intend to hold a protest meeting.

MR. HUTTON: What is the protest meeting for?

MR. SCHREYER: About the manner in which you've approached this particular matter.

MR. HUTTON: Mr. Chairman, in the first place let's get something clear, that all of the floodway property is not at the present time expropriated. Only half of it is. And so naturally there are people -- naturally there are people who haven't received even a notice, because their land hasn't been expropriated yet. It's in the process, but until the plan is filed we are not sending out. Let's get this clear, that my honourable friends across the way may be very well talking about people who haven't gotten a notice, who have a pretty good idea that they are in the path of the floodway, but where the plans have not yet been filed. That's number one point. I'm sure they're a little wiser for that information. The second thing is that, I'd like to know and I don't think you have to exercise your imagination very much to imagine what they would have said if we'd gone out and made the path of the floodway known to everybody, and if we had run into difficulty with speculation. Maybe my position is difficult here this evening, but I'd hate to have been sitting here if I'd done that. Oh, would they have jumped on me then! They'd have really jumped on me. I'd been playing with the welfare of the people of Manitoba, Mmmmm, hum, hum. Well they've tried to make the most of this situation. The fact of the matter is that we have endeavoured to follow a procedure, regardless of what they say, that is going to make this move which is necessary on the part of some of these people, as easy as possible. We're going to endeavour to be as fair as we possibly can with it. We were faced with having a parcel of land 30 miles long and half a mile to three quarters of a mile wide. Possibly some of it wouldn't be used for three, maybe four years. Was it to sit there idle? Were these people to stop in their pursuit of living just like that? No. We said to them, "We're going to take this land, but we'd like you to stay on there if you want to."

MR. PAULLEY: Mr. Chairman, may I suggest to the Minister that he didn't say that we're going to take this land; he just said, we have taken this land, and there is an important difference.

MR. HUTTON: There's no difference at all. There's no difference at all. This is just a question of your interpretation. It doesn't hurt -- do you think it's any happier a situation to be told that you are going to die or that you have died. Eh?

MR. PAULLEY: No, but I would suggest this, Mr. Chairman, that if I had died those that had been left behind would have made arrangements to bury me.

MR. HUTTON: I'm just talking common sense. These people are going to be hurt.

MR. PAULLEY: Mmm, hmm; they're being hurt right now.

MR. HUTTON: We knew that they were going to be hurt. How you go about it doesn't make it hurt any less. The only way we can make it hurt less is to be fair with them and give them adequate compensation for damages, adequate compensation for their payments for their property. And to make the move as easy as possible. They are the things that really count. But your justice is a matter of words and ours is a matter of action.

MR. PAULLEY:cutting off.

MR. HUTTON: We're not cutting anything off. --(Interjection)-- It's what you do, not what you say.

MR. PAULLEY: It's what you did.

MR. HUTTON: All right. We did. We followed the procedures, and as a result of this all these properties at the present time, where expropriation has been carried out, are under negotiations. Several of them have already been settled; several of them have already been settled. I don't know.....

MR. PAULLEY:one?

MR. HUTTON: No, no, there's been many more than one; many more than one. And this is in a relatively short time, since September 26th.

A MEMBER: Six months. One a month.

MR. HUTTON: I don't know how many. When we talk about -- we're talking about 350 or less; we're talking about half of the property. All I can say we have settled with several. Now several can be many.

MR. MOLGAT: Could you get the figure how many by tomorrow?

MR. HUTTON: Yes I think I could. We are negotiating with others. Now if you try and negotiate with somebody, you don't push them....

MR. PAULLEY: No, you just bang, bang, bang.

MR. HUTTON: No, you give them time, you give them time. And that's what we are giving. Now the accusation was made that we were keeping these people from arbitration, that our actions had put off their opportunity to go to arbitration. Who wants us to go to arbitration? It's a last resort. Who wants arbitration? Are the honourable members opposite advocating that this whole thing should be settled by arbitration?

MR. PAULLEY: No, not at all.

MR. HUTTON: Then we would be denying their rights. --(Interjection)-- That's what we are endeavouring to do.

MR. CHAIRMAN:ask a question but not to interrupt the speaker as he's going along.

MR. HUTTON: Here's some of the things that are being taken into consideration in making these settlements. Maybe I should put this on the record. I think I'll put this on the record, the property acquisition. On June 20th, 1960, the Director of Water Control and Conservation was instructed to proceed with legal surveys of the right-of-way for that portion of the floodway already approved by Canada, that is, from the Trans Canada Highway northerly to the outlet at Lockport, and to have expropriation plans filed in the Land Titles Office. On June 28th, 1960, instructions were issued to Dr. Andrew Taylor, Manitoba Land Surveyor, and to Underwood and McLellan, Consulting Engineers and Manitoba Land Surveyors, to commence surveys on designated reaches of the floodway route, and to prepare expropriation plans for deposit. These surveys were extended to cover the whole route as soon as the required approval was obtained from Canada. The work involved retracement of property lines and survey of right-of-way from half a mile to three-quarters of a mile wide along the 30-mile route. Much of this distance was through river lots and sub-divided property, entailing expensive detail survey. The field surveys and plans were completed about December 15th, 1960, and all plans by that time were submitted to the Land Titles Office for examination and registration. Plans covering about half of the route have by this stage been registered in the Land Titles Office, the remainder still being under examination. Early in July, 1960, the government appointed the Floodway Property Committee consisting of C. E. Joslyn, Chairman, and A. R. Purchase, member, each of whom has been engaged in property work, both farm and urban, for over 30 years, with H. A. Good, Water Control and Conservation Branch, as

(Mr. Hutton, cont'd.) advisor and liaison member, he having many years of experience in acquiring rights-of-way for highways and drainage works. The duties of this committee are to appraise the properties required for the floodway, to compensate the property owners, and to operate and manage the properties up to the time they're required for construction. An office was opened at 602 Power Building on September 1st, 1960, and a staff engaged to make appraisals, negotiate settlements, arrange leases and carry on research. The present staff comprises the following: two members of the committee; one advisor to the committee; three appraisers who also act as negotiators; two property administrators, one of whom devotes much of his time to research; one office manager; one draughtsman; one stenographer, a total staff of eleven. Consultants are also needed for legal and accounting problems and for appraisals of special purpose properties. At the present, we are using from time to time the following: one legal counsel for advice on legal problems involved in establishing due compensation; one lawyer to process documents for settlements with owners; one chartered accountant to analyze statements and financial records and to advise in respect to certain large undertakings being expropriated; two fee appraisers to appraise and to advise in respect to certain special use properties.

A preliminary study of the floodway showed that with few exceptions the individual properties were being used for farming purposes, mostly grain, some hay, some potatoes and coarse vegetables, with a few fine vegetable properties. Here and there along the floodway will be found a small plot used as a homesite. But it is rather remarkable to find so few homes in the actual path of the floodway. There are, of course, quite a number of homes at both the St. Norbert and St. Andrews ends of the floodway. With the preponderance of farm properties, it appeared necessary to establish the productive value of these properties per cultivated acre, having regard to the types of soil, drainage, types of use, sizes of farm units, location in respect to roads, schools, shopping centre and such-like. Productive values thus found were related to productive values in other farming areas of the province such as Carman, the Portage Plains, etcetera. These productive values were then related to assessed values, the latter being based on part of productive value with due regard to market value as established by records of recent sales. Since market value is regarded by appraisers and accepted by the courts as the best evidence of value for compensation purposes, we went to all available sources of information for records of sales during the past few years, particularly 1958, 1959 and 1960. We culled out all sales between relatives, endeavouring to limit our choices to arms-length transactions. These sales, which we termed comparable sales, required careful analysis. It was necessary to appraise these properties, deduct the amount of buildings added to the value where buildings were present, make allowance for any uncultivated acreage, and thus arrived at the price paid per cultivated acre. Market values of farms in the vicinity of the floodway were found to range substantially higher than productive values. There are a number of reasons for this, such as the lower cost to farmers due to ready accessibility to the Metropolitan Winnipeg market for both buying and selling; two, off-farm employment opportunities to the farmer and to his family; three, the advantage of metropolitan educational, medical and recreation facilities within easy access by a network of good roads; four, farm homes and improvements in use close to urban centres contribute relatively more to farm unit market values. While this research was in progress, the first floodway plan was registered September 26th, 1960, covering a stretch east of Transcona from Trans Canada Highway on the south to one mile south of Springfield Road on the north. Since then two other plans have been registered, continuing north to the first plan to the boundary line between East St. Paul and St. Clements Municipalities. Upon registration of these plans each owner was notified and provided with a sketch showing the portion of his land taken. The way was then clear for our appraisers to visit the properties and to secure details of cultivated acreage, size and condition of buildings, fencing, wells, etc., all the information needed to make an appraisal. Each appraisal gives the appraiser's opinion of the productive value of the farm and the market value of the farm, the latter being based on a review of the comparable sales in the near vicinity. The committee then reviews each appraisal with the appraiser, having regard to items such as listed on the attached sheet, and establishes a tentative settlement sum. The appraiser then interviews the owner with a view to ascertaining what special factors are inherent in the property, or in the owner's use of the property, that would add to the value of the property.

(Mr. Hutton, cont'd.) Also to ascertain what unusual damages would be suffered by the owner through losing his property. Following this interview with the owner the committee reviews the case with the appraiser, giving consideration to the owner's views, and establishes the final figure for submission to the owner.

Finally we might mention the four basic principles we follow in establishing compensation. That we must be prepared to defend our offer of compensation in the Courts; that the owner should not be enriched by the compensation paid him; that the sum offered as compensation represents the amount of damages necessarily resulting from the expropriation; that the compensation offered is the amount a prudent and reasonable owner would accept and thus lose the property if he were in a position to avoid expropriation. I'd like to point out that the last three principles have been established in Court decisions regarded as binding in our Manitoba Courts. And these are the items that they consider in making adjustments; excess or shortage of summer fallow or tillage above or below typical; the type of immediate access road to main all-weather road; distance from shopping centre, major shopping centre, school and church; distance between school van road and miles to school via school van; subdivision potential; commercial development potential, substantial variation from typical farm as to cultural conditions, weed situation, lack of drainage, no well, etcetera; severance; expenditures by owner for improvements such as new buildings, fencing, breaking, tree planting, where property was recently purchased; special value to the owner; business disturbance, reduction in acreage; useful value of equipment diminished; moving costs; relocating costs; home disturbance; inconvenience due to extra school mileage; horse sale of or stock; loss of goodwill; new fencing; moving fence; moving buildings and making good; relocation of a private road — I don't imagine there are many others. Now does this sound as if the government of this province is running rough-shod over the interests of the people who live in the area affected by the floodway? I don't think so. I think that my honourable friends opposite thought that they had found a chink in the armour and the just let go with both barrels, and their shots have gone wild, because outside of some litigation about some words in an Act, I don't think they're going to find any example in our dealings with these people that would intimate, even intimate, that we are not giving them every consideration possible in arriving at a final settlement.

MR. HRYHORCZUK: Mr. Chairman, I just have a few words to add. In the first place the Minister spent quite a bit of time telling the members of the committee as to how the farmers are to receive their compensation. There is no argument about the amount of compensation, and all that talk isn't to the point at all. I would like to add one other thing, Mr. Chairman, namely, that the proper procedure for the government to have followed was to first become the rightful owners of that property, that is pay the owners just compensation, and then if they wanted to become tenants they could do so.

MR. ROBLIN: Mr. Chairman, I trust that I might be allowed to say a word in defence of what the government has done in connection with this matter. I've been sitting here patiently this evening listening to the verbal brickbats fly to and fro. It's always a pleasure to see the Leader of the CCF Party on what he thinks is a hot trail. He puts his nose to the ground and he follows along like a good bloodhound hoping to come to the prey.

MR. PAULLEY: May I suggest to the Leader of the House that it was not trail that I was following.

MR. ROBLIN: I don't require any suggestions from my honourable friend at this moment. If he wishes to give me some later he is quite at liberty to do so. Following along the trail with his eyes firmly closed, as my honourable friend from behind remarked here, he bumps up against a post. Well now, Sir, what are we really trying to do? I don't intend to get into -- to offer to the committee my interpretation of the law. I am no more qualified to offer it than the Leader of the CCF Party, and believe me he has no qualifications. I put myself in exactly the same class as him. I will say that I am impressed by the legal advice that has been given to us. I won't say that it is right. How could I say that? If a point arises of some magnitude it no doubt will have to be settled in the courts. All I can say is that according to the best advice that we've got we are legally in a satisfactory position. Now other gentlemen may disagree, and they are entitled to do so, but I merely say that we did take the trouble to examine our legal position, and to the best of our knowledge we find ourselves on

(Mr. Roblin, cont'd.) . . . sound ground. There have been a lot of arguments fly back and forth here and I can't really deal with them all. There's just one or two odd observations that I might make. With respect to the Winnipeg Electric situation I think it was quite different. There was there a question of common stock that was being traded on the market; there was a very difficult and different situation there that I don't think could really be compared to the present situation. But let me tell you the dilemma that the government was in here. If we had followed the procedure that has been followed in the past by other governments and I say this in no critical way -- I simply want to establish it as I believe it to be a fact -- they went ahead and did the public work, then after the public work was completed they filed their plans and if they hadn't made a deal by that stage they go through expropriation. And that reflection indicates that it's not fair to follow the same policy, which I believe has been the custom in other cases, with this particular public work because of its peculiar nature. First of all it covers a lot of territory, and secondly, it's going to take a very long time to complete, so it's quite out of the question to expect to delay filing plans or expect to delay the making or arrangements with the people whose land has been taken till after the work is completed. It wouldn't be fair. I don't think anyone would want to do that. Well, what has actually happened? We have served notice on some people, not all as yet, that their land is going to be expropriated for this purpose, that their land is expropriated for this purpose. Let's agree on that. We are trying to do so in a spirit of fairness. The plan has not been filed or the letter been sent to these folks in an endeavour to grind them into the earth to -- I enjoyed very much the speech of the Honourable Member for Ste. Rose -- how he loves to pick on a little point and then elaborate a whole wonderful edifice on top of the very narrow foundation -- there's no real effort here on the part of the government to flop these people out of the homesteads that they've carved out of the wilderness, as my honourable friend from Ste. Rose -- I don't see him around here at the moment -- had me thinking when he spoke. We have not said to this man; "Leave your property now; you can't live on this any more, you're through." We didn't shove him out the door and cut off his living and neither, Mr. Chairman, did we confront him with an ultimatum as to price but, that is what we would have to have done if we were to follow -- (Interjection) --absolutely . . .

MR. PAULLEY: Come off your ivory tower.

MR. ROBLIN: We would have within thirty days, if my honourable friend's interpretations were right, we would have to submit a price and give him an ultimatum as to price. -- (Interjection)-- Well I crave the indulgence of the committee, Sir, to be allowed to continue what I have to say without any more of these interruptions from the honourable member of the CCF, who by the way, tonight has had more than his quota of interruptions. I wouldn't dream of trying to admonish my honourable friend. I really don't think that I'm capable of admonishing him. I admit that right now; he's much more capable than I at handling these interjections. I'll certainly leave them to him. All I'm saying, Mr. Chairman, is, that we went into this with what we trusted and what we still believe was a fair way to handle this matter, to do substantial justice to the people concerned. Now if we had come in and said -- done any of those things charged against us of depriving them of the right of use of their property; if we had come in with a 30-day ultimatum as to price and presented them with that, then I think probably we would be open to some criticism. Now I don't say . . .

MR. PAULLEY: Would the Honourable Minister allow a question?

MR. ROBLIN: No, I will not allow a question and my honourable friend can wait until I'm through. We didn't do any of those things. We went in with what we thought was a fair proposition. We said to them . . . leave all the legal verbiage to one side. I don't really understand it too well; I'm frank to admit it. We went into them and said: your property is going to be needed for the floodway; we have the right to expropriate. We're going to negotiate a price with you. One would think from what has been said opposite that we've been sitting on our hands without talking to people or trying to negotiate prices. Negotiations have been going on. We've been doing our best to come to settlement. In some cases we have. But we have given those people, I think, proper time to consider the matter insofar as their own interests were concerned, and proper time in dealing with us in this particular respect. We have deliberately tried to do that, because it has been said half a dozen times, and I don't know why I should have to repeat it, we realize what this means to the individual concerned, that we're not looking

(Mr. Roblin, cont'd.)....for any legal way out; we're not looking for any subtle clause in a statute of expropriation to try and deprive these people of their just rights. We're not trying to hustle them into a deal, as we would be compelled to do if we took the advice opposite. We're not doing any of those things. We are trying to give them fair notice of what's been going on; we're trying to give them the opportunity to meet with our people and talk over the prices that they want for their land, and to come to some settlement that is fair. We're not anxious to compel anybody to go to court, and Mr. Chairman, one of the things I want to stress with the committee, that when this plan was considered by our advisors and without trying to get away from the fact that whatever our advisors may give us, we're responsible, without trying to dodge that in any way, I think it is reasonable that when we had the advice of the men that we did have in this matter, that we had some right to give it serious consideration -- and indeed we did. And it was listening to their advice too as to how we could do this thing in the fairest manner to the people that were there, and at the same time discharge our duties to the House, that this method that was adopted has been followed by us. Now, the point that my honourable friends opposite seem to hang their arguments on is whether what we're doing is legal or not? Well, we think it is. As I say, I just have to rely on the opinion of my advisors and my colleagues must do the same. We think it is legal and we are prepared to take our stand on that point. But we think more than that Sir, we think that what we have tried to do is in essence fair, I want to stress as firmly as I can, that we know what this means to the people concerned. I know what it would mean to me, and we're not trying to do anything to these people that is wrong, or unfair, or to deprive them of their rights as citizens. People talk about Magna Carta! How easy it would have been to fasten on that 30-day clause and give them any old price and say, "You're out; if you don't like it, take it to the courts."

MR. PAULLEY: Oh, no, that isn't what the Act says.

MR. ROBLIN: Well, if my honourable friend is an expert on interpreting the Act, I'll let him take care of that department.

MR. PAULLEY: But your honourable friend has read the Act.

MR. ROBLIN: I'll let him take care of that department. I'm merely trying to say that we are trying to take an attitude toward these folks that is fair. I don't say we don't make mistakes; it might well be argued that we'd have done much better, for example, if we'd gone out and held a meeting along the line, and explained this to them personally and directly. Maybe we should have done that; maybe that's a good idea. And I'd welcome any constructive suggestions like that. As far as the proposal of the Honourable Member for Brokenhead is concerned, that we should attend the meeting at Gonor, I think that's a good idea, and I think that somebody from the government ought to go there and to tell those folks exactly as much as we can, as much as we know about this thing. --(Interjection)-- Well, I wouldn't accuse my honourable friend of doing that and if he did, I wouldn't say that it would be wrong either, because he's within his rights as a citizen in that respect. But that criticism I will accept, the criticism that perhaps we have not been as -- well, somebody said smart, maybe that's a good word -- but at least, Mr. Chairman, we may not have been smart, but we've been honest; we may not have been smart, but our intentions, I think, were good, and I not only think that our intentions were good but I think the plans that we made to deal with this matter will bear scrutiny as being fair and just to the people concerned. Now, I'm willing to take my stand on that. I don't know anything about the law; I can't argue about these "upons" and things like that. We didn't really look at it in that way, at least I certainly didn't look at it in that way. I tried to get from my advisors, some kind of a plan which we thought would be fair to the interests of the people concerned. If we had followed the 30-day rule, I don't care what my honourable friends said, it seems to me we'd have had to give a price right then and there when we were still prepared to negotiate. Why should we issue an ultimatum, why should we issue a set price to some group of people when we're still willing to negotiate with them?

MR. PAULLEY: But that 30-day clause would not have stopped negotiations.

MR. ROBLIN: Oh, yes it would.

MR. PAULLEY: No.

MR. ROBLIN: Yes, it would.

MR. PAULLEY: No.....

MR. ROBLIN:No, because at that stage the owner had to say whether he accepted

(Mr. Roblin, cont'd.).....or not.

MR. PAULLEY: That's right!

MR. ROBLIN: Well, that certainly doesn't sound like the beginning of negotiations.

MR. PAULLEY: That's just the beginning.

MR. ROBLIN: That's the end of negotiations when the man tells you whether.....

MR. PAULLEY:negotiating with the likes of you.

MR. ROBLIN: Well, my honourable friend can be as rude as he likes; I was trying not to be rude. I would like to be like him. He occasionally gets a little over-wrought; perhaps he's in that stage at the moment. But, well, of course there's something about the louder you squeal, the worse your case is, and maybe my honourable friend is in that particular predicament right at the moment.

MR. PAULLEY: Oh, no! Not at all.

MR. ROBLIN: But, that would certainly have put an end to negotiations in my view. When a man says no or yes, that's the end of negotiations. It's up to that point that you start to negotiate.

Well, Mr. Chairman, I mustn't detain the House any longer because I think I've made my point and that is that we're willing to take all the criticism that my honourable members can think up. We're willing to be told we're not very smart. It may even be true on occasion, and we're willing to be told that we don't do anything about the law -- and that may even be true on occasion. But one thing we're not willing to be told, is we're not willing to be told that we have deliberately, with malice or by neglect, tried to ride rough-shod over the rights of any group of people in this province, because we have not done that, and we have no intention of doing it, and we intend to continue to be as fair and just as we can to everybody concerned in this province.

I move that the Committee rise, Mr. Chairman.

MR. CHAIRMAN: Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of Supply has adopted certain resolutions and 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 Cypress, that the report of the Committee be received.

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

MR. ROBLIN: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Agriculture that the House do now adjourn.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Wednesday afternoon.

ADDRESSES IN FRENCH - - - - - Friday, March 3, 1961.

Page 454 - HON. STERLING LYON (Fort Garry): Je vous souhaite la bienvenue dans cette Chambre.

TRANSLATION: I welcome all of you to this House.

Page 454 - MR. EDMOND PREFONTAINE (Carillon):et je me joins avec plaisir a Monsieur le Procureur General pour seconder dans la seconde langue officielle de cet enceinte, la langue francaise une cordiale bienvenue au sein de l'assemblee legislative et je souhaite que votre visite ici vous soit non seulement interessante at agreable mais aussi tres instructive.

TRANSLATION:and I join with pleasure the Attorney-General in the second official language of this House, the French language, to second the warm welcome extended here in the bosom of the Legislative Assembly and hope that your visit here will not only be interesting and pleasant but also informative.

Page 454 - MR. ED. SCHREYER (Brokenhead): Monsieur l'orateur, je voudrais aussi souhaite la bienvenue aux eleves et j'espere que leur visite ici sera interessante et profitable.

TRANSLATION: Mr. Speaker, I would also like to welcome the students and hope that their visit here will be interesting and profitable.