

DIGEST OF UNREPORTED MANITOBA CASES JANUARY-JUNE, 1978

BRENT LATIMER*

This issue of the Manitoba Law Journal will contain a new feature — a Digest of Unreported Manitoba Cases. We will be digesting all Manitoba Court of Appeal, Court of Queens Bench, County Court, and Surrogate Court decisions that are not reported in the major as well as the more specialized report series.

The numbered references are to the filed case reports contained in the E.K. Williams Library at Robson Hall, University of Manitoba.

In the first issue, we will be digesting cases from the first half of 1978. When the service is brought up to date, considering the time lag between decision and report, we will be digesting the cases on a quarterly basis.

The cases are listed according to general law school areas of study. So far, they are listed according to 26 areas of study. + If a particular case has direct relevance to more than one field, it is digested under each appropriate heading. It may become necessary to add a few new headings; this will likely be needed for only the more specialized areas.

We wish to acknowledge Mr. Eugene Szach's contribution in providing us with the digests, as well as Ms. Donna Hodgins for her secretarial assistance.

Administrative Law

Manitoba Court of Appeal

#28 — *Associated Tenants Action Committee, Inc. v. Manitoba Hydro-Electric Board* — appeal — Public Utility Bd. — right to appeal final order or decision — leave to appeal sought *re* interim order — 6 pp. — Monnin, J.A. (in chambers) — Mor. 1.

#38 — *Ruttan Development Corp. v. Wray* — judicial review — Rent Stabilization Bd. — jurisdiction — formula used by Bd. to calculate rents — 3 pp. — Freedman, C.J.M., Monnin & Hall, J.J.A. — Mor. 21.

#62 — *Jeroff v. Manitoba Dental Assn.* — judicial review — dentistry — erasure of applicant's name from registry — whether quasi-judicial act — notice and hearing — 5 pp. — Freedman, C.J.M., Monnin & O'Sullivan J.J.A. — May 24.

Manitoba Court of Queens Bench

#17 — *Ford v. College of Physicians and Surgeons of Manitoba* — appeal — finding of unfitness to practice medicine — lack of professional skill and judgment — scope of court's powers on appeal — power of Committee members to accept and evaluate evidence — 7 pp. — Solomon, J. — Feb. 3.

#19 — *Smith v. Winnipeg, City of* — notice and hearing — alleged wrongful demolition of house — notice and hearing — 8 pp. — Deniset, J. — Feb. 10.

#24 — *Ledohowski Hotels Ltd. v. Environment Committee, City of Winnipeg* — appeal — zoning — Environment Comm. of City of Wpg. — scope of appeal powers — allowable evidence — letter from absent councillor — *locus standi* of district planner appealing on behalf of city — 8 pp. — Dewar, C.J.Q.B. — Feb. 16.

#27 — *Gomeric v. Manitoba Soccer Assn. Incorporation* — appeal — judicial review — review sought *re* disciplinary decisions made by respondent — effect of right to appeal on review process — 2 pp. — Hamilton, J. — Feb. 21.

* Digest Editor, Student, Faculty of Law, University of Manitoba.

+ re: Administrative Law; Agency; Business Organizations; Civil Liberties; Civil Procedure; Constitutional Law; Contracts; Creditors' Rights; Criminal Law, Procedure and Sentencing; Evidence; Family Law; Insurance; Labour Law; Landlord and Tenant; Legal Ethics; Local Government Law; Negotiable Instruments; Personal Property; Real Property; Restitution; Taxation; Torts; Transportation and Communication Law; Trusts; Wills.

#56 — *Jeroff v. Manitoba Dental Assn.* — judicial review — appeal — *certiorari* applicant's name struck from Register of respondent — no notice and hearing — effect of appeal and rehearing rights on application — 6 pp. — Solomon, J. — May 3.

Manitoba County Court and Surrogate Court
— None —

DIGEST 1978

Agency

Manitoba Court of Appeal
— None —

Manitoba Court of Queens Bench
— None —

Manitoba County Court and Surrogate Court

#35 — *Phillips v. Virden Credit Union Ltd.* — real estate — claim for commission — negotiations to purchase drive-in — failure of credit union to process financing application — claim of interference with contract — 6 pp. — Lorne Ferg, C.C.J. — Apr. 18.

Business Organizations

Manitoba Court of Appeal
— None —

Manitoba Court of Queens Bench

#55 — *Kobrinsky v. Rabkin* — partnership — medical partnership — shareholdings in pharmacy co-connected with partnership — purchase option in shares — whether partnership dissolved — winding up — 12 pp. — Wilson, J. — May 2.

Manitoba County Court and Surrogate Court
— None —

Civil Liberties

Manitoba Court of Appeal

#9 — *R. v. Beckett* — criminal law — robbery — sentencing — accused a schizophrenic — need for medication and psychiatric treatment — 10 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, JJ.A. — Jan. 19.

Manitoba Court of Queens Bench
— None —

Manitoba County Court and Surrogate Court

#38 — *McKinny v. The Queen* — Indians — aboriginal hunting rights — charges under *Manitoba Wildlife Act* — 10 pp. — Lorne Ferg, C.C.J. — Apr. 26.

Civil Procedure

Manitoba Court of Appeal

#55 — *Lambair Ltd. v. North Coast Air Services Ltd.* — *ex parte* interim injunction — motion to rescind — 5 pp. — Monnin, Hall & Matas, JJ.A. — May 12.

#61 — *Desautels v. Macdavid* — appeal — motion to extend time to file notice of appeal — intention to appeal — wrongfulness of judgment appealed from — sufficiency of affidavits — 3 pp. — Monnin, J.A. (In Chambers) — May 24.

#66 — *Clarke v. McGibbon* — want of prosecution — appeal from dismissal of plaintiff's action — prejudice to defendants — oral representations — 8 pp. — Freedman, C.J.M., Guy & Hall, JJ.A. — June 5.

Manitoba Court of Queens Bench

#16 — *Clarke v. McGibbon* — delay in prosecution — motion to strike Claim — allegation that defendants' ability to defend action has been prejudiced — departure of witnesses from corporate defendant's employment — death of key officer of corporate defendant — 4 pp. — Solomon, J. — Feb. 3.

#41 — *Western Finance Co. v. Tasker Enterprises Ltd.* — costs — motion to award party and party costs — bar raised under Q.B. Rule 630 — expenses for chartered accountants and lawyers as costs — "disbursements" — Q.B. Rule 620A — 9 pp. — Wright, J. — Apr. 12.

#53 — *Kessloff v. Unicity Taxi Ltd.* — appeal — effect of launching of appeal on agreement declared terminated by lower court — 3 pp. — Hamilton, J. — May 1.

Manitoba County Court and Surrogate Court

#23 — *Pyrek v. Noble* — Statement of Claim — service — motion for order extending time for service — whether claim served — delays caused by plaintiff's solicitor — 7 pp. — Barkman, C.C.J. — Mar. 15.

#31 — *Peters v. Matousek* — Statement of Claim — motion to dismiss — multiplicity of actions alleged — Mechanics' Lien action — personal judgment sought — monetary jurisdiction of County Ct. — 8 pp. — Coleman, C.C.J. — Apr. 10.

DIGEST 1978**Commercial and Consumer Transaction***Manitoba Court of Appeal*

#2 — *Uniroyal Ltd. v. Union Acceptance Corp.* — conditional sales contract — seizure and sale of truck for default in payments — competing claim — default in payment for tires — validity of garage keeper's lien — 3 pp. — Guy, Monnin, Matas, J.J.A. — Jan. 5.

Manitoba Court of Queens Bench

#14 — *Canadian Imperial Bank of Commerce v. Stern GMC Trucks (1969) Ltd.* — sale of truck — retail sale rescinded by court due to defects in truck — claim by truck dealer against supplier for indemnification due to rescission of retail sales contract — *Sale of Goods Act* — *Consumer Protection Act* — 4 pp. — Solomon, J. — Feb. 3.

#57 — *Manitoba Development Corp. v. Columbia Forest Products Ltd.* — "forward commitment of purchase" — judicial definition — 28 pp. — Nitikman, J. — May 4. See also #66 — May 25.

Manitoba County Court and Surrogate Court

#17 — *Custom Furniture Marine Centre Ltd. v. Moulson* — motorcycle — sale agreement — repudiation of agreement by buyer — whether property had passed to buyer — whether motorcycle in "deliverable state" — damage by buyer on test run — *Highway Traffic Act* — 9 pp. — Lorne Ferg, C.C.J. — Feb. 24.

#45 — *Canadian Imperial Bank of Commerce v. Andrews* — sale of car — re-sale — original vendor not having clear title to car — car on conditional sale — dispute between assignee of conditional sale contract and ultimate purchaser of car — 5 pp. — Keith, C.C.J. — May 17.

Constitutional Law*Manitoba Court of Appeal*

— None —

Manitoba Court of Queens Bench

— None —

Manitoba County Court and Surrogate Court

#41 — *Culbertson v. The Queen — Retail Businesses Holiday Act* — whether "Sunday observance legislation" and therefore *ultra vires* of province — 5 pp. — Dureault, C.C.J. — May 3.

Contracts*Manitoba Court of Appeal*

#12 — *Storm-Tite Industries Ltd. v. Stenning* — consignment contract — gazebos — suit by deliveror — proof of sale by consignee — suit for purchase price — bailment — possibility of negligence — 3 pp. — Freedman, C.J.M., Monnin & O'Sullivan, J.J.A. — Jan. 23.

#64 — *Release Coatings of Winnipeg Ltd. v. Canadian Rogers Western (1971) Ltd.* — breach — whether plaintiff consented to change of terms — exhaust equipment in cleaning plant — steam problem — 4 pp. — Freedman, C.J.M., Hall & O'Sullivan, J.J.A. — June 1.

#67 — *Monias v. Antosko* — breach — damages — mitigation — agreement to move home — alleged abandonment of contract — new movers hired — damage to home — 16 pp. — Freedman, C.J.M., Guy & Hall, J.J.A. — June 5.

Manitoba Court of Queens Bench

#1 — *Release Coatings of Winnipeg Ltd. v. Canadian Rogers Western (1971) Ltd.* — terms — supply of exhaust equipment for plaintiff's cleaning operation — emission of steam from wash tanks — whether defendant contractually responsible — counterclaim for work done — 14 pp. — Nitikman, J. — Jan. 3.

#2 — *Csath Construction Ltd. v. Unger* — offer and acceptance — construction of four-plex — negotiations for sale — whether sale agreement concluded — whether plaintiff capable of substantial performance — damages — mitigation — 30 pp. — Wilson, J. — Jan. 5.

#7 — *Williams v. Carroll* — implied contract — alleged trust relationship — *quantum meruit* — suit against former suitor — claim of beneficial interest in home — claim for labour and services rendered — 13 pp. — Morse, J. — Jan. 23.

#11 — *Greater Winnipeg Gas Co. v. Elco Manufacturing Co.* — warranty — supply contract — natural gas water heaters — supplier warranting replacement of defective water heaters — refusal by supplier to abide by replacement clause — purchaser making replacements — contractual effect — 7 pp. — Wright, J. — Jan. 31.

#15 — *Chrysler Truck Centre Winnipeg Ltd. v. Andersen* — used truck — sale — defects — repair costs claimed — rescission — total failure of consideration — 4 pp. — Solomon, J. — Feb. 3.

#21 — *Poucher Industrial Lumber Ltd. v. Trojan Board Ltd.* — terms — guarantees — sale of cedar boards — alleged sale by sample — alleged guarantee that bulk would conform to sample — wastage — refusal by purchasers to pay — 8 pp. — Deniset, J. — Feb. 13.

#29 — *Dixon v. Maksymchuk* — undue influence — restitution — claim by woman's estate for return of property given to common law husband — 20 pp. — Wilson, J. — Mar. 1.

#30 — *Lorne Ritchie Enterprises Ltd. v. Quiring* — specific performance — loan based on security of land — agreement by debtor to re-purchase land at later date — interest — whether unconscionable interest rate — 5 pp. — Hamilton, J. — Mar. 2.

#45 — *Comstock International Ltd. v. Gamble* — breach — wrongful dismissal of employee — damages — mitigation — duty of employee to try to find other work — 6 pp. — Hamilton, J. — Apr. 19.

#48 — *Witwicki v. Witwicki* — terms — estate holding remainder interest in land under terms of agreement — agreement providing for payment of necessities of life to transferor of land — dispute *re quantum* of estate's obligation to transferor — whether other assets of transferor should be included — extrinsic evidence to clarify agreement — 11 pp. — Hamilton, J. — Apr. 26.

DIGEST 1978

#53 — *Kessiloff v. Unicity Taxi Ltd.* — termination — declaration of termination by County Court — appeal — effect of launching of appeal on enforceability of contract — 3 pp. — Hamilton, J. — May 1.

#57 — *Manitoba Development Corporation v. Columbia Forest Products Ltd.* — "forward commitment of purchase" — judicial definition — 28 pp. — Nitikman, J. — May 4. See also #66 — May 25.

Manitoba County Court and Surrogate Court

#19 — *Wayne Finucan Productions Ltd. v. Neufeld* — terms — use of recording studio — rental claim — defence of contingent rental fee or no rental fee — uncertainty of terms — whether contract existed — 11 pp. — Jewers, C.C.J. — Feb. 28.

#34 — *Adeleye v. Grey Goose Bus Lines Ltd.* — carriage of goods — loss of cargo — suit for damages — limitation of liability clause — whether part of contract — waiver of requirement for written claim — 21 pp. — Darichuk, C.C.J. — Apr. 15.

#43 — *Steinfeld v. Fort Garry School Division No. 5* — sick leave — schoolteacher — termination of employment as teacher — dispute *re* date of termination — intention *re* termination — 6 pp. — Thompson, C.C.J. — May 12.

#47 — *Oberlander v. Onosson* — employment contract — alleged breach — whether employment contract overridden by a subsequent contract — fundamental breach alleged *re* 2nd contract — accord and satisfaction — condition precedent — repudiation — 17 pp. — Jewers, C.C.J. — May 25.

#53 — *Duchon Signs Ltd. v. Fotti* — breach — damages — rental agreement — whether clause in contract is a pre-estimate of liquidated damages or a penalty — 6 pp. — Keith, C.C.J. — June 22.

Creditors' Rights

Manitoba Court of Appeal

#2 — *Uniroyal Ltd. v. Union Acceptance Corp.* — sale of truck — sale of tires for truck — defaults on both sales — competing claims — seizure and sale under conditional sales contract — validity of garage keeper's lien — 3 pp. — Guy, Monnin & Matas, J.J.A. — Jan. 5.

Manitoba Court of Queens Bench

#50 — *Moss v. Moss* — attachment — whether respondent about to move property so as to defraud creditors — 3 pp. — Morse, J. — Apr. 27.

#52 — *Manitoba Securities Commission v. Showcase Realty Ltd.* — competing claims between Manitoba Hydro and landlord of commercial premises — 3 pp. — Solomon, J. — Apr. 28.

#57 — *Manitoba Development Corp. v. Columbia Forest Products* — receivership — debenture — priority of claims as between debenture holder and unsecured creditor — 28 pp. — Nitikman, J. — May 4. See also #66 — May 25.

Manitoba County Court and Surrogate Court

#15 — *Hampton v. Goulet* — garnishment — application to set aside garnishing order made before judgment — whether plaintiff's claim *re* "debt or liquidated demand" — breach of contract — claim alleging incomplete and defective renovation work — 4 pp. — Jewers, C.C.J. — Feb. 23.

#26 — *Bank of Montreal v. Friesen* — loan — default on promissory note — chattel mortgage — seizure and sale of chattels — whether full satisfaction for indebtedness — merger — 6 pp. — Barkman, C.C.J. — Mar. 22.

#31 — *Peters v. Matousek* — mech's Liens — personal judgment — increased monetary jurisdiction of C.C. — attempt to secure advantage of increased jurisdiction by launching 2nd action — 8 pp. — Coleman, C.C.J. — Apr. 10.

#51 — *Lowe Farm Consumers Co-op v. Harder* — Mechanics' Liens — lien claim — construction of house — supply of materials — prevenient arrangement — whether lien field in time — *quantum* of lien — holdback — 24 pp. — Jewers, C.C.J. — June 8.

Criminal Law, Procedure and Sentencing

Manitoba Court of Appeal

#8 — *R. v. Appleby* — appeal — murder conviction — accused unable to afford lawyer or trial transcripts — refusal by Legal Aid to take case — discretion of appeal court to appoint lawyer and to dispense with transcripts — 8 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, J.J.A. — Jan. 19.

#9 — *R. v. Beckett* — sentencing — robbery — appeal by accused of four-year sentence — accused a schizophrenic — need for medication and psychiatric treatment — 10 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, J.J.A. — Jan. 19.

#26b — *Hart v. Kessiloff* — appeal — assault charges — leave to appeal sought — Summary Convictions Act — Crim. Code — 3 pp. — O'Sullivan, J.A. (In Chambers) — Feb. 22.

#37 — *R. v. Koppel* — sentencing — Crown appeal — refusal by appeal court to imprison accused — 2 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — Mar. 20.

#39 — *R. v. Stewart* — *voir dire* — voluntariness — instructions by trial judge to jury *re* acceptance of accused's statement — whether miscarriage of justice — 22 pp. — Freedman, C.J.M., Guy, Monnin, Hall & Matas, J.J.A. — Mar. 23.

#44 — *R. v. Hanuschak* — sentencing — sexual intercourse with girl under 14 — schoolteacher and pupil — Crown appeal — 3 pp. — Freedman, C.J.M., Monnin, Matas, Hall & O'Sullivan, J.J.A. — Apr. 17.

#45 — *R. v. Kellett* — information — sufficiency of information — nullity alleged for failure to give reasonable particulars — dangerous driving charge — failure of information to state street and hour involved — 2 pp. — Freedman, C.J.M., Guy, Monnin, Matas & O'Sullivan, J.J.A. — Apr. 17.

#47 — *R. v. Gregson* — sentencing — assault — vicious attack on common-law wife — 2 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — Apr. 24.

® 48 — *R. v. Soble* sentencing — fraud — pharmacist defrauding company's prescription drug plan — no jail sentence — mitigating factors — 7 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — Apr. 24.

#58 — *R. v. O'Brien* — juvenile — transfer application — charge of attempted murder — 3 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — May 15.

#59 — *R. v. Harris* — attempted murder — possession of weapon for purpose of attempted murder — inconsistent verdicts — *Code*, s. 613 — drunkenness — sentencing — 4 pp. — Freedman, C.J.M., Matas & O'Sullivan, J.J.A. — May 17.

#63 — *R. v. Chrusch* — rape — consent — whether honest belief in consent of victim — cross-examination — *Code*, s. 142 — previous sexual conduct of victim — sentencing — 5 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, J.J.A. — May 30.

#69 — *R. v. Holden* — sentencing — appeal by Crown from suspended sentence — 2 pp. — Freedman, C.J.M., Monnin, Hall, Matas & O'Sullivan, J.J.A. — June 7.

#75 — *R. v. Ruggles* — sentencing — conspiracy to traffic in heroin — Crown appeal from 42 month sentence — disparity of sentences with those of other accused — 10 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — June 19.

#79 — *R. v. Lamoureux* — sentencing — rape — indecent assault — 5 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, J.J.A. — June 23.

Manitoba Court of Queens Bench

#61 — *R. v. T.M.D.* — juvenile — delinquency — transfer application — theft and robbery charge — juvenile over 18 at time of application — 6 pp. — Deward, C.J.Q.B. — May 15.

#71 — *Gowler v. The Queen* — juvenile delinquent — transfer application — appeal — trafficking in marihuana — additional information required *re* juvenile — 8 pp. — Morse, J. — June 20.

DIGEST 1978

Manitoba County Court and Surrogate Court

#5 — *Kessiloff v. Hart* — assault — private prosecution — charges laid by and against three parties — failure of lower court judge to hear all charges together — use made of particulars — use made of prior incidents involving parties — power of County Court in hearing appeal — sentencing — fact-findings *re* assault — 13 pp. — Coleman, C.C.J. — Jan. 30.

#7 — *R. v. Walchuk* — breathalyzer — refusal to take test — "reasonable excuse" — whether giving of roadside sample is reasonable excuse for refusal to take test under s. 235(2) *Code* — injustice of requiring accused to take two tests — 8 pp. — Lorne Ferg, C.C.J. — Feb. 1.

#14 — *Subterranean (Winnipeg) Ltd. v. Hopkie* — appeal — summary conviction — appeal on record — powers of appeal court — 14 pp. — Coleman, C.C.J. — Feb. 21.

#24 — *Watsko v. The Queen* — driving while disqualified — certificate evidence *re* accused's disqualification — *Code*, s. 238 — admissibility of certificate — sufficiency of proof of Crown's notice of intention to produce certificate — 8 pp. — Jewers, C.C.J. — Mar. 15.

#36 — *R. v. Lindsay* — breathalyzer — charge of refusal to take test — whether reasonable and probable grounds existed to demand that accused take test — consumption of liquor after time of driving — whether reasonable excuse for refusal to take test — 10 pp. — Jewers, C.C.J. — Apr. 18.

#39 — *Carrelli v. The Queen* — tax evasion — *mens rea* — whether deliberate intention to deceive — 24 pp. — Jewers, C.C.J. — Apr. 28.

#31 — *Culbertson v. The Queen* — sentencing — fine under *Retail Business Holiday Act* ⇒ possibility of jail sentence — 5 pp. — Dureault, C.C.J. — May 3.

Evidence

Manitoba Court of Appeal

#33 — *Children's Aid Society of Winnipeg v. Cure* — examination for discovery — use by trial judge of parts of examination for discovery not read into evidence — 3 pp. — Guy, Hall & O'Sullivan, J.J.A. — Mar. 17.

#39 — *R. v. Stewart* — voir dire — voluntariness — accused cross-examined by police — trial judge's instructions to jury re use of statement — 22 pp. — Freedman, C.J.M., Guy, Monnin, Hall & Matas, J.J.A. — Mar. 23.

#56 — *Beachman v. Renard* — motion for leave to re-open case — medical evidence — quantum of damages — 3 pp. — Freedman, C.J.M., Guy & Hall, J.J.A. — May 15.

#63 — *R. v. Chrusch* — rape — scope of cross-examination — previous sexual conduct of victim — *Code*, s. 142 — 5 pp. — Guy, Monnin, Hall, Matas & O'Sullivan, J.J.A. — May 30.

#73 — *R. v. Fryza* — Regulations — whether proof must be provided in court of the Reg. under which a charge is laid — *Stat. Instruments Act* — judicial notice of Regs. — 3 pp. — Freedman, C.J.M., Monnin, Hall, Matas & O'Sullivan, J.J.A. — June 15.

#81 — *Dietrich v. Garden City Shopping Centre Ltd.* — new evidence — motion for order to reopen case and permit new evidence — plaintiff in possession of "new" evidence before trial of action — 5 pp. Freedman, C.J.M., Hall & Matas, J.J.A. — June 27.

Manitoba Court of Queens Bench

#3 — *Geller v. Shore Glass & Building Supplies Ltd.* — discovery of documents — books and records of company — possible effect of documents on damage award — 3 pp. — Dewar, C.J.Q.B. — Jan. 6.

#5 — *Beacham v. Renard* — new evidence — motion to re-open plaintiff's case to tender medical report — motion for a commission to take evidence from doctor who signed report and to examine plaintiff — 4 pp. — Deniset, J. — Jan. 23.

Manitoba County Court of Surrogate Court

#24 — *Watsko v. The Queen* — certificate — admissibility — charge of driving while disqualified — sufficiency of proof of Crown's notice of intention to produce certificate — 8 pp. — Jewers, C.C.J. — Mar. 15.

DIGEST 1978

Family Law

Manitoba Court of Appeal

#18 — *Children's Aid Society of Western Manitoba v. Antoine* — wardship — permanent wardship given to Society — appeal by mother — alcohol problem in family — children in foster home — 3 pp. — Freedman, C.J.M., Monnin & Matas, J.J.A. — Feb. 6.

#33 — *Children's Aid Society of Winnipeg v. Cure* — custody — appeal from order granting permanent custody of child to C.A.S. — 3 pp. — Guy, Hall & O'Sullivan, J.J.A. — Mar. 17.

#46 — *Nizamuddin v. Director of Income Security of Wpg. S.W. Distr. of Dept. of Health & Social Development of Man.* — social allowance — leave to appeal sought from appeal bd. decision denying social allowance to appellant — appellant being supported by her son — 4 pp. — Monnin, J.a. (In Chambers) — Apr. 20.

#57 — *Beattie v. Director of Social Services (Winnipeg South/West)* — social allowance — right of Director to recover overpayments — clerical error by Director's staff — "unfair treatment" test — 5 pp. — Hall, Matas & O'Sullivan, J.J.A. — May 15.

#60 — *Director of Child Welfare for the Province of Manitoba v. Inkster* — custody — permanent custody order sought by Director — whether child still in need of protective guardianship — 28 pp. — Monnin, Matas & O'Sullivan, J.J.A. — May 18.

#65 — *Brown v. Moggach* — filiation — corroboration of plaintiff's evidence — no blood test — gestation period — 5 pp. — Freedman, C.J.M., Guy & Matas, J.J.A. — June 2.

#78 — *Novasad v. Novasad* — dower — whether wife had dower rights in certain premises — husband's rights to home stemming from status as executor and beneficiary under father's will — "homestead" — 3 pp. — Freedman, C.J.M., Monnin & Hall, J.J.A. — June 21.

Manitoba Court of Queens Bench

#32 — *Snider v. Snider* — divorce — custody — children living with mother and her parents and grandparent — mother suffering from emotional disorder — father intending to re-marry — maintenance — 11 pp. — Dewar, C.J.Q.B. — Mar. 9.

#37 — *MacPherson v. MacPherson* — divorce — maintenance — application by hus-

band to vary decree nisi to reduce monthly maintenance payments for wife and children — separation agreement generous to wife — children leaving home — 13 pp. — Morse, J. — Apr. 4.

#44 — *Novasad v. Novasad* — dower — declaration sought denying wife's dower rights to home — whether husband "owner" of house — husband executor and residuary legatee of father's estate — house only asset of estate — 4 pp. — Deniset, J. — Apr. 14.

#46 — *Charzewski v. Charzewski* — divorce — three-year separation — maintenance — rural couple — elderly at time of divorce — living separate and apart for lengthy periods during marriage — wife supporting herself during separations — husband's actions hurting wife's economic prospects — 14 pp. — Wilson, J. — Apr. 20.

#50 — *Moss v. Moss* — *Married Women's Prop. Act* — application by husband for declaration of joint ownership in savings certificate — court action pending between parties — 3 pp. — Morse, J. — Apr. 27.

#64 — *Wilson v. Wilson* — custody — two children — male child with mother — female child with father — 13 pp. — Nitikman, J. — May 18.

Manitoba County Court and Surrogate Court

#2 — *Sage v. Sage* — judicial separation — *Wives' and Children's Maintenance Act* — custody — maintenance — wife living in fear of husband — whether co-habitation intolerable — residence in family home — 5 pp. — Barkman, C.C.J. — Jan. 18.

#10 — *B.L. and P.A. adoption, re* — adoption — application by "father" and respondent — marriage between "father" and respondent a nullity — 6 pp. — Barkman, C.C.J. — Feb. 14.

#11 — *M. v. J.* — adoption — order sought by natural father and new wife — custody of children with father — mother surrendering custody due to financial and other problems — 12 pp. — Jewers, C.C.J. — Feb. 15.

#12 — *Janik v. Janik* — judicial separation — persistent cruelty — *Wives' and Children's Maintenance Act* — whether test of cruelty is identical to that under *Divorce Act* — refusal to follow earlier Man. cases on this issue — failure to provide reasonable maintenance — 19 pp. — Jewers, C.C.J. — Feb. 21.

#13 — *McD. v. McD.* — adoption — *de facto* adoption application by grandparents of child — *Child Welfare Act*, s. 103 — natural mother intending to re-marry and natural father out of picture — rights of natural parents — 24 pp. — Patrick Ferg, C.C.J. — Feb. 21.

#16 — *C.L.C. v. D.S.B.* — adoption — application of natural father and his new wife — opposition by natural mother — natural mother also re-married — effect of "two family" situation on child — access rights of mother — 11 pp. — Philp, C.C.C.J. — Feb. 24.

#28 — *F.T. v. D.W.D.* — adoption — application by mother of children and her new husband — opposition by natural father — children desiring adoption — 10 pp. — Thompson, C.C.J. — Mar. 22.

DIGEST 1978

Insurance

Manitoba Court of Appeal

#15 — *Bell Bros. (1975) Ltd. v. Federated Mutual Insurance Co.* — automobile insurance — indemnification — purchase of new vehicle — failure to transfer plates from old vehicle within required seven day period — denial of coverage — 3 pp. — Freedman, C.J.M., Hall & Matas, J.J.A. — Jan. 30.

Manitoba Court of Queens Bench

#42 — *Waldner v. M.P.I.C.* — indemnification — fire damage to car — explosion caused in combustion chamber while insured trying to start car — exclusion in S.27 of Reg. 333/74 — 2nd fire in car — whether all peril coverage excluded due to act of arson by insured — 9 pp. — Dewar, C.J.Q.B. — Apr. 13.

Manitoba County Court and Surrogate Court

— None —

DIGEST 1978

Labour Law

Manitoba Court of Appeal
— None —

Manitoba Court of Queens Bench

#9 — *International Union of Operating Engineers, Local 901 v. B-A Construction Ltd.* — certification — variation by Bd. of certification order to exclude employees covered by another collective agreement — *certiorari* whether Bd.'s variation should have taken into account the wishes of the employees — discretion of Bd. *re* certification application — alleged failure by Bd. to act judicially — whether variation of certificate based on "new" evidence — 21 pp. — Morse, J. — Jan. 27.

#45 — *Comstock International Ltd. v. Gamble* — arbitration — wrongful dismissal of employee — damages — mitigation — duty of employee to try to find other work — 6 pp. — Hamilton, J. — Apr. 19.

#62 — *Christie Brown and Co. v. Retail, Wholesale, Bakery and Confectionary Workers, Local 650* — arbitration — judicial review of award — closure of plant — effective date of closure — severance pay — 4 pp. — Deniset, J. — May 17.

Manitoba County Court and Surrogate Court

#14 — *Subterranean (Winnipeg) Ltd. v. Hopkie* — collective agreement — charge of failure to execute agreement and to deliver copy of agreement — whether parties had agreed *re* terms to be included in agreement — industry-wide bargaining — union certified for some companies in industry — 14 pp. — Coleman, C.C.J. — Feb. 21.

#52 — *Brown v. Robert Simpson Co.* — *Payment of Wages Act* — claim under *Act* for incentive bonus payment — whether employment for full year required in order to collect bonus — 8 pp. — Jewers, C.C.J. — June 21.

DIGEST 1978

Landlord and Tenant

Manitoba Court of Appeal

#3 — *Husky Oil Operations Ltd. v. D.B. Oliver & Co.* — commercial lease — filling station — termination by lessor — claim by lessee for breach or wrongful termination of leasing agreements — 4 pp. — Freedman, C.J.M., Hall & Matas, J.J.A. — Jan. 6.

#38 — *Ruttan Development Corp. v. Wray* — rent controls — review of decision made by Rent Stabilization Bd. — whether Bd. used proper formula in calculating rents — 3 pp. — Freedman, C.J.M., Monnin & Hall, J.J.A. — Mar. 21.

Manitoba Court of Queens Bench

#31 — *Ross v. Ladco Co.* — fire — negligence claim by tenants — renovations to building — post-fire security — 13 pp. — Wright, J. — Mar. 7.

#52 — *Manitoba Securities Commission v. Showcase Realty Ltd.* — creditors' rights — competing claims between landlord or commercial premises and Manitoba Hydro — 3 pp. — Solomon, J. — Apr. 28.

Manitoba County Court and Surrogate Court

#9 — *Winnipeg Regional Housing Authority v. Walsh* — possession — application for order of possession — premises sub-let by original tenant — right to sub-let whether respondent a trespasser — availability of remedy under *Act* — landlord's right to re-entry or forfeiture — notice — 10 pp. — Jewers, C.C.J. — Feb. 9.

#20 — *Medical Arts Building Ltd. v. Eralp* — professional tenancy — doctor — claim for arrears — interest — whether tenancy was for 5 year term or on a monthly basis — whether terms of tenancy were embodied in offer to lease — claim by tenant for unjust enrichment due to "leasehold improvements" — 21 pp. — Coleman, C.C.J. — Mar. 2.

#29 — *Harvey v. McCarthy* — mortgage — attornment — mortgage treating mortgagor as tenant and applying under *Land-Tenant Act* for possession order and judgment for arrears of rent — mortgagor not signing mortgage — 6 pp. — Barkman, C.C.J. — Apr. 3.

#46 — *Goran v. S.S.T. Foods Ltd.* — hotel — restaurant in hotel — contract to establish restaurant — whether contract created landlord-tenant relationship between parties — jurisdiction of County Court to hear dispute — challenge *re* tenant's cleanliness standards — 8 pp. — Barkman, C.C.J. — May 25.

Legal Ethics

Manitoba Court of Appeal

#49 — *Koteles v. Law Society of Manitoba* — disciplinary action — suspension from practice — appeal — professional misconduct and conduct unbecoming a lawyer — contempt of court — severity of penalty — lawyer suffering from psychiatric problems — 7 pp. — Freedman, C.J.M., Guy, Hall, Matas & O'Sullivan, J.J.A. — Apr. 28.

Manitoba Court of Queens Bench

— None —

Manitoba County Court and Surrogate Court

— None —

Local Government Law

Manitoba Court of Appeal

— None —

Manitoba Court of Queens Bench

#19 — *Smith v. Winnipeg, City of* — notice and hearing — alleged wrongful demolition of house — appeal and hearing — 8 pp. — Dewar, C.J.Q.B. — Feb. 10.

#24 — *Ledohowski Hotels Ltd. v. Environment Committee, City of Winnipeg* — zoning — application for conditional use — appeal before Environment Committee — allowable vidence — letter from absent councillor — *locus standi* — whether district planner can appeal on behalf of city — 8 pp. — Deniset, J. — Feb. 16.

Manitoba County Court and Surrogate Court

— None —

Negotiable Instruments

Manitoba Court of Appeal

— None —

Manitoba Court of Queens Bench

#4 — *Goldfield Corp. v. Tantalum Mining Corp. of Canada Ltd.* — promissory note — loan agreement — default of loan — alleged payment by guarantor on promissory note — claim by guarantor against debtor — whether debtor received benefit of loan — 17 pp. — Nitikman, J. — Jan. 9.

Manitoba County Court and Surrogate Court

#3 — *Portage Credit Union Ltd. v. Ward* — promissory note — whether note held by plaintiff is a "consumer note" under *Bills of Exchange Act* — failure by plaintiff to mark note as "consumer note" — money used to purchase motorcycle with plaintiff's knowledge — 10 pp. — Patrick Ferg, C.C.J. — Jan. 20.

#26 — *Bank of Montreal v. Friesen* — promissory note merged into chattel mortgage — 6 pp. — Barkman, C.C.J. — Mar. 22.

Personal Property

Manitoba Court of Appeal

#12 — *Storm-Tite Industries Ltd. v. Stenning* — bailment — consignment contract — gazebos — disappearance — suit in contract for purchase price — possibility of negligence — 3 pp. — Freedman, C.J.M., Monnin & O'Sullivan, J.J.A. — Jan. 23.

Manitoba Court of Queens Bench

— None —

Manitoba County Court and Surrogate Court

#34 — *Adeleye v. Grey Goose Bus Lines Ltd.* — bailment — contract of carriage — loss of goods — suit to recover value of goods — limitation of liability clause — scope of contract — waiver — 20 pp. — Darichuk, C.C.J. — Apr. 15.

#50 — *W.D.H. Enterprises v. Border Transport Ltd.* — common carrier — loss of goods — damages — whether liability limited by order of Highway Transport Bd. — 4 pp. — Thompson, C.C.J. — June 2.

DIGEST 1978

Real Property

Manitoba Court of Appeal

#41 — *Public Trustee of Manitoba v. Hrynchuk* — infant — proposed sale of land held by infant — sale recommended by trustee — farmland — residential acreage — appraisal — market value — severability — 13 pp. — Freedman, C.J.M., Guy & Matas, J.J.A. — Mar. 29.

Manitoba Court of Queens Bench

#12 — *Public Trustee of Manitoba v. Hrynchuk* — infant — parcel of land held by infant — court approval sought for sale — appraisal — market value of property — prospects for increase in value — wisdom of authorizing sale — subdivision proposed by court — 8 pp. — Hamilton, J. — Jan. 31.

#19 — *Smith v. Winnipeg, City of* — house — demolition — alleged trespass and wrongful demolition — 8 pp. — Deniset, J. — Feb. 10.

#49 — *Mathews v. Mitchell* — transfer of land — dispute *re* ownership of one small piece of land involved in transfer — Mistaken transfer of disputed area to defendant — whether disputed area later properly transferred to defendant through a 2nd land purchase — 7 pp. — Morse, J. — Apr. 27.

Manitoba County Court and Surrogate Court

#1 — *Nychuk v. Rossburn, Rural Municipality of* — farmland — flooding — allegation that flooding precipitated by defendant's raising a road and installing a culvert — whether plaintiff or defendant responsible for flooding — 7 pp. — Lorne Ferg, C.C.J. — Jan. 16.

#29 — *Harvey v. McCarthy* — mortgage — attornment — mortgagee treating mortgagor as tenant and applying under *Landlord-Tenant Act* for possession order and judgment for arrears of rent — mortgage not signed by respondent — 6 pp. — Barkman, C.C.J. (In Chambers) — Apr. 3.

Restitution

Manitoba Court of Appeal

#53 — *Burshtein v. Panel Holdings Ltd.* — shareholder's advances — suit for recovery — advances debited from plaintiff's account by her husband — husband in control of defendant company — 10 pp. — Guy, Monnin & O'Sullivan, J.J.A. — May 12.

Manitoba Court of Queens Bench

#7 — *Williams v. Carroll* — *quantum meruit* — claim against former suitor for labour and services — 13 pp. — Morse, J. — Jan. 23.

#29 — *Dixon v. Maksymchuk* — undue influence — claim by woman's estate for return of property given to common law husband — 20 pp. — Wilson, J. — Mar. 1.

Manitoba County Court and Surrogate Court

— None —

Taxation

Manitoba Court of Appeal

#5 — *Campbell North Ltd. v. Minister of Finance* — Province of Manitoba — sales tax — *Retail Sales Tax Act* — rental of heavy construction equipment with operators — whether tax payable — purchase by rental co. of equipment in question — whether tax payable on purchase price — 10 pp. — Freedom, C.J.M., Monnin & Matas, J.J.A. — Jan. 19.

Manitoba Court of Queens Bench

— None —

Manitoba County Court and Surrogate Court

#39 — *Carrelli v. The Queen* — income tax — charge of tax evasion — grain broker — speculative profits made through trading on his own account — whether profits were capital or income gains — *mens rea* — deliberate intention to deceive — 24 pp. — Jewers, C.C.J. — Apr. 28.

Torts

Manitoba Court of Appeal

#13 — *Trans Provincial Aircraft Leasing Ltd. v. Gov't. of Manitoba* — negligence — air crash — unlicensed air strip — suit by owner of plane for damage to plane — whether proper snow clearing job done on air strip — 15 pp. — Monnin, Hall & Matas, J.J.A. — Jan. 25.

#32 — *Ambler v. Fok* — negligence — car-pedestrian accident — pedestrian stepping off curb against red light — whether driver contributorily negligent — *Highway Traffic Act*, s. 144(1) — onus of proof on driver — 9 pp. — Freedman, C.J.M., Matas & Guy, J.J.A. — Mar. 17.

#51 — *Sossai v. Fillion* — negligence — car-pedestrian accident — plaintiff crossing freeway — 4 pp. — Freedman, C.J.M., Guy & Matas, J.J.A. — May 9.

#76 — *Dietrich v. Garden City Shopping Centre Ltd.* — trespass — conspiracy — alleged intrusions into leased premises — 4 pp. — Freedman, C.J.M., Hall & Matas, J.J.A. — June 20.

Manitoba Court of Queens Bench

#10 — *Keough v. Henderson Highway Branch No. 215 of the Royal Canadian Legion* — negligence — occupier's liability — snowmobile accident — spectator struck during race — claim by defendant owners and driver against defendant occupiers of land on which race held — dangerous conditions for spectators — last clear chance(!) — failure by driver to react to negligence of occupier — 7 pp. — Nitikman, J. — Jan. 27.

#13 — *Bonder v. Requeina* — negligence — motor vehicles — car-pedestrian accident — traffic control signals — pedestrian mistaken *re* green light — fractured shaft of femur — pulmonary embolus — residual disability — 9 pp. — Solomon, J. — Feb. 3.

#19 — *Smith v. Winnipeg, City of* — trespass — demolition of house by city — wrongful entry alleged — house in unsanitary condition — notice and hearing — 8 pp. — Deniset, J. — Feb. 10.

#23 — *Pushka v. Rasmussen* — damages — personal injuries — motor vehicle accident — lacerations — cervical strain — nasal fracture — hematoma — aggravation of pre-existing condition in knee — 8 pp. — Dewar, C.J.Q.B. — Feb. 15.

#31 — *Ross v. Ladco Co.* — negligence — fire in building under renovation — suit by tenants in building against landlord and renovating crew — *res ipsa loquitur* — post-fire security — 13 pp. — Wright, J. — Mar. 7.

#39 — *Riha v. Johnston* — negligence — gross negligence — suit by guest passenger in automobile — single-car accident — evening of drinking — *ex turpi causa* — *volenti non fit injuria* — contributory negligence — 6 pp. — Hunt, J. — Apr. 11.

#60 — *Sailor v. Blais* — negligence — automobile accident — damages — plaintiff involved in two accidents — accident benefits — relation to damage award — 2 pp. — Solomon, J. — May 11.

#69 — *Hudson v. Drysdale* — negligence — motor vehicles — accident — plaintiff injuring himself in alleged attempt to aid defendant — rescue doctrine — attempt to stop defendant's vehicle alleged — remoteness of damage — foreseeability — 12 pp. — Hewak, J. — June 6.

#74 — *August v. Kissick* — negligence — motor vehicle accident — personal injuries — damages — shoulder injuries — collarbone — loss of earning capacity — broken wrist — 15 pp. — Nitikman, J. — June 22.

Manitoba County Court and Surrogate Court

#4 — *Sutton v. Winnipeg, City of* — occupier's liability — contractual entrant — "slip and fall" case — plaintiff an amateur hockey player — rental of dressing room in arena — fall caused by water on floor of drying room — contributory negligence — damages — fracture of clavical — 10 pp. — Jewers, C.C.J. — Jan. 26.

#30 — *Timothy Farms Ltd. v. Elm River Hutterian Mutual Corp.* — negligence — fire — granary burned — whether fire caused by ditch-burning done by defendants — *res ipsa loquitur* — 6 pp. — Barkman, C.C.J. — Apr. 3.

#32 — *Dare v. Gauthier* — negligence — car repair — defective repairs to car's radiator — transmission breakdown damages — loss of use of car — loss in value of car. — Apr. 12.

#33 — *Arnould v. Richardson* — damages — whiplash — whether accident contributed to deterioration of pre-existing injury in plaintiff's neck and spine — 3 pp. — Keith, C.C.J. — Apr. 14.

#35 — *Phillips v. Virden Credit Union Ltd.* — interference with contract — real estate negotiations — failure of credit union loan manager to process financing application — suit by real estate agent claiming commission — 6 pp. — Patrick Ferg, C.C.J. — Apr. 18.

#54 — *Lazarenko v. Koval Bros. Ltd.* — negligence — rear end collision — damages — whiplash — plaintiff with emotional and psychological problems — 20 pp. — Coleman, C.C.J. — June 29.

Transportation and Communication Law

Manitoba Court of Appeal

#55 — *Lambair Ltd. v. North Coast Services Ltd.* — aeronautics — *ex parte* interim injunction — motion to rescind injunction — motion to rescind — 5 pp. — Monnin, Hall & Matas, J.J.A. — May 12.

Manitoba Court of Queens Bench

#51 — *Greater Winnipeg Cablevision Ltd. v. Public Utilities Board* — cablevision — application to force respondent board to consider rates and charges levied against applicant by Man. Telephone System — whether MTS is a “public utility” subject to *Pub. Utilities Act.* — 7 pp. — Wright, J. — Apr. 28.

Manitoba County Court and Surrogate Court

— None —

Trusts

Manitoba Court of Appeal

#41 — *Public Trustee of Manitoba v. Hrynychuk* — infant — proposed sale of farmland held in trust for infant — residential acreage — appraisal — market value — severability — 13 pp. — Freedman, C.J.M., Guy & Matas, J.J.A. — Mar. 29.

Manitoba Court of Queens Bench

#7 — *Williams v. Carroll* — express, resulting, implied or constructive — claim by woman against former suitor — allegation that defendant bought and held title to a home for benefit of plaintiff — 13 pp. — Morse, J. — Jan. 23.

#29 — *Dixon v. Maksymchuk* — “wife” buying house and later establishing joint tenancy — undue influence — 20 pp. — Wilson, J. — Mar. 1.

Manitoba County Court and Surrogate Court

— None —

Wills

Manitoba Court of Appeal

— None —

Manitoba Court of Queens Bench

— None —

Manitoba County Court and Surrogate Court

#18 — *Desautels v. McDavid* — testamentary capacity — challenge to will by two daughters of deceased women — will bequeathing all deceased’s property to Roman Catholic Church — 15 pp. — Thompson, S.C.J. — Feb. 24.

#27 — *Czerkawski v. Cook* — probate — testamentary capacity — elderly man becoming senile — state of mind at time will be drawn — 13 pp. — Lorne Ferg, S.C.J. — Mar. 22.

#37 — *Briscoe Estate, re* — administration — application by executrix to approve her accounts and fix compensation to her — application by solicitor to increase fees payable to him for services to the personal representative — executrix acting in self-interest — breach of duty to estate — 11 pp. — Dureault, S.C.J. — Apr. 24.

#48 — *Stieben Estate, re* — validity — testamentary capacity — undue influence — 11 pp. — Barkman, S.C.J. — May 25.

Compliments
of
Schulman & Schulman

816 - 294 Portage Avenue
Winnipeg, Manitoba
R3C 0C1

SIMKIN, CANTOR, GOLTSMAN & ROSENBERG
BARRISTERS & SOLICITORS

A.E. CANTOR, Q.C. (1896-1969)	NINTH FLOOR,	
A.L. SIMKIN, Q.C.	A.P. CANTOR, Q.C.	IMPERIAL BROADWAY TOWER
N.S. GOLTSMAN	M.L. ROSENBERG	363 BROADWAY AVENUE
S.F. KOHN	D. MORRY	TELEPHONE 944-0121
B.C.M. SIMKIN	L.B. NASBERG	AREA CODE 204
CY M. FIEN	R.F. DOOLAN	WINNIPEG, MANITOBA
S.C. GORDON		R3C 1L2
COUNSEL: J.E. HERSHFIELD		

**BUCHWALD
ASPER
HENTELEFF**

Barristers and
Attorneys-At-Law
1900 ONE LAKEVIEW SQUARE
155 CARLTON STREET
WINNIPEG, CANADA R3C 3H8
TELEPHONE: 956-0560
AREA CODE 204

Harold Buchwald Q.C.
Yale Lerner
Myron W. Calof
Paul G. Saranchuk
Norm Promislow
Murray S. Palay

Yude M. Henteleff
Richard G.S. Shead
Martin K. Fingold
Andrew B. Wiswell
Randall M. Gray
Theodore K. Tav

Alexander A. Sarchuk Q.C.
Edward D. Brown
Bernard Kushner
Richard M. Leipsic
Allan M. Kaufman

Counsel: I.H. Asper Q.C.
Associate: Saul B. Zitzerman

Compliments of
TAYLOR, McCAFFREY
BARRISTERS AND ATTORNEYS AT LAW

Laurie P. Allen B.A.LL.B.		DAVID I. MARR	B.Sc.LL.B
MONA G BROWN	B.A. LL.B.	DARCY McCAFFREY	Q.C.
ROBERT CARR	LL.B LL.M. (HARV.)	GRANT MITCHELL	B.A. LL.B.
JAMES H. COOK	B.A. LL.B.	H. SANFORD RILEY	B.A. LL.B.
GARTH M. ERICKSON	B.A. LL.B	CHARLES A. SHERBO	B.A.(HONS.) LL.B
NICOLE J. GARSON	B.A. LL.B.	S. GLENN SIGURDSON	B.A.[HONS.] LL.B.
SHAWN GREENBERG	B.Sc. LL.B.	GARY R. SMITH	B.A. LL.B.
DAVID C. KING	B.A.(HONS.) LL.B.	J.F. REEH TAYLOR	Q.C.
DOUGLAS J. MACKENZIE	B.A. LL.B.	ASSOCIATE. ROBERT M. AKMAN	LL.B.

274 GARRY STREET
WINNIPEG, MANITOBA

TELEPHONE: (204) 957-1670
TELEX: 07-57276