Mr. Pfeifer: To my mind, sir, it would include any amount. It is subject to this interpretation, in any event.

Senator Lang: Well then if you change the word "any" to the word "such" it would get rid of that difficulty.

The Chairman: If we are concerned about that we could use three words in place of one. We could say "any judgment for damages in excess of". What do you think of that, Mr. Hopkins?

Mr. Hopkins: Or "the amount of any judgment for damages."

The Chairman: Yes, we could say "the amount of any judgment for damages".

Mr. Phillips: Am I correct in saying that from the explanation of costs as given here, where there is a lawyer-client relationship, and the costs in that for the lawyer were in excess of the other type, that then this would be a cost against the Crown for such excess?

The Chairman: No, I did not say anything of the kind. I said there were two bases on which you tax costs, one is a party and party basis and the other is a solicitor and client basis.

Mr. Phillips: I took it that on the second basis the solicitor could get more than on the party and party basis.

Mr. Chairman: If the Crown started an action in the name of the farmer, the Crown would have a lawyer and the solicitor and client relationship would be the relationship between that lawyer and the Crown. Then if the Crown did not pay the fees the lawyer thought he should get, he could have them taxed. They might be taxed higher or lower. But that is a fact that the Crown could control. I know the situation arises where they tell you "this is so much a day and you can take it or not."

Mr. Phillips: Whichever way it is, it is taxed as a charge against the Crown.

The Chairman: Is it agreed, in order to remove it beyond the possibility of doubt, that instead of saying "any amount" we say, "the amount of any judgment for damages"?

Hon. Senators: Agreed.

The Chairman: That removes your objection, Mr. Pfeifer?

Mr. Pfeifer: I could not say that, no.

The Chairman: Let us say on that point—because I understand you are not agreeing or expressing any approval of the section—that you told me yesterday the reason for it was that it was not in accordance with the policy decisions that were made and on the basis of which the bill was drafted.

Are you ready for the question?

Hon. Senators: Yes.

The Chairman: Shall this amendment carry?

Hon. Senators: Agreed.

The Chairman: Shall I report the bill with the amendment?

Hon. Senators: Agreed.

The committee proceeded to the next order of business.