

*Proceedings on Adjournment Motion*

August they turned out 100 families, which had to drive 100 miles to Calgary because there were not any hotel or motel facilities. Yet this government, with the legal right of a lease, use what they call the right of expropriation when a man starts an action. I do not know what the outcome of the legal matter will be, but I feel that when rights are being usurped like this I, as a member of parliament for that area, have a strong duty to ask the minister for an explanation.

**Mr. Stanley Haidasz (Parliamentary Secretary to Minister of Indian Affairs and Northern Development):** Mr. Speaker, in the short time available to me I would like to state that, according to the information available to me, it would not appear that the Department of Indian Affairs and Northern Development is using the law of expropriation to halt cases brought to test my minister's policy on leases in the national parks.

The hon. member for Bow River (Mr. Woolliams) should realize that action brought by Mr. Gourlay is proceeding in the normal manner through legal channels. The fact that Mr. Gourlay's property has been expropriated does not, in itself, I believe, preclude Mr. Gourlay from carrying through his court action against the department. To be more succinct, expropriation does not prohibit Mr. Gourlay from continuing his case against the department. The department therefore is not interfering with this man's rights to press for court action to test leasehold policy.

To give a little background on this whole situation, I would like to say that according to my information the problem is basically that Mr. Gourlay several years ago applied to expand his present facilities to an extent that would have been in serious conflict with the huge visitors centre planned for Lake Louise. The department vetoed his plan on the practical basis of a serious conflict and on the legal basis of the national parks building regulations, as amended, which state:

The superintendent may refuse to issue a permit where he is of the opinion that the proposed use of the building or structure is not in the interests of the park.

By early 1966 when the department had more clearly defined its land requirements for the visitors' service centre at Lake Louise, it became apparent that the lands immediately adjacent to the proposed complex, and these included not only the land Mr. Gourlay occupied but other lands as well, were in fact necessary for the successful completion and operation of the large visitors centre.

[Mr. Woolliams.]

Therefore the department entered into negotiations with Mr. Gourlay to purchase his land. Mr. Gourlay demanded a price considered to be exorbitant by the officials of the department. The department then requested that an appraisal be carried out by the normal appraisal methods used by federal departments. Mr. Gourlay rejected this and stated that an appraisal would be carried out only under his terms. It was at this point the department deemed it necessary to expropriate in order to proceed with the Lake Louise visitors service centre, which will eventually represent an investment of approximately \$10 million. At about the same time Mr. Gourlay decided to proceed with court action against the department on the basis that he was not allowed to develop his lands in the manner in which he is entitled.

**Mr. Speaker:** Order please. I regret to interrupt the hon. member but he had only three minutes in which to reply. That period, I am afraid, has expired.

ADMINISTRATION OF JUSTICE—BRITISH COLUMBIA—COMMUTATION OF DEATH SENTENCES OF CONVICTED MURDERERS

**Mr. Ralph Cowan (York-Humber):** Mr. Speaker, last Thursday I rose to ask a question which appears in *Hansard* and which reads as follows:

Mr. Speaker, I have a question which I should like to direct to the Solicitor General, but in his absence I shall direct it to the Prime Minister. The cabinet yesterday commuted to life imprisonment the death sentences of two convicted murderers in British Columbia. I should like to ask the Prime Minister what is the effect of this statement which he made on August 31 in this house:

"—when this legislation passes it will be the will of the parliament of Canada and if it is the will of the parliament of Canada I know the law-abiding citizens of Canada, as they always have done in the past, will obey it."

Mr. Speaker, now I wish to direct the same question to the Solicitor General and ask him whether the cabinet is above the law of the land, that they do not have to observe the law of the land referred to by the Prime Minister on August 31 when he said that when it is the express will of parliament the law-abiding citizens of Canada will obey it, as they have always done in the past.

Two death sentences were imposed on convicted murderers in British Columbia which were then commuted to life imprisonment by the cabinet. This was done despite the fact that approximately a year ago parliament