

Exchequer Court and before every provincial court. The minister went on to say:

—and I can assure this committee, certainly on the basis of the experience I have had—and I will take a gamble on this—that the taxable fees and costs in the Exchequer Court compare favourably and are in most cases less than the comparable costs in the superior courts of this country.

I disagree with what the minister said. There is a big credibility gap between my experience in western Canada and the minister's experience. He did not file this information with the committee. I make nothing of that, but I may say that at least I presented factual evidence here today, as to what I know and what lawyers feel, so far as the difference in costs is concerned.

Apart from all that, I should like to repeat one argument. If the minister is right, then why does he not give litigants the right to make the choice? I trust that the people of Canada whose land is expropriated, regardless of whether they are wealthy, have middle class incomes or average incomes, will go to the court which will serve them best economically. I have enough faith in their ability and that of the lawyers serving them to believe that this is what they would do. I would like to hear an answer to that.

In conclusion, I ask the House to support this amendment, and I ask the minister to reconsider his position, because I believe him to be a just man. I believe that he wants to serve the average man better in this regard.

Hon. John N. Turner (Minister of Justice): Mr. Speaker, ever since I have been in this House of Commons I have heard the argument of the hon. Member for Calgary North (Mr. Woolliams) on the Exchequer Court. I want to say to him with frankness, yet discretion, that sometimes I cannot distinguish the argument from the autobiography of the various cases he has conducted with varied success before that court. It used to be that whenever the debate involved the estimates of the Department of Indian Affairs and Northern Development, estimates on national parks, or those of the Department of Justice, this question would come up.

I want to answer at the outset some of the arguments that the hon. member has attempted to submit to your Honour and to the House. In doing so, I wish to ask the House to recall that the Standing Committee on Justice and Legal Affairs dealt with this question very thoroughly. The proceedings are available to the House. The arguments that were presented this afternoon by the hon. member

Expropriation

for Calgary North were presented then. The arguments which I will attempt to adduce in answer to him were given by me at that time before the committee.

He alleges, first of all, that the Exchequer Court is an expensive court, that it is more expensive to litigants than the supreme and superior provincial courts across Canada. I disagree very strongly. We introduced at the committee stage the taxable costs of the Supreme Court of Ontario as a representative provincial court as against the Exchequer Court of Canada, and item for item the Exchequer Court was cheaper and compared favourably with the Supreme Court of Ontario. The costs of the Supreme Court of Ontario are, in the main, comparable to the costs of other provincial or supreme courts across Canada.

When the hon. member speaks about taxable costs, I think he should be fair to the House and to the public in distinguishing those costs which are set forth in items as against particular proceedings in a court case beginning with a statement of claim, going through the motion stage and the interlocutory stage, the production of exhibits, and the rest of it. Those costs are fixed and itemized under the schedule of costs of each court in Canada. They are invariable and, as I said, on those invariable costs the Exchequer Court compares very favourably with the supreme and superior provincial courts of this country, and I adduced evidence to that effect.

As Your Honour knows, having practiced law yourself, other taxable costs that might be allocated as between the solicitor and the client are within the discretion of the taxing officer of the court or the discretion of the judge. Those costs depend very much on the difficulty of the case, the length of the case, its importance, the principle of law at stake, the preparation involved for counsel on both sides, and so on. They vary directly with the amount of effort put into the case by counsel and, at the discretion of the taxing officer or the judge, are awarded to counsel at the conclusion of the case.

It is all very well for the hon. member for Calgary North to bring in one of the cases in which he has appeared, but we do not know the subject matter of that case, how long it took him, how much money was at stake. We do not know the result of the case either, although I suspect it. We do not know any of those variable items. Really, what he is attempting to do is to induce the House to get into an apples and orange argument, that is to