

Expropriation

When you come to put a value on land you try to obtain details of sales of similar quality and potential which occurred about the same time as the taking of the property. From those and the appraiser's report the judge comes up with an answer. These sales are not for cash, so they have not been looked at in this way. Under today's conditions you cannot get cash because of the tight money policy. Very few sales of real estate on the open market are fully paid for in cash. Ontario has adopted the standard definition used in England and the United States. We should take a serious look at this definition.

I have only one or two more points to make. I should like the act to have done something for the first Canadians. I am not talking about the English or the French; I am talking about the Canadian Indian. If ever a dirty deal was perpetrated on any group of Canadians, it was perpetrated on the Indians. The white people eroded the conditions of the Indians and drove them onto little reservations. They have ever since been taking a little more from them in respect of their property rights. This new policy will not help our Indians. Their rights have been ignored, their treaties have been ignored and every promise made to them has been broken. How could they trust us? For years we have been asking the government to set up an Indian Claims Commission. I know of one case that has been before the Exchequer Court for at least ten years without anything being resolved. It involves the Blackfoot reservation near Gleichen. I should have thought that when the minister was bringing in a bill in respect of compensation, Indian claims would also have been covered.

This brings me to my conclusion. Let me again emphasize that I hope the minister will see fit to amend this act when the bill goes before the committee and amendments are proposed. I hope we will not be faced with little changes handed in by members of that committee who belong to the party to which the minister belongs. Let us make a real change and divide the jurisdiction of the act. Let me give one example. A man named Gourlay is a litigant before the Exchequer Court in respect of land that was expropriated. He finally got the case before the Exchequer Court, but because of the rule which provides that you have to file an appraiser's report within a certain number of days, the case was adjourned. After all the parties came here and were ready to proceed, one of the Crown Counsel stood up and objected on the basis that this rule had not been complied

[Mr. Woolliams.]

with. As a result the case stands adjourned. I know what would have happened in the courts of Alberta. The trial judge would have asked whether the Crown's case had been prejudiced. How long does it take to read an appraiser's report and analyse it? The case would have been adjourned till the next day and the court would then have proceeded.

So far as I am concerned you could write a wonderful book on the Expropriation Act. You can say as often as you like that you are trying to make the law equal for everybody, but this will not solve the situation if you leave full jurisdiction with one court. It will do nothing for the litigant. This bill is straight window-dressing. I might be a little extreme in this remark, but I feel we would be wasting our time to even study the bill. So long as the situation is left in this way, we are not helping the individual. It has been said that we want to give every man in Canada an equal opportunity before the courts. The individual is not getting an equal opportunity because individuals are not equally wealthy. Under the Expropriation Act individuals are fighting the state which has the taxpayers' money behind it, including some of the money the litigant has thrown in. A litigant must pay for the appraiser's services, which sometimes amount to thousands of dollars. He has to pay for his lawyer, the use of documents, and witnesses.

An offer made by an expropriating body amounts in many cases to nothing more than duress. A person either accepts the offer or he loses everything. I appeal to the minister to take a good look at this matter. If he intends to streamline the law he should do just that. There has been talk of changing the criminal law. It is still such that any child of seven years of age who knows the nature and the quality of his act can be tried for an offence under the Code. The government has talked about reform, but it has not even scratched the surface of this problem. I should like to see something really constructive done about this matter. I have had enough experience in the courts, including the Exchequer Court, to know that the average man does not get a fair shake.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, the Expropriation Act is an act of immense importance to a very great many individuals. I know of very few fields in respect of which there is more sensitivity and more sense of injustice than in cases where the state has stepped in and taken over property which has been built up by the work and effort of perhaps generations, certainly of