

Federal Court

Mr. Bigg: Next week is not good enough. I am talking about our present rights; I am talking about the continuous whittling down of our rights as individuals. I do not think it is good enough when members of the House are given the assurance that everything is well, that the matter is in the government's hands and, perhaps, that "We are doing the right thing." We are dealing with a right, Mr. Speaker, which has stood in British countries for at least 750 years, that is the right to appear before one's peers within 24 hours. We have a right to appear before a magistrate, who usually is a simple man of the people or a justice of the peace, who is usually a local man who has reached some small prominence among his friends and whose integrity is beyond dispute. A man has a right to appear in front of the justice of the peace and this will assure his relatives and friends that he is not being held without cause. We have a right to know that there has in fact been some infringement of the law, or that the man is suspected of infringing the law, and that is why his personal liberty has been taken away. An accused man must be brought before the magistrate or justice of the peace at the first opportunity and allowed, with the help of counsel, to give his account to the officers of the Crown.

Another Latin term I wish to refer to is certiorari. Perhaps not all of us understand that Latin term. In my lay opinion, certiorari refers to nothing less than one's rights to have his case reviewed and corrected. When you think that justice has not been done, you may take your case from the lower court to a higher court and be assured that you have been dealt with in the way you are entitled to be dealt with and that, if you have been convicted, the conviction and the punishment is as set out in the statutes.

A writ of mandamus is an order from a judge to perform an act under the provisions of the Law. Speaking in connection with this bill, I do not know why county judges or district court judges, or judges of the Supreme Court of Alberta, are not to be allowed to deal with these very important prerogatives after this bill passes. I know that by far the greatest portion of litigation is involved with habeas corpus proceedings, where those are applicable. These proceedings apply to people who are caught speeding, or to petty thieves, and so on. Yet, when you come to this larger field where you are dealing with expropriation proceedings, in which federal boards with their impersonal—

Mr. Gibson: Is the hon. member talking about expropriation?

Mr. Bigg: Yes.

Mr. Gibson: It will be speeded up under this bill.

Mr. Bigg: It might be speeded up under the bill if the government accedes to requests that have been put forward in committee and in the House. We must appoint enough federal judges to handle the workload. There is no reason why the government cannot appoint enough

judges to handle it. These proceedings should be decentralized and handled expeditiously at the local level. So far, these local judges have not been subject to the central authority of one Court. I am not trying to talk about the horrors of centralization and how far that centralization ought to go. I think it can go too far. Looking at the matter from a layman's point of view, it seems to me that what has been attempted is this; the central authority seeks to absorb all the rights and prerogatives which heretofore were enjoyed by provincial law officers. The administrations of justice has been on a decentralized basis in this country, and has given very satisfactory service.

Mr. Woolliams: Mr. Speaker, may I rise on a point of order that has to do with a matter of procedure. I have talked to my good friend, the Minister of Justice (Mr. Turner) and I assume that the hon. member for Greenwood (Mr. Brewin) will go along with my suggestion. I suggest that instead of voting individually on these amendments, we could vote on them all at one time. While I am on my feet, may I suggest that since Motions No. 4 and 5 standing in my name are closely related, they could be debated and voted on together.

Mr. Deputy Speaker: The House has heard the hon. member for Calgary North. I take it there is consent that the vote on those motions is to be taken at the same time.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, we agree with that. I think the hon. member for Calgary North may have been looking at yesterday's *Votes and Proceedings*. Is he not speaking of motions Nos. 5 and 6? The hon. member for Greenwood has motion No. 4 tucked in there.

Mr. Woolliams: Yes, Mr. Speaker. I am afraid I was looking at Tuesday's copy.

Mr. Turner (Ottawa-Carleton): Mr. Speaker—

Mr. Deputy Speaker: Order, please. Will the minister please resume his seat. Perhaps we should deal with the matter of the voting first and then deal with the second matter. Is it agreed that the votes, where they are so indicated, will be taken at the termination of this stage of the proceedings?

Some hon. Members: Agreed.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, I think perhaps the hon. member for Calgary North was referring to the two motions standing in his name, Nos. 5 and 6.

Mr. Woolliams: Yes, Mr. Speaker.

Mr. Turner (Ottawa-Carleton): The hon. member for Greenwood is the mover of motion No. 4. Motions Nos. 5 and 6 being debated and voted on together would be satisfactory to us.

Mr. Deputy Speaker: Order, please. Is the House ready for the question? Subject to the agreement of the House