

## THE MINUTES OF PROCEEDINGS

TUESDAY, May 12, 1970.

(3)

Pursuant to adjournment and notice the Standing Senate Committee on Legal and Constitutional Affairs met this day at 4:30 p.m.

Present: The Honourable Senators Aseltine, Choquette, Connolly (Ottawa West), Croll, Eudes, Flynn, Gouin, Grosart, Hayden, Hollett, Lang, Macdonald, McGrand, Phillips (*Rigaud*) (*Acting Chairman*) and Urquhart—(15).

In attendance: Mr. Russell E. Hopkins, Parliamentary Counsel and Law Clerk and Mr. Pierre Godbout, Assistant Law Clerk and Parliamentary Counsel, and Director of Committees.

Consideration of Bill C-136, intituled "An Act respecting the expropriation of land" was considered further.

The following witness was heard:

Department of Justice:

The Honourable John N. Turner, P.C., Minister and Attorney General of Canada.

On motion duly put it was Resolved to report the said Bill with the following amendment:

Page 36: Strike out subclause (2) of clause 36 and substitute therefor the following:

"(2) Where the amount of the compensation adjudged under this Part to be payable to a party to any proceedings in the Court under section 29 in respect of an expropriated interest does not exceed the total amount of any offer made under section 14 and any subsequent offer made to such party in respect thereof before the commencement of the trial of the proceedings, the Court shall, unless it finds the amount of the compensation claimed by such party in the proceedings to have been unreasonable, direct that the whole of such party's costs of and incident to the proceedings be paid by the Crown, and where the amount of the compensation so adjudged to be payable to such party exceeds that total amount, the Court shall direct that the whole of such party's costs of and incident to the proceedings, determined by the Court on a solicitor and client basis, be paid by the Crown".

At 5:00 p.m. the Committee adjourned to the call of the Chairman.

ATTEST:

Patrick J. Savoie,  
Clerk of the Committee.