

Supply—Justice

As I say, Mr. Chairman, the litigant had to fight, and it was quite a fight. The crown hired several appraisers. It does not matter to them how much they spend to beat a citizen. They hired a Mr. Robinson of Calgary and he came up with an amazingly high figure. I know what his figure was. They also hired appraisers in the Department of Transport and another appraiser in another department. What figures did they produce at the trial, Mr. Chairman? They came up with \$20,000 instead of \$85,000, which includes interest, for the first parcel. Actually the principal amounted to \$55,000, so there was a difference of \$35,000. They recommended \$5,000 for a small parcel, \$2,400 for another parcel, and \$5,800 for the fourth parcel. Their total offer was \$33,200 at trial, there having been all this delay, expense and frustration.

When you are a lawyer fighting the crown, Mr. Chairman, let me tell you you are really fighting. Remember that the Exchequer Court is a court set up for the crown; let us make no mistake about that. Therefore my first recommendation is that the jurisdiction of the Exchequer Court should be reviewed. I have always maintained that we are over-governed and that we should make some cuts in our expenditure in governing Canada, and likewise we have too many courts. There is no reason why the high trial courts in the provinces, to which are appointed as judges some very able lawyers, should not have the jurisdiction that the Exchequer Court has in the matter of expropriations.

What would be the advantage of this, Mr. Chairman? First of all, the judges in the provinces have more appreciation of the local geography and the people of the province and more understanding of the circumstances than do the judges of a court that sits in a high and mighty place here in Ottawa. Therefore I would hope that this new and youthful Minister of Justice will review the jurisdiction of that court.

Many great counsels throughout the country whom I dare not name have said to me over and over again that in tax cases, another matter within the jurisdiction of the Exchequer Court, it is very difficult to succeed in the Exchequer Court, which I repeat is a court set up for the crown. It is also expensive to go to this court.

Why do I say that the jurisdiction of the Exchequer Court should be reviewed and certain aspects of it transferred to the high courts of the provinces. First of all, it would save expense. Lawyers will not have to travel 2,500 miles across Canada to plead

[Mr. Woolliams.]

clients' applications and cases. The litigant himself would also be saved the expense of coming a long distance for the trial.

I want to be fair to the Exchequer Court and to say that when the judges, particularly the president of the court, became seized with the matter they did everything they could to cut costs and to have the trial held in Calgary. Nevertheless, all the applications had to be heard in Ottawa and the litigation was too expensive.

When dealing with lawyers employed by the Department of Justice, Mr. Chairman, it is much more difficult to get down to the issues than when dealing with lawyers for firms engaged in private enterprise.

Mr. Schreyer: Would the hon. member permit a question?

Mr. Woolliams: Certainly.

Mr. Schreyer: I simply want to ask the hon. member for Bow River whether he is advocating the abolition of the Exchequer Court and making the superior court of each province the court of final appeal? If so, with respect to what kind of cases? Does he mean only those cases which normally come before the Exchequer Court at the present time?

Mr. Woolliams: My answer to that question is yes, Mr. Chairman, in some fields. I would want to look at this question very closely. I have thought it through and talked to many lawyers, and I think the Canadian Bar Association should review the matter. But so far as expropriation cases are concerned, my answer would be "absolutely yes". The court of appeal in each province could review the case and if the litigants were not satisfied and the amount in issue was large enough, over \$10,000, they could go to the Supreme Court of Canada.

That brings me to my next point, Mr. Chairman. If a litigant is not satisfied with the decision of the Exchequer Court, what happens then? I will tell you what happens.

Mr. Trudeau: Mr. Chairman, before the hon. member goes to his next point could I ask him a question? The hon. member mentioned the difficulty of dealing with the lawyers of the Department of Justice. I do not think he had finished that point when another hon. member asked him a question. Could he give a supplementary explanation of that matter?

Mr. Woolliams: I did not say that I personally had had this difficulty. I said that in