First of all, it is true the Exchequer Court does meet in various places across the country. However, all applications with reference to any matter that is going to go to trial are generally heard in Ottawa.

Let us consider what happens in expropriation cases. For some reason, generally a public work, the crown takes over certain land owned by a citizen of this country or by a company in this country. Then there is always a period during which the crown negotiates a price for the property. If the crown is unable to negotiate a price, then generally the citizen has to commence the action. In my opinion, this is wrong. The onus should be on the crown. If the crown has expropriated land and cannot come to an agreement with the citizen as to the value of that land, then surely the cost of initiating that action should be on the powerful state rather than on the individual.

I am going to deal with a particular case with which I had some experience. It lasted a considerable length of time and came before the Exchequer Court. The crown offered these people approximately $13,500 for about 60 acres of land near Lake Louise. The three people concerned were between 70 and 80 years of age and were unable to come to grips with the crown with regard to a price for their land. They were never notified when the expropriation took place. All that happens is that the government—this is not an attack on this particular government —passes an order in council and the plans of the land plus the order in council are then filed in the land titles office. The crown is then the owner in fact and in law, unless there is something wrong with the procedure. Finally, the citizen finds out he has lost his land and he tries to negotiate. If he does not take the price the crown offers, then he has to prove the value of the land. He has to hire appraisers, and they do not come at a dime a dozen. They are highly skilled, high-priced people.

• (5:00 p.m.)

If a person loses land which happens to be his only possession and he has no other assets or money behind him, he has to take the price offered by the crown. His only alternative is to find someone who will lend him money to finance a lawsuit against the crown.

In the particular case I am referring to these people had to get an appraiser who understood the value of land in the national park—I am not going to get into that matter—and it cost between $5,000 and $7,000 to get the land appraised. Then three or four applications followed, each of which called for the litigants and lawyers to go to Ottawa from Calgary. The distance by car is 2,600 miles and by air about 2,000 miles, so I am sure the minister will have sympathy for this sort of difficulty.

First of all, Mr. Chairman, the crown refused to produce the director of the park for Examination for Discovery and so counsel had to make an application to a judge and obtain an order to force the crown to produce the director. This application had to be argued in Ottawa, as I say. After the director of parks was produced for discovery he refused to answer some 187 questions put to him. As everyone knows, an examination for discovery is an examination of an officer of a company or of the crown by the other side to the suit.

Following this refusal counsel again had to go to the judge and get an order that the director of parks answer the questions. That was done. Counsel then had to get an order to settle the issue under the new rules of the court. These rules are more like the British rules, not so streamlined as the rules in Alberta that govern the Supreme Court trial division. This all added to the expense.

In most cases, Mr. Chairman, the litigant will withdraw before he finally gets to court simply because he cannot afford the cost. However, if he does take an expropriation case to trial he has to find an appraiser, which as I said in this particular case cost $7,000, and go through all these procedural matters.

I am not blaming the crown for all of the delay in this case, but there was considerable delay. Under the new rules that have been drawn up litigants are now required to file a certain kind of pleadings. However, the two sides have to settle the issue and this is narrowed down by another application. Finally the matter comes on for trial.

To illustrate why the litigants in this case had to have their own appraiser I point out that the final judgment awarded—the matter has been settled and the judgment paid so I can discuss it now—the sum of $85,167.53 for one parcel of land, $8,131.73 for another parcel, $3,696.24 for another parcel and $14,-982.78 for the fourth parcel. To be fair, there is some interest involved in these figures and the judgment awarded approximately $96,-000. However, if the litigant had taken the offer made by the crown he would have ended up with $13,500.