

*Expropriation*

experience, the Exchequer Court is certainly a less expensive court in which to litigate than the Supreme Court of Ontario. Perhaps this view is personal to me and, as the minister said, we may get into difficulty when trying to generalize from our own personal experience.

The problem of legal expenses is a great one in Canada and we lawyers may be criticized, and I think justifiably, for not having paid sufficient attention to it. At any rate, we can deal with this bill with the knowledge that for the first time, so far as I am aware, a statute of the Parliament of Canada will place a citizen in a position where he may deal more or less as an equal with the Crown.

There is little that I can add to the comments made by the minister about some of the arguments raised by the hon. member for Calgary North. The costs of litigation are governed by two factors: by the value a lawyer may place upon his services and by the cost of producing exhibits and documents for presentation to a court. If a lawyer places a high value on his services and if he indulges in costly and elaborate case preparation, the risk is always run that in the event of success these costs may not be recoverable from the opposite party. This holds true whether the case is pleaded in the Exchequer Court or any other court in this country. According to my experience, and I think this is generally the experience of members of the bar of Canada, it costs no more to mount a case in the Exchequer Court and it is unfair to suggest that it does. The same type of preparation is entered into; the same types of basic steps are taken procedurally and otherwise and the formalities of litigation there are little different from those of other courts. I wish to again emphasize that the over-all cost of litigation depends upon how elaborate the cases are which are prepared and the costs of legal fees. These operate independently regardless of in what sort of court the cases are conducted.

● (4:20 p.m.)

One suggestion made by the hon. member I think bears comment. He pointed to the expense of appeals to the Supreme Court of Canada. His argument seemed to suggest that it would be more costly to appeal to the Supreme Court of Canada against a decision of the Exchequer Court than to a Provincial Appeal Court. This manifestly is not the case. Regardless from what tribunal an appeal is

taken to the Supreme Court, the costs of that court for preparation and other procedures are uniform.

I have made these rather extended comments about the Exchequer Court, Mr. Speaker, because I have had experience in that and other courts. I do not think any impression should be left on the record that it is a more expensive tribunal than other courts in this country. As I suggested earlier, the opposite is felt by many experienced members of the bar.

There are difficulties in taking technical cases to any court in Canada. One should recognize the fact that the law of expropriation has now become a very specialized branch of legal practice and legal knowledge. It is certainly not within the capacity of every lawyer to deal with the complicated issues involved in expropriation. I am fortified by the provisions made in this statute for the provision of legal aid in the belief that ordinary citizens will now seek the best counsel and best advice in these cases.

I wish to make two brief comments about issues which have been raised by my hon. friend. Although I jogged him a little bit by my interruptions, I think the points he made are serious and have been seriously considered by the committee. There is always the problem among members of our profession of approaching a strange tribunal. There is also the problem of adapting one's ideas to the rules of that tribunal with which we may not be familiar. I have felt that the Exchequer Court, perhaps because of its extraordinary name, has seemed to be somewhat remote, not only from the average citizen but the average lawyer of this country.

In recent years the Exchequer Court has gone to extraordinary lengths in an attempt to make itself physically accessible to the different parts of Canada. I hope the authorities of that court will take some cognizance of the comments which have been made by the hon. member for Calgary North as to differences in procedure which, although they may appear minute, do cause complications and difficulties for practising members of the legal profession. I might add for the benefit of the hon. member for Calgary North, as the minister said recently, there have been very drastic changes made in the procedure of the Exchequer Court. I have heard lawyers of long experience in that court express concern at the way in which the rules have been streamlined and the way in which procedures have been expedited.