

Expropriation Act

enough to allow him to move from one political persuasion to another without trouble, because the people of his area so respected him, I do not think anything I say here today will add one whit to his prestige.

Mr. Eldon M. Woolliams (Calgary North): Mr. Speaker, may I congratulate the hon. member for Peel South (Mr. Chappell), the hon. member for Red Deer (Mr. Thompson) and the Minister of Justice (Mr. Turner) for what they have said. When the new legislation is considered I hope that the question of jurisdiction will be looked at so that the average man can afford to litigate in his own province. That is my first point. I realize that this afternoon my hon. friend seemed to be in love with the exchequer court. I hope his love extends to the ordinary, average people of Canada who cannot now afford to litigate in the exchequer court.

In the few moments remaining may I raise the matter of appeal. One case I was involved in was to go to appeal. The action was to be appealed from the exchequer court to the Supreme Court of Canada and the evidence would have cost around \$16,000. These people had been litigating for ten years and could not afford that outlay. Some way must be found to cheapen appeals and to bring them within the reach of anyone. To show what can happen may I refer to the case of Fraser and the Queen, reported in 1963 Canada Supreme Court Reports, page 463. Cameron J. of the exchequer court made an assessment of \$40,640 with respect to certain lands. The matter went to the Supreme Court of Canada. The exchequer court refused to consider the principle of future potential—

Mr. Turner (Ottawa-Carleton): The hon. member was not working for peanuts in that case.

Mr. Woolliams: I did not get peanuts, not even salt for the peanuts. The point is that the appeal was allowed and the crown's cross-appeal was dismissed with costs. The last paragraph of the judgment says in part:

In the result, I would allow this appeal, dismiss the main cross-appeal, and vary the judgment of the learned trial judge by fixing the amount to which the appellant is entitled for the expropriation of his property and for all damages resulting therefrom at the sum of \$360,640 together with interest at the rate of 5 per cent per annum—

There is quite a difference between \$360,640 and \$40,640. I hope the point is clear. I hope the question of jurisdiction is examined so

that people may litigate at the place of taking, no matter whether it is in Alberta, Ontario, Quebec or elsewhere in Canada.

At present our appeal procedure is such that the average man cannot afford to appeal. If he is not satisfied with the exchequer court's decision he cannot afford to go to the Supreme Court of Canada. Since the state is all-powerful and since it has most of the brains because it can afford to pay the money, I ask that it make available for examination for discovery the reports of its appraisers and pay for independent appraisals to be carried out. Also, the state ought to make certain that litigants are properly represented by counsel. When that happens I shall be satisfied with the new law.

Mr. Russell C. Honey (Parliamentary Secretary to Minister of Forestry and Rural Development): Mr. Speaker, in the remaining few minutes I want—

Mr. Knowles (Winnipeg North Centre): To congratulate the hon. member and talk the resolution out.

Mr. Honey: —to congratulate the hon. member for Peel South (Mr. Chappell) who, I know, has spent much time on this matter. He is a learned member of the bar of Ontario and was chairman of the appropriate committee of the Canadian Bar Association that looked into this matter. He has worked closely with those of us who, in common with the Minister of Justice (Mr. Turner), the hon. member for Red Deer (Mr. Thompson), the hon. member for Calgary North (Mr. Woolliams) and others in this house, are anxious to see the introduction of new legislation dealing with expropriation. We are heartened by the minister's remarks and hopeful that the legislation may be introduced before the end of the year. We also hope that the new legislation will filter down to provincial jurisdictions and that across Canada in our respective federal and provincial jurisdictions we shall see an enlightened approach to expropriation.

Mr. Thompson (Red Deer): Question.

Mr. Honey: I echo the sentiment of the hon. member for Red Deer, who is anxious for the question to be put. I think we must recognize the undertaking of the minister that a statute in precise form following the general principles of this resolution will be introduced within the new few weeks. The inference I drew from the minister's remarks was that the bill