one has to be pretty careful when criticizing the courts or even when suggesting changes in court procedures.

If I might digress for a moment, I should like to say that in no way am I criticizing the Exchequer Court. I am just saying that in cases where the land of individuals in Canada is expropriated by the federal authority they should have the option to choose where to fight the case. The individual should be able to decide which is the cheapest avenue of litigation, the one that will give him the most for his money. Surely, that is what we call democracy. In my opinion, it is cheaper to litigate in the provincial courts.

• (3:30 p.m.)

Secondly there is accessibility to provincial courts which does not exist in respect of the Exchequer Court. When I speak of accessibility, I have in mind the new rules of the Exchequer Court which came into being about the time of the case to which I made reference. If you look through these you will see that these new rules of the Exchequer Court—the document known as, "Exchequer Court, General Rules and Orders"—are printed in English and in French, one language on each side of the page, containing about 443 pages and about 301 rules.

I do not have time to compare these rules this afternoon, but if you compare the English rules of court with Alberta trial courts you will find a tremendous difference. I am not being critical in that regard because the British have a highly sophisticated kind of practice that is not carried on in many of our Supreme and District Courts in the provinces. The Exchequer Court has a much more sophisticated practice, like the British Practice.

There is a case from Calgary now proceeding on the same basis as the one for which I was counsel.

Mr. Turner: What are the dates of those?

Mr. Woolliams: These are the latest rules. They were brought up to date. I looked these up and, I do not wish to misrepresent, but I think it is 1968. These are the new ones and they were brought up to date in 1969 when a few changes were made. They were overhauled and I congratulate the President of the Court for this.

They were brought up to date but, as the minister knows, up to that time there were a lot of rules. They were difficult to ascertain, and I want to state that most lawyers who have a case which has to go to the Exchequer Court, and that is the court to which it will go if this bill passes in the form it is, generally hire an expert, probably from Ottawa or Toronto, where the lawyers are more accustomed to dealing with this court. There is not so much litigation flowing from the small centres to the Exchequer Court.

I do not want to name the lawyers as I do not think it would be fair to them, but there is a case now proceeding from Calgary on the same basis. It involves expropriation of land in a National Park on which is situated a motel. A very able counsel in our provincial courts is representing the parties. He finally came to the conclusion, as a result of meeting with several problems in the court—and I say this without disrespect for the court—that he would have to get somebody who was accustomed to practicing in a sophisticated manner under these rules. As a consequence, he hired a man from Ottawa who was more familiar with Exchequer Court practice than other learned counsel from Calgary who were experienced in the courts there. The fact is that the rules are more complicated.

For example, let me point out one very great difference. In the ordinary case in the province of Alberta or Saskatchewan you know, through your practice of law, that you start with a statement of claim and then there is a statement of defence. You do not have all the niceties of joining issues. They are automatically joined under the rules of court. You finally hold a simple discovery, get an appraiser and set the case down for a date without all this nonsense of application. You hold the trial, the judge makes a decision and you get a judgment. That is how simple it is.

When you get into the Exchequer Court you do so by petition. That is a little different. You then have a defence filed, followed by various applications. In fact there are several applications necessary before you can go to trial. You then set the issues. I always thought that was what the pleadings were for, to set out the issue. That is why you should have good pleadings. If a judge comes along, after you have had the discoveries, and orders the issue defined, then you are fenced in. Many lawyers know that sometimes following the trial of an action the pleadings do not fit the evidence. There are lots of decisions on that. However, as long as it does not prejudice one side or the other the pleadings can be amended right there without any extra proceedings, cost or time. This is not so in the Exchequer Court.