specialists that edge. I have heard the Minister of Justice (Mr. Turner) talk about the average man being on the poverty line in Canada, and I do not think there is any difference between us on that philosophy. There are people below the poverty line who cannot afford lawyers and that is what we sold to the committee. Surely, with that underlying philosophy of the minister, and his affection for the average man, he will see that in order to get justice the average man should have an option to litigate in his own provincial court. That is really the reason behind motion No. 1.

Now, motion No. 2 provides that: if you can litigate in your own trial court, then you should be able to appeal in the court of appeal of that province. It is accessible and familiar to the average lawyer working in his own community. So you see, the arguments relating to motions Nos. 1 and 2 are identical; they both refer to concurrent jurisdiction.

Let us see what some of the evidence was in this regard. I have read the report of the Committee which did study this in May and June. The Committee went into this bill very extensively, and it was not only the Conservatives who agreed but the NDP went along with us as did certain Liberals. Indeed, I am surprised that some of them are not here speaking on this motion today. I should like to quote from the report of the Standing Committee on Justice and Legal Affairs, No. 26 where Mr. Hogarth, who is a distinguished counsel from British Columbia, is reported as follows:

> You see, my basic premise is why not leave that to a provincial court to determine? I cannot understand the compulsion to give this power of review to a whole new court structure. With the greatest respect, I cannot see why you just cannot give that power of review to the courts of ordinary inherent jurisdiction.

Meaning provincial courts.

> Despite what you have said with respect to the restrictions placed on the prerogative writs by statute, those restrictions have never been particularly adhered to by the courts and the courts have always assumed their inherent jurisdiction. I cannot understand why we have to have the federal court structure to handle those appeals. Why not just give it to a provincial court judge?

Those are Mr. Hogarth's words. That is why there was a tie. It was rather unfortunate that one or two members who might have been with us on that day could not attend, but there are so many committees meeting at the same time that one cannot always be at a particular committee.

An hon. Member: Shame.

Mr. Woolliams: The chairman of the Justice and Legal Affairs Committee, for whom we all have a lot of affection, has twice been placed in a position of having to break a tied vote. He exercised his vote in favour of the bill as it is drafted. That was his prerogative, but what I am emphasizing is that the amendment had such a close shave in the committee. This is not a frivolous suggestion; this suggestion carries weight and I think you will agree with me, Mr. Speaker, with your knowledge of the committees, that sometimes a little partisanship slips into these committees. This is not all one-sided, of course; it is not all government members, because sometimes there is some failing on our side too.

An hon. Member: Hear, hear.

Mr. Woolliams: Speaking of the Liberals and Conservatives getting together reminds me of a story told by the Leader of the New Democratic Party (Mr. Douglas) on the hustings at one time but I cannot repeat it here. When the Liberals and Conservatives get together, there has to be something out of the ordinary to make them forget about their politics for the moment. The New Democratic Party went along with this sympathetic viewpoint. If the Minister of Justice would accept the motions on the Order Paper as we have accepted his, we would have a very good bill.

Some hon. Members: Hear, hear.

Mr. Woolliams: I was hoping that he would have the same kind of feeling as some of his colleagues who hold him in high esteem, and that he would support us on this amendment as did at least half of his colleagues who gave it so much serious thought and support when we needed it.

Mr. Turner (Ottawa-Carleton): You are breaking me up.

An hon. Member: Shame.

Mr. Lambert (Edmonton West): Terrible.

Mr. Woolliams: I think any one of us who held a job of privy councillor in the cabinet might find that the problem is that every department is so large it is impossible for everybody in it to know each other's views. The lawyers in the Department of Justice are very skilled; they have drawn the statute for the minister and have put in all the safeguards ahead of time, so that is pretty tough opposition for the little man.

An hon. Member: It sure is.

Mr. Woolliams: It is a tough place to litigate, when you are fighting the state. It is all-powerful and very difficult for people who have not the money to fight that kind of power.

Some hon. Members: Shame, shame.

Mr. Woolliams: I should like to quote from the evidence to substantiate my position which was supported by witnesses in the committee. Mr. Henderson said the suggestion had some merit. He went that far at least, even though he knew he was a specialist in the field. I asked if it was not a fact that a lawyer practising in a province knew the rules of the provincial court. Indeed, if he did not he should not be there. Normally, he is