

*Expropriation*

I have a little article which appeared on October 13 in the *Palo Alto Times* in San Francisco which pretty well describes the situation in the past regarding expropriation in the United States, but I am sure it applies equally in Canada. I am not so sure, Mr. Speaker, whether we have really measured up to the high aims of the minister. This is an article by Dennis Tristram concerning expropriation from the average man who waits years for compensation and in the meantime has to pay for his appraiser's report and a lawyer to plead in a very academic court, namely the Exchequer Court. This is a parody on a song, and here it is:

**An hon. Member:** Sing it.

**Mr. Woolliams:** I would but I have not got such a nice voice as my friend.

Old McMillan had a farm.

And on that farm he had a lot of things.

He had milk cows here and chickens there and work horses everywhere. With hay fields big and silos full and oink from there and a moo moo here and a moo moo there and everywhere a function and everywhere production, here a function there production, Old McMillan had a farm—  
He doesn't any more, just memories and some scattered junk. E-I-E-I-O.

Yes, he had a farm once but now the farm is a freeway. And I think that is really the problem, Mr. Speaker, that in the development of the urban society and specialized living, it is necessary to give the power of expropriation to the government.

• (12:40 p.m.)

I should like to make a few points immediately. Without getting into any particularization, I notice that the sole court mentioned in the bill is the Exchequer Court of Canada and I should like to say something about this provision. However, in doing so I do not want to break confidence arising from a discussion with a member of that court. I am not attacking the court or the personnel of the court, Mr. Speaker but I do say that the Exchequer Court was specially set up to serve the state and, in particular, the Crown. Actually the court functions from Ottawa. When there is a need, its judges from time to time move to the various urban centres of Canada to try cases. Actions which were begun by petition will now be set in motion by the filing of statement of claim. Any litigant who begins an action by filing a statement of claim is usually forced to make various applications under the rules of the Exchequer Court, and I shall have some comments about those rules later in my speech. I say that if the judges

[Mr. Woolliams.]

have the right to determine what the rules are, litigants are not being fairly treated.

A litigant in that court may make an application in chambers. He may seek an order permitting him to examine for discovery certain officers of the Crown who otherwise may not be available for discovery. Sometimes departmental officials are not willing to give answers during examinations for discovery, and orders to compel answers are sometimes necessary. Similarly, if it should happen that a departmental official is withholding information, it may be necessary for the litigant to obtain an order from a judge of the court to force the official to provide the necessary information so that counsel can argue the case properly and obtain adequate compensation in law.

My point is this, Mr. Speaker. If a litigant's lawyer has to travel to Ottawa from Vancouver, Calgary, Winnipeg or the Maritimes, the litigant is put to great expense. If all the litigant's assets are tied up in a piece of land which is to be expropriated by the Crown, say, then, unless he can obtain a lawyer who will work until the compensation is handed down, justice will not be done. The litigant will be unable to retain counsel or pay an appraiser. It is very nice for the minister to write beautiful law into our statute books, but nothing is gained unless each person in our society has an equal opportunity to appear before the courts.

What is the answer to this, Mr. Speaker? Unless the Crown or the state has special reasons for opposing my idea, I do not see why the superior trial courts of all of the provinces should not have concurrent jurisdiction with the Exchequer Court. The Exchequer Court deals with matters pertaining to the tax field and I do not think we would destroy the efficiency of that court if we gave the superior courts of our land concurrent jurisdiction with it. Surely, there is nothing wrong with giving all the high courts of each province equal and concurrent jurisdiction. The advantages flowing from such equal and concurrent jurisdiction are several. First, all chamber applications can be argued at the situs of the litigant. Second, since a local judge will have a better knowledge of his province and community and will no doubt know something of the land or local matter in question, he will be able to use his environmental knowledge to better interpret the law for the benefit of the litigant. For example, a judge residing in Calgary or Edmonton would know more about problems associated with national parks, and how to