

*Expropriation*

I will refer to the minister's remarks in a few moments, but when he was speaking in the committee his main argument was that it was just as reasonable to litigate in the Exchequer Court as it is in the Superior or County courts of the provinces. Some of us have had experience in this regard and I say that, in light of my own experience, there is a big credibility gap between the minister and I.

In this case the judgment involved a little over \$100,000. The case, tried in the Exchequer Court, was between Lake Louise Ski Lodge Limited, one Alfred Cooper and one Mary Boyle, and Her Majesty the Queen in the name of the former Department and Minister of Northern Affairs. The action concerned some land in Lake Louise which was expropriated, a case which went on for a considerable length of time. The taxable costs amounted to \$3,412.44. They were the costs that were allowed by the court and were awarded to the successful claimant against the crown. The total costs, some of which were not allowed, between solicitor and client amounted to about \$25,000. Some of those costs were disbursements with respect to engineers, and they were not allowed. For example, the appraiser's bill came to \$7,000 odd and it was taxed at \$4,746. That accounts in part for the difference between the \$25,000 and the \$13,000 allowed by the court.

The Exchequer Court has come a long way since I made my first speech about reforming that court's procedures and I know the minister has done a lot in this regard too. He has listened to the opposition, just as he listened to the opposition in the matter of the amendment respecting the Supreme Court of Canada. But in spite of these reforms that originated from the mouths of us on this side, I still say with great respect that the Exchequer Court is a very expensive court for the average man.

**Mr. Blair:** Might I ask the hon. member a question?

**Mr. Woolliams:** Certainly.

**Mr. Blair:** Does it not appear to him that his clients perhaps retained a very expensive lawyer?

**Mr. Woolliams:** I am glad the hon. member for Grenville-Carleton (Mr. Blair) asked me that. The fact is that I am not talking about our costs. I realize the hon. member has had some experience with litigation, though perhaps not much. I am talking about costs which were taxed by the court. I am sure my

[Mr. Woolliams.]

good friend from Grenville-Carleton would not suggest for one moment that the registrar and his officers would tax any costs which were not justifiable. He knows enough of procedure to know that. So I hope I have answered his question. Sometimes the most expensive article is the best article. I do not always contend that you get the best article by buying the cheapest.

May I draw an analogy. I remember a case involving the expropriation of an acre of land on which was a flowing well and for which the applicant was asking \$100,000. The litigation in that case was decided in the provincial county court, since it involved a provincial matter. This case is reported. True, it is an old case and one has to allow for these days of inflation, but the case is *Town of Tisdale v. Tisdale Rural Municipality*, reported in 1949, 1 Western Weekly Reports, page 963. In that case, the costs were taxed at around \$1,500, and for the information of my good friend from Grenville-Carleton, who is interested in these matters, the solicitor and client costs were about \$1,000.

So, my contention is that in litigation matters it certainly costs a lot less to go to the provincial courts than to the Exchequer Court. Although I appreciate you cannot have two identical cases, if some matter came before the Superior Court, the Supreme Court trial division of the province of Alberta, the Queen's Bench division in Saskatchewan, or indeed the Supreme Court of Ontario, the costs would not be taxed as high and the cost of the litigation would be less.

My good friend opposite shakes his head but I am just relating to him my experience. If he wants to stand up and put one of his reported cases on the record, then I would like to hear about it. I have looked pretty thoroughly through the reported cases but have not seen any case dealing with expropriation in which he, personally, has been engaged. If I am wrong in that, I stand to be corrected.

**Mr. Blair:** We settle them.

**Mr. Woolliams:** Hence, when the minister says that it costs less to litigate in the Exchequer Court, there is a large credibility gap between his experience and mine. I do not think there are any practical lawyers who would accept the position taken by the minister. I realize it is very difficult to get a lawyer to come forward and say he prefers one court over some other court, and we all know why this is. I am sure the minister will admit that