

*Judges Act*

that eight judges will be appointed in the Montreal area, I should like the minister to tell us whether he also intends to accept the recommendations coming from rural areas in the vicinity of Montreal?

**Mr. Turner:** Mr. Chairman, it is wise to continue to appoint members from rural law associations, because I feel that they are entitled to a certain percentage of the appointments in the two districts.

**Mr. Asselin:** Mr. Chairman, I should also like to know whether the minister intends to bring up at the next conference of provincial attorneys general the matter I mentioned on second reading of the bill, namely the problem of judges who are appointed to judicial and not pseudo-judicial posts?

**Mr. Turner:** Mr. Chairman, I have already mentally accepted the good suggestion of the hon. member.

[*English*]

**Mr. Benjamin:** For my edification, if for no one else's, could the minister say what the difference is between judges and junior judges? My understanding is that both receive the same remuneration.

**Mr. Turner (Ottawa-Carleton):** They both receive the same remuneration but when there are two or more judges in a judicial district it is customary that one be perhaps the chief judge of a district and the others junior judges.

**Mr. Benjamin:** Is there any difference in the work they handle?

**Mr. Turner (Ottawa-Carleton):** The chief judge has the additional duty of administering the court and assigning roles to the various junior judges.

Clause agreed to.

Clause 2 agreed to.

Title agreed to.

Bill reported.

**Mr. Deputy Speaker:** When shall the said bill be read the third time?

**An hon. Member:** By leave, now.

**Some hon. Members:** Agreed.

**Mr. Turner (Ottawa-Carleton)** moved the third reading of the bill.

Motion agreed to and bill read the third time and passed.

[*Mr. Asselin.*]

• (5:00 p.m.)

**Mr. Deputy Speaker:** Order. It being five o'clock the house will now proceed to the consideration of private members' business as listed on today's order paper, namely, notices of motions, public bills.

**EXPROPRIATION ACT**

SUGGESTED MORE BUSINESSLIKE AND JUST TREATMENT OF PROPERTY OWNERS

**Mr. Hyliard Chappell (Peel South)** moved:

That, in the opinion of this house, the government should consider the advisability of giving immediate consideration to amending the Expropriation Act so that an owner whose property is expropriated will be dealt with in a more businesslike and just manner, and more particularly so as to provide for a notice before the expropriation takes place, for a substantial advance of money at the time of taking property, for the spelling out of measures of compensation, for the change of interest rate to the bank rate of interest, and, finally, to provide that if property is affected or invaded in part by an act on the part of expropriating authorities, the owner may call upon authorities to take all his land or property.

He said: Mr. Speaker, my motion relates to the need to change our attitude in matters of expropriation. On September 19 I spoke of the shortcomings and the antiquity of the federal Expropriation Act, born in the agrarian atmosphere of the last century and static ever since. While we all agree that law should be stable, it is wrong for it to stand still. A law that is out of date does not warrant respect, and if any one of our laws is in this disrespect a shadow of disrepute falls over the whole process of government. I then asked that the principles upon which governments act in taking land be reviewed and made compatible with concepts of today so that all Canadians who may be affected by federal expropriations will be confident that they will be dealt with in a more reasonable, prompt and just manner. The motion before this house is to further that aim.

In this century, as the need for public projects increased, expropriation of property by all levels of government accelerated and multiplied. Apparently, Hon. J. C. McRuer, formerly chief justice of the high court of Ontario, points out in his 1968 report to the Ontario government that under Ontario laws, lands may be expropriated under 36 acts, by 8,017 separate authorities. In Quebec they have done even better—308 acts give the power to expropriate to innumerable authorities. Today no citizen can expect immunity for his lands and home. This enormous power, often in the hands of delegated authority,