

*Expropriation*

Under the new bill, to which the hon. member has referred, it will be seen that we broaden the original jurisdiction of the Exchequer Court and continue the decentralization of that court. It will be made even more available to the people of Canada in its original field of jurisdiction concerning the application of federal laws as well as in its appellate jurisdiction. The hon. member will find that that court is as available to the practitioners of law and litigants as is any provincial court.

The hon. member also said that lawyers were not as familiar with the Procedures of the Exchequer Court of Canada as they might be with their divisional courts, their country courts or their provincial superior courts. That may be true. Because of the jurisdiction of that court covering expropriation matters, patent matters, actions against the Crown, admiralty matters and tax matters, a lawyer in general practice does not appear as often before it as he does before a county court or the superior court of his province. But every lawyer is in the same position, and the contra advantage is that the Exchequer Court has had many years experience in dealing with these complicated matters.

There is no way in which an expropriation case is going to be made less complicated by transferring jurisdiction to a provincial court, or allowing an option for a litigant to go before a provincial court. The difficulty in allowing such an option is that it is in the interests of the people of Canada that there be a consistent approach in the judgments rendered in expropriation cases. I do not think the people of Canada would consider it fair if in a similar factual situation an expropriated owner in Ontario were receiving a higher award than an expropriated owner was getting for similar property in some other part of Canada, regardless of the land values involved. I do not think litigants would think it fair if different interpretations of the bill were given by various courts across the country.

In order to achieve a uniform jurisprudence, and in order to treat the people of Canada equally in all parts of the country, it is the opinion of the government that a single court system should deal with expropriation cases. I can envisage a great amount of difficulty arising if concurrent jurisdiction were to be granted in this type of complicated litigation. I can envisage situations where people, on the advice of their lawyers, would be forced to go to a higher court in order to

clarify the difference in judgments between one court in one part of the country and another court in another part of the country.

Suppose the Supreme Court of Alberta were to attach a certain principle to a factual situation, and suppose the Supreme Court of Saskatchewan were to arrive at a different principle on the same type of factual situation. In order to clarify that difference in interpretation counsel for an expropriated owner, or counsel for the Crown would be forced to go to the Courts of Appeal of those provinces, and probably to the Supreme Court of Canada in order to establish uniform case law. I suggested to the committee, and I suggest to this House now, that one of the principal reasons for a single court system is to avoid contradictory judgments in various jurisdictions across the country.

I could also imagine a situation where if one person who has an interest in a piece of property were to bring an action in the provincial court, and another person with an interest in the same piece of land were to bring an action in the Exchequer Court, each litigant exercising his option in the opposite way to the other, you would have two actions against the Crown, relating to the same piece of property, in concurrent jurisdictions. How would you reconcile that? How would you provide for the Attorney General of Canada joining all those persons involved in an expropriation case being heard in both jurisdictions? How would you define the monetary limits of jurisdiction in cases where there were several expropriated interests in one parcel. How would you define the monetary limits of the country court, or limit jurisdiction to the country court or the divisional court? How would you define the limit of jurisdiction, if it were to be given to Supreme Courts across the country. How would you provide for removal into the Exchequer Court where the monetary limit of those jurisdictions is exceeded?

● (4:10 p.m.)

Those remarks, Mr. Speaker, I respectfully submit show that in our view this type of litigation before a single court is in the best interests of people in Canada. It is in their best interests to have a single court determine this type of litigation which will give them a right against the Crown. This Bill provides that complicated evidence may be interpreted in a uniform way so that we may avoid different standards of justice in various parts of the country. I believe, as I said before, that the Exchequer Court has had many years of