

(iv) for the Province of Newfoundland, the Supreme Court of the Province,

(v) for the Province of British Columbia or Prince Edward Island, the Supreme Court of the Province,

(vi) for the Province of Manitoba or Saskatchewan, the Court of Queen's Bench for the Province, and

(vii) for the Yukon Territory or the Northwest Territories, the Territorial Court thereof;"

The hon. member for Calgary North also moves motion No. 2, which is as follows:

That Bill C-172, An Act respecting the Federal Court of Canada, be amended by striking out subclause (e) of clause 2, page 1 thereof, and substituting therefor:

"(e) "Court of Appeal" or "Federal Court of Appeal" means

(i) that division of the Federal Court of Canada referred to as the Court of Appeal or Federal Court of Appeal by this Act and

(ii) with respect to an appeal from a court other than the Federal Court of Canada, the court exercising general appellate jurisdiction with respect to appeals from that court;"

Is it the pleasure of the House to deem motion No. 10 to be read and put to the House?

**Some hon. Members:** Agreed.

**Mr. Eldon M. Woolliams (Calgary North):** I have already expressed my appreciation to the Speaker in reference to the reinstatement of motions Nos. 1, 2 and 10. Again, I want to say that I appreciate very much the courtesy given us, and the observations that were made concerning why they were declared to be out of order. I think I can be quite brief at this time, Mr. Speaker, because yesterday we dealt with many of the facts when we were dealing with clauses 18, 28 and 29.

What are motions Nos. 1, 2 and 10 all about? There is a Federal Court to be set up under this bill, with a certain jurisdiction. Basically that jurisdiction has been set out as covering Crown corporations, boards and commissions and where the Crown is involved in any matter of contract and tort, as well as various other things.

What we are asking for in this amendment is basically that the definition of the term "federal court" include not only the Federal Court that is to be set up under this bill but also the trial courts of the various provinces, that is, the superior courts, which would have concurrent jurisdiction. By concurrent jurisdiction I mean this: That a citizen who wishes to litigate, or the Crown for that matter if it wished, can choose the place where they want to litigate. If, for example, people live in Toronto and want to litigate through the superior court or Supreme Court trial division in Ontario, they may do so. If they live in Calgary, Edmonton or Vancouver they may litigate in their own courts in the same way.

What is the main argument for this? Justice, like everything else today, has become a very expensive commodity. That is why I maintain that justice is somewhat rationed in Canada. The law is the same for every Canadian, but in the application of the law there is a law for the rich and one for the poor. I say it would be much cheaper and much more reasonable for people to be able to litigate in their home courts.

23226—45½

### Federal Court

Over and over again in these debates the Minister of Justice (Mr. Turner) has said, "Well, it is just as cheap to litigate in the Exchequer Court or in the Federal Court." If that argument were sound then my answer to it would be that I have confidence in the people. They will be able to decide which place is the cheapest in which to litigate. I am satisfied that the Canadian people would use their own local courts, and I will deal with some evidence in that regard in a few moments.

In respect of the Exchequer Court, may I say that I have been criticized from certain sections for seeming to be against the Exchequer Court. I want to make it clear that I am not against it. It has had its place in Canada, and a good place in Canada, particularly in tax matters and other matters, but what I maintain is that it is a specialized court. These matters were studied very carefully by the Standing Committee. When Mr. Henderson came before that committee he pointed out that he was not representing the Canadian Bar Association, but had been asked by them to give evidence because of his knowledge. He pointed out that because the Exchequer Court is of a different calibre than the courts we have in our provinces, it takes a specialized lawyer years to learn the rules, the methods and the jurisprudence, all of which are necessary to litigate in the Exchequer Court. What really happens is that you are setting up a specialized field for a few people.

• (4:00 p.m.)

**An hon. Member:** Right.

**Mr. Woolliams:** Naturally, Mr. Henderson—and I am not being critical of him personally—had some affection for the minister's big federal court. Why? Somebody said he lives in Ottawa. He is a very distinguished scholar and counsel in the Exchequer Court itself and with that skill he knows that many cases will come to his office because not many men are trained in this field. It boils down to one thing, that a few people become specialists in litigation in the federal court or Exchequer Court, and that has been the situation. Professor Garry D. Watson, who is a professor of law at Osgood Hall in Toronto said that some lawyers from smaller centres—and when we are dealing with Calgary compared with Toronto, it is a small centre—will try their hand at litigating in the Exchequer Court, which is similar to the federal court. After they get their fingers burned, they will throw up their hands and say that they will never again try to use their ability in that court as it is not fair to their clients.

What will happen is that men of the calibre of Mr. Henderson, and a few others across Canada, will handle all the litigation in this court. Like specialists in any other field, say a gynaecologist in medicine, they can demand high fees but the average man litigating against that most powerful opponent, the state, cannot afford powerful and expensive lawyers.

**An hon. Member:** They must be Liberals.

**Mr. Woolliams:** As a result justice is left undone. Justice will be rough and that is the purpose for giving the