

Expropriation

man who was promised that if he gave up some of his rights, some of his leases, he would get the first chance to run a store or a motel, has been forgotten. That promise has gone down the drain.

Give me the common law with a little flexibility. Give me the right to see that these questions are interpreted by the courts. Despite all his feeling for the Bench, the minister must have been frightened this afternoon. Apparently he does not trust the Bench to do its job, because he is setting down the rules on how it will do its job.

All this reminds me of the story of Abraham Lincoln who one morning was on one side of a case and won it. In the afternoon he was on the opposite side of a similar case, and the judge reminded him about his appearance in the morning. Lincoln replied, "This morning I thought I was right, but this afternoon I know I am right." That explains the argument of the Minister of Justice (Mr. Turner). It will be interesting to hear what he has to say tonight, because he is going to be on the other side of the fence.

In order to be helpful, Mr. Speaker, I suggested that all the arguments on amendments Nos. 8, 9, 10 and 11 be made at the same time in one sweep, which would save my having to speak again. In conclusion, I trust the common law. I trust the independent judiciary of Canada. The law is very clear, simple and straightforward on measuring compensation for land. Why do we need a lengthy code when the common law has served its purpose and the judges, with their training and knowledge, are well equipped to interpret that law which has over a period of time served the average man well?

Mr. Speaker: Is it the pleasure of the House to adopt the said motion?

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I thought we were going to have all the discussion on these four motions before the questions were put on each of them. I have nothing more to say on No. 8, but I have something to say on Nos. 9 and 10.

Mr. Speaker: Is it the wish of the House that we now proceed to discuss motion No. 9, and that the question be put later on the four motions, Nos. 8, 9, 10 and 11?

Some hon. Members: Agreed.

Mr. Speaker: We will now hear debate on motion No. 9.

[Mr. Woolliams.]

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, the debate you will hear from this seat on motion No. 9 will be very brief because it is obvious that No. 9 is an amendment consequential to No. 8 and it would be necessary only if the House were intelligent enough to support motion No. 8. I should like to say that what we seek in motions Nos. 8 and 9 is not to set aside the proposition that there shall be rules in the legislation, as I think the minister intimated, but rather to provide that in special cases the court would still be in a position to exercise its judgment to make sure that there is full and fair compensation. That is why we have put forward motions No. 8 and 9. As I say, No. 9 is consequential to motion No. 8. I hope both of them will be supported.

• (8:50 p.m.)

Mr. Speaker: This completes discussion on motion No. 9. Motion No. 10 is now deemed to be before the House for consideration.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I have the honour to move motion No. 10 on behalf of the hon. member for Greenwood (Mr. Brewin). It is one of several dealing with clause 9 of the bill and relates to a specific point. Here I think I can do two things, namely, keep my remarks brief and make the matter clear, by referring to what the hon. member for Greenwood said about this proposed motion when the matter was discussed in the Standing Committee on Justice and Legal Affairs. I am looking at pages 80 and 81 of the Minutes of Proceedings and Evidence No. 5 of that committee. The hon. member for Greenwood is reported as having said this:

I would like to ask the minister, under paragraph (c), whether he does not think that is extraordinarily broad, that is, any knowledge or expectation, prior to the expropriation, of the public work—I can see that—or other public purpose for which the interest was expropriated. In a dynamic economy such as you have around a big city, some of the public purposes like expressways and things like that are known for 10 or 15 years before, and this knowledge is bound to have some impact upon all the market prices in that area.

It seems to me that you have drawn up something here that is so wide as to be impractical of application and very unjust as far as the actual person expropriated is concerned.

I can see where knowledge of the actual public work and where it is actually going should not be allowed to enhance the value of the thing, but expectation of the public purpose for which the interest is expropriated is a very vague phrase. The minister said that the purpose of these rules is to give certainty and to have a clear measuring stick. I suggest to you that the litigation and the