

Expropriation

Motion No. 1, I believe, could be considered separately and, if necessary, voted upon as a separate proposal.

Motions Nos. 4, 5 and 6 should be grouped and disposed of as part of a single motion, and voted upon on the same basis.

Motions Nos. 4, 5 and 6 should be grouped and discussed as a single motion but, if necessary, three votes should be taken.

Motion No. 7 should be considered and if necessary voted upon separately.

Motion No. 8 is to be considered and voted upon separately if required.

Motion No. 9 should be considered and, if required, voted upon separately.

Motions Nos. 10 and 11 should be grouped and considered together but, if required, a vote should be taken on each separate motion.

If hon. members agree to these suggestions we shall proceed on this basis.

Mr. Knowles (Winnipeg North Centre): May I make one brief comment? Speaking for my hon. friend from Greenwood, we certainly agree with your suggestions, and we might even go a bit further. Since they are consequential, some of these motions may not need to be put at all unless the prior motions are accepted. One hopes they will be. But we may save even more time than Your Honour expects.

Mr. Speaker: If there are no comments we shall carry on, procedurally, as I have suggested. We shall now consider Motion No. 1 which stands in the name of the hon. member for Calgary North. This will be debated and voted upon separately, if necessary.

Mr. Eldon M. Woolliams (Calgary North) moved:

That Bill C-136, an Act respecting the expropriation of land be amended by adding the words "and/or any Superior Trial Court of the Provinces of Canada" after the words "Exchequer Court of Canada" in paragraph (a), sub-clause 1 of clause 2.

He said: Basically, Mr. Speaker, this motion is a very simple one. It merely asks that under the new Expropriation Act the superior courts of the various provinces be given concurrent jurisdiction with the Exchequer Court. I may say at the outset of this debate that in the committee several amendments which had been proposed to the bill were accepted. This one was rejected in committee and I now move it here at this stage.

As members of the House appreciate, the bill is concerned with matters which fall directly within federal jurisdiction, particu-

larly when property is being expropriated by the federal authority for public works or other purposes. In support of this motion I would say at the outset that justice must be obtainable by all Canadians if there is to be any kind of just society. Economic disparity leads to judicial disparity. By this I mean that access to the courts often depends on the ability of a person to afford counsel to litigate in those courts. The law is the same for everyone in Canada. No one disagrees. But the implementation and application of the law are not the same. Those whose land has been expropriated by federal authority can only litigate, or continue to litigate, and hire the best counsel in the field, assisted by the best appraisers, if they have the economic worth which enables them to do so.

In the past we have tried to cure some of the problems, and giving the Exchequer Court sole jurisdiction in this field will put a lot of people behind the eight ball in that they will not be able to afford to litigate and will take settlements that they would not otherwise take. This is because litigation in many courts in Canada is now a luxury. Any changes in this regard are merely scratching the surface.

While on the subject of justice, I have talked about economic disparity leading to judicial disparity, and I have said that all Canadians are equal before the law. However, it is in the implementation of the law that we run into difficulty. Let me put this quotation on the record:

Of all the valuable things on earth, man is most valuable because he is an end, not a means. The revolution today is for him, that his dignity might at long last be realized on earth, as well as in heaven. No matter what his race, his colour, his country, his culture, or his religion or the lack of it, he is a *res sacra*, a sacred thing, a person who deserves better of this world if his inner dignity is not to be lost in the outer indignity of so much that is utterly unhuman in modern life.

I am going to try to bring forward evidence to show that by forcing claimants who cannot come to a settlement to go to the Exchequer Court you are asking many of them to get into the kind of luxury litigation that they can ill afford. A lawsuit involving \$100,000 in the Exchequer Court can cost up to approximately \$25,000. I recall a case in 1967 in which the judgment was recently handed down. I am making no complaint about the judge in this regard. There was some thought of going on with the litigation—I will deal with that a little later—but I want to present the taxed bill in that case as evidence today.