

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fourth Session – Tenth Legislature
35th Day

Wednesday, March 19, 1947

The Assembly met at 3:00 o'clock p.m.
On the Orders of the Day.

SECOND READINGS

Hon. J. W. Corman (Attorney General) moved second reading of Bill No. 65 – An Act to protect Certain Civil rights.

He said: Mr. Speaker, I hardly need say that in rising to move second reading of the Saskatchewan Bill of Rights, I do so with extreme pride. If I should speak at some length on second reading more than is usual, it will be because of the importance of the Bill and because of that importance, Mr. Speaker, and the limited time at my disposal, I shall follow my notes with some degree of closeness.

I would suggest, Mr. Speaker, that this is perhaps the most important Bill that ever came before this House. I believe, in importance, it will rank with the British North America Act, which set up Confederation, and with the Saskatchewan Act, under which Saskatchewan entered Confederation.

Now the Bill, as is well known, Mr. Speaker, deals with liberty in all its different ramifications and aspects and with the protection and preservation of liberty. Freedom, liberty, fair-play and justice to all, Mr. Speaker, regardless of race or creed, are matters that now, at the present time, are holding first place in international affairs. Those entrusted with the settlement of world difficulties know that unless we remove for all time and unless we remove in all places, the inequalities and the discrimination and the denials of liberty that exist in the world today, another way is inevitable. Just as we realize that peace is one and indivisible, we are coming to realize, Mr. Speaker, that the same may be said of liberty. It is one and indivisible. This world of ours is too small to live half-slave, half-free. When my neighbors rights are destroyed, my own rights are threatened and the only way, Mr. Speaker, to guarantee preservation of one's own rights is to insist on protection for the rights of others. Prosecution and discrimination are as contagious as disease and no citizen is safe, no matter where he lives in this world, as long as they exist and flourish in other parts of the world.

Now, Mr. Speaker, this Bill of rights before the House stresses tolerance, forbearance and moderation and it behoves me in keeping with the spirit of the Bill, to practice those qualities in introducing it and I will do my utmost, Mr. Speaker, to use language befitting the high occasion and the great issue before the House.

In introducing a Bill, a min is expected to do two things, to make a statement of the reason, the necessity, the advisability of the Bill and to give some explanation of its general terms. Now, I doubt if much need be said here, today, respecting the appropriateness, the necessity for a Bill of Rights at this time. One can hardly pick up a newspaper or

listen to the radio without hearing the subject discussed and approved. It started with the Atlantic Charter, it has been taken up by the United Nations. Such a Bill has been urged by labor through their Trade unions. Two resolutions are now on the Order paper in the House of commons asking for a Dominion Bill of rights; one placed there by a CCF Member and one by a Progressive Conservative and the Speech from the Throne at Ottawa, also, gave support and encouragement to the idea. So, that, Mr. Speaker, the discussion today, the discussion at any time, on a Bill of Rights in Canada has been taken of politics. The three great political parties of Canada are committed to the principle.

Now, it may be said that a Provincial Act cannot cover the whole ground because of lack of jurisdiction under the BNA Act but that, Sir, is equally true of a Federal Act, and I do submit under the BNA Act most of the freedoms are civil rights and as such are within the jurisdiction of provincial legislature. Discrimination on racial or religious grounds as well, dealing with them within a province, are certainly matters with which only a provincial Parliament can deal effectively.

I know, Mr. Speaker, as a provincial legislature, we cannot do much to put world affairs right and an International Bill of rights is necessary for that, with somebody to enforce it. I think that I should say that we cannot do much in a direct way, but we can at least put our own House in order in respect of liberty, freedom and the rights of minorities who live in the province and in so doing set an example to the rest of Canada, and through Canada, to the rest of the world. We cannot properly criticize violations of liberties elsewhere in the world unless we show willingness and determination to advance and progress, that is to take a definite step in that regard right here at home. I admit, Sir, that liberties can only be preserved and safeguarded when the people of a country, or of a province, as both for themselves and for their neighbors. A Bill of Rights can only have meaning if written in the hearts of men. Laws will not succeed without an awakened public opinion and public conscience, but legislative declarations can point the way, by way of education, which is so necessary, if we are to root out inborn prejudices from which, I am sorry to say, I doubt if any of us are entirely free. We have just finished fighting a war for freedom and I suggest it is the duty of everyone of us to see that the freedoms for which our loved ones fought and many of them died, are preserved and enlarged, not only nationally, but internationally. Those engaged, as I said before, in international affairs are, by declaration and affirmation, putting freedom, liberty and equality as the first essentials of a peaceful world, free from war. Now, first among these I refer to the declarations, first among these is the recent San Francisco Charter, to which Canada was a signatory and which the Dominion Parliament has ratified. The preamble to this Charter reads as follows:

We the peoples of the United nations determine to save succeeding generations from the scourge of war which twice in our life time has brought untold sorrow to mankind and to re-affirm peace in fundamental human rights in the dignity and worth of the human person in the equal rights of men and women and nations large and small and for these ends to practice tolerance and live together in peace with one another as good neighbors.

March 19, 1947

Now under articles 1 and 55 of that charter, Canada is pledged to promote:

Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, language or religion.

Then, Mr. Speaker, there is a resolution passed by the representatives of over 60 million organized workers at the World Trade Union congress recently held in London. That resolution was to this effect:

That every form of political, economic or social discrimination, based on race or creed, shall be eliminated.

And next, Mr. Speaker, we have the resolution against discrimination, unanimously adopted by the Latin American Nations and the United States in Mexico City on March 6th, 1945, to this effect that the Governments of these nations shall:

Prevent with all the means in their power, all that may provoke discrimination among individuals because of racial or religious reasons.

Speaking for labor, Sir, Mr. William Green, president of the American Federation of Labor said:

Prejudice and intolerance are crimes against democracy, therefore, whenever someone asks you how organized labor feels about racial and religious intolerance, inquire of him how he feels about crime. To anyone who understands the moderation, the answer is as simple as that. Freedom is essential to the preservation of democracy. If, and when we begin to limit it, by insisting that it be denied some and applied to others because of racial or religious differences, the list of exceptions grows and materializes until finally freedom for all is ended.

And here is another voice from Nova Scotia speaking for labor, and I quote:

Attempts have always been made to divide the workers and the people generally, there can be no question that one of the most harmful of these tactics is the effort to persuade one group that it is racially superior to some other group. There are no inferior or superior groups. Discrimination against a person because of the color of his or her skin, nationality or religion is something that has deliberately been introduced in the recent generations with the obvious objective of dividing the forces of progress and exploiting the labor of the so-called inferior racial groups. Legislation against such discrimination in questions of employment and in all other ways will be of great value in eradicating shameful practices against those racial groups in Canada.

At a meeting of the Civil Rights Union, in Toronto, Senator Arthur Robuck said:

The time was proper for a Bill of Rights for we have just concluded a war for human liberty abroad, while we were never so careless of human liberty at home.

And the Ottawa correspondent of the Toronto Star said on December 27th last:

As the result of war strains, international uncertainties, and the inevitable passions that follow great wars, Canadians today are surrounded by the rising waters of intolerance, mass hysteria and a desire to find release of emotions by taking it out of someone, somebody, or some group. These waters are being kept in the main from Canadians by the thin walls of tradition, the courts, the laws and public opinion. Each breaching of Canadian civil liberty as in the espionage case, the Jehovah Witnesses' case and the anti-labor deeds of Duplessis endangers all Canadians. For each hole in the dike, unless closed by an aroused populace, weakens the whole protective structure erected by fighters for freedom throughout all history.

The globe and Mail, also a Toronto paper, says:

A Toronto ice rink operating under a city licence, has repeatedly practised racial discrimination by refusing admission to any but what they call Anglo-Saxons.

The Toronto Globe and Mail, condemning the action of the rink's management said editorially:

Such prejudices are a reproach to any people, they are alien to the noblest ideals of humanity and they are a shameful humiliation on the context of a war for freedom, won at the sacrifice of countless thousands of young men's lives. The springs of prejudice are poisoned and whoever drinks therefrom suffers the spiritual debility, a shrivelling of the soul. Society may not ignore such poison anymore than it could disregard the pollution of its water supplies if it is to remain morally healthy. Whenever the effect of race prejudice appear, they must be met by the antidote of contempt. Only thus may this nation preserve the integrity of its principles.

And from the Sheath, which is, I believe, a serviceman's publication, The University of Saskatchewan:

When the head of any government in a democratic country starts waging war against the minority group, such an unwarranted attack smacks of totalitarianism. In this case the constitutional right of freedom of worship is being denied the Jehovah Witnesses in Quebec.

(They were dealing with that particular incident at that time).

It has been said that the price of liberty is eternal vigilance. When the people of any nation stand dispassionately by while their government seeks to oppress a minority group, by their very inaction they are placing their own freedom in a state of jeopardy. For once the head of a government has been successful in persecuting one minority there is no reason to believe that he will not seek to trample on other minorities in their turn. Thus we see the gradual evolution from a democratic to a fascist state.

In conclusion, I am still quoting from the Sheath:

March 19, 1947

It might be well to bear in mind the words of Lord Anson when he wrote: The most certain test by which we judge whether a country is really free is the amount of security enjoyed by its minority.

I would just like to quote from a leaflet published by the Canadian Association for Adult Education in connection with a CBC broadcast on the subject of civil rights. The part I shall quote is very short:

The conviction on the part of many that there is a deeping crisis in civil liberties in Canada has led to a discussion of the need of a Bill of rights of our own, somewhat on the American model. One political party has a draft resolution ready for submission to the House of Commons at the present Session. A prominent member of Parliament in another party has proposed the creation of a joint committee of the Senate and the House of Commons to evolve a comprehensive Bill of Rights. Thus, whatever action is taken, we may be sure it will not be along partisan lines. People of all political parties have expressed concern for the preservation of the fundamental rights of the citizens. Why this concern? The arbitrary use of power by government and officials has been highlighted in recent events in the spy trials, in the threatened deportation of the Japanese Canadians, the treatments of Jehovahs Witnesses, and the abuse of police authorities in some current cases.

And lastly, Mr. Speaker, from the Speech from the Throne at Ottawa:

My Ministers are also following with interest the activities of the United Nations with regard to the question of human rights and fundamental freedoms and the manner in which those obligations, accepted by all members of United Nations, may best be implemented. It is the intention of the Government to recommend the appointment of a select committee of Members of both Houses to consider and report upon those matters.

I do not think, Mr. Speaker, I need stress any further what I consider the justification for the Bill of Rights before this House, of forming fundamental liberties and the protection of minorities. I suggest that if every national, every provincial, every state government in the world would commit itself now to the principles contained in the Bill before this House, the task of the United Nations and of all those who are striving to bring peace and order and justice and equality out of world chaos would be helped immeasurably.

We do not, here in Saskatchewan, intend to be deterred from our bounden duty just because we are a province of less than a million in a world of teeming millions. Saskatchewan has set the pace before in other matters, Mr. Speaker, and it will do it again and when I say that, I am not taking credit to this Government alone. It is the people of Saskatchewan who support the principle of this Bill and they have shown by their actions of the past that they will not rest content if their actions of the past that they will not rest content if their province lags behind other provinces, other countries, other jurisdictions, in outspoken service, unequivocal commitments to the principles of freedom, liberty and the democratic safeguarding of the rights of minorities. With all the world

crying for a Bill of Rights, the progressive Province of Saskatchewan cannot be found wanting.

Mr. Speaker, having decided on a Bill of Rights, the question arises what should such a document include; and in that connection I would like to read again from the leaflet previously referred to, gotten out in connection with the CBC broadcasting on the subject of a Canadian Bill of Rights. It is published and distributed by the Canadian Association for Adult Education. This short paragraph is headed: "What Should a Bill of Rights Contain:

If serious consideration of a Canadian Bill of Rights is to be entertained what should such a document include. Clearly it must reaffirm the liberties we have so long taken for granted. It would contain such familiar civil rights as the freedom from arbitrary arrest and long detention without trial, freedom from police entry and search of our houses without a specific warrant, issued by a competent authority, the right to a trial by jury and to be deemed innocent until proven guilty. It would include freedom of the press, freedom of speech, freedom of religion, freedom of associations and the right to organize in the pursuit of any lawful purpose.

Now, in deciding what should be in our Bill of Rights, Mr. Speaker, we also gave consideration to the two notices of motion on the Order paper in the House of Commons at Ottawa. Now the CCF resolution in the name of Mr. Stewart (Winnipeg – North) reads as follows:

That in the opinion of this House, a Bill of Rights should be incorporated into the Constitution protecting minority rights, civil and religious liberties, freedom of speech, and freedom of assembly, establishing equal treatment before the law to all citizens irrespective of race, color of creed and providing the necessary democratic powers to eliminate racial discrimination in all its forms.

Now the resolution of Mr. J.G. Diefenbaker reads as follows:

That in the opinion of this House immediate consideration should be given to the advisability of introducing a Bill of Rights to assure, among other rights, freedom of religion, freedom of speech, freedom of the press and of the radio. That habeus corpus shall not be abrogated or suspended except by Parliament. That no one shall be deprived of liberty or property without due process of law and in no case by order-in-council. That no tribunal or commission shall have the power to compel the giving of evidence by anyone who is denied counsel or other constitutional safeguards.

It will be noted, Mr. Speaker, that Mr. Diefenbaker's resolution contains no mention of racial or religious discriminations. That could be because Mr. Diefenbaker felt no power rested with the federal authorities. In any event we feel that no Bill of Rights would be complete without such a provision.

Now, the Bill before the House can conveniently be divided into two parts. The first part reaffirms the so-called fundamental inalienable rights of: freedom of religion, freedom of

March 19, 1947

speech, freedom from arbitrary imprisonments and freedom to take part in elections. The second part forbids discrimination on racial or religious grounds in respect of employment engaging in business, ownership of property, access to public places, membership in professional and occupational organizations and enrolment in educational institutions.

It should be said here, that this Bill, as far as discrimination goes, is intended to deal only with racial and religious discrimination. We realize there are other forms of discrimination, some of them that cannot be dealt with by law, some of them which can never be eradicated. The Bill, however, set out to make discrimination on grounds of race and religion in certain fields illegal and have stayed within those grounds as far as discrimination is concerned. Now, some forms of discrimination are too deep rooted for legislative action. The pretty girl at a dance will always get her program filled first regardless of any laws we might pass and if it is true, Mr. Speaker, that gentlemen prefer blondes, there is nothing we can do about it here. But I think I can say that as far as that last discrimination is concerned, the brunettes that I know are making a pretty good job of themselves looking after it.

Before dealing with the general freedoms, let us consider discrimination first and I think a good place to start is to get a bird's eye view of the racial composition of the population in our province, just who make up the people of Saskatchewan. Now there are in the province, Mr. Speaker, according to the records of 1941, giving figures to the nearest hundred:

English – 169,000; Irish – 96,000; Scottish – 109,000; French – 51,000; Austrian – 11,000; Belgian – 5,300; Bulgarian – 125; Czechoslovakian – 5,500; Danish – 6,000; Spanish – 1,100; German – 130,000; Greek – 500; Hungarian – 14,000; Icelandic – 3,600; Italian – 1,100; Jewish – 4,200; Lithuanian – 530; Netherlands – 36,000; Norwegian – 39,000; Polish – 28,000; Rumanian – 7,000; Russian – 26,000; Swedish – 21,000; Ukrainian – 79,000; Yugoslavic – 1,300; Chinese – 2,500; Japanese – 105; Hindu – 2; Syrian – 681; Eskimo – 4; Metis – 9,200; Indians – 13,400; Negro – 403.

It will be noted, Mr. Speaker, that less than half of the population of Saskatchewan is of Anglo-Saxon origin. Now there is in the situation in Saskatchewan and I doubt if there is another country, or province, or another nation, that has such a varied population and such a wonderful opportunity of showing the rest of the world how people of diverse nationalities can live together in peace, in harmony and in good will. If we can do it here in Saskatchewan with that varied population, it should be possible for the nations and the peoples of the world to do it all over the face of the globe.

I want here, Mr. Speaker, to pay a tribute to the people of Saskatchewan for their general broadmindedness, their tolerance and their potential freedom from anything resembling bigotry, both racial and religious. I think possibly because of the mutual battles we have had to fight, this is economic, financial, devils against the weather. We should not, however, rest on our laurels. The need for tolerance is greater today than ever before it has become a world need and just as in the past as I said before, Saskatchewan has shown the way, so I suggest that we can show the way again in the face of this new urgent need. Now, I repeat, there is nothing in the Bill of rights to imply

that Saskatchewan is a land of persecuted minorities, it is more or less the Bill before the House, a declaration, but we are ahead of the rest of Canada and that we intend to stay ahead. I believe every freedom loving person, who has the welfare of this province at heart, will support the principle of this Bill.

We must not assume, Mr. Speaker, however, that the ugly head of racial intolerance does not at times and in places show its head in Saskatchewan. I have before me an affidavit made by a returned man with more than four years of active service behind him. I am not mentioning his name, and I am not mentioning the Company referred to. I would like to read this affidavit, and it was sworn on March 4th of this year.

I am a veteran of the last war, having reenrolled in May, 1941, enlisted for active service in June of 1943, discharged January 15th, 1947, having served overseas from 1945 to November, 1946. I was employed by the Saskatchewan Reconstruction Corporation from the 13th to the 28th of February, 1947, in a temporary capacity. On the first of February, 1947, in a temporary capacity. On the first day of March, 1947, I was referred by the National Selective Service to the Company in question for a position. I went to that Company and was referred to Mr. Blank, who told me he had others lined up for the position. I went back to national Selective Service and told the man I had seen previously, that the Company did not want me and he stated that one of the qualifications was that the applicant must be of English descent. He had stated this the first time I saw him, but sent me notwithstanding that requirement. I make him, but sent me notwithstanding that requirement. I make this statement for the purpose of letting it be known that there is discrimination by this Company against Canadian citizens of non-British descent. The official of National Selective Service, who referred me to the Company, having stated that my physical and educational qualifications appeared to be quite in order.

Now, I think most of us know probably of other examples. We all remember the experience of a Negro visiting Regina, a member of the co-operative group, to whom I believe it was intimated that there might be some form of discrimination. But, Mr. Speaker, it is things of that kind we are trying to get at in this Bill. I would like to say that since notice of this Bill was given to the public, public reaction has been so overwhelming favourable that my feeling of assurance and pride in introducing it has been doubled. I am convinced that the people of Saskatchewan want such a Bill.

The different sections will be gone into a Committee and I will not labor them on second reading. Generally speaking and to recapitulate, it has been made an offense of law and certain fields of endeavor, or activity, to discriminate because of the race, creed, religion, color, or national origin of any person, or class of persons. Now there are exceptions, Mr. Speaker, particularly relating to religious institutions and schools and in respect of personal service, which we can go into later.

The Bill provides in effect that every person and every class of persons, in Saskatchewan, shall enjoy within the law and without discrimination on racial or religious grounds the following rights.

March 19, 1947

1. The right to obtain and retain employment.
2. The right to engage in business.
3. The right to own and occupy property.
4. The right of access to public places, hotels, theatres, restaurants, etc.
5. The right to membership in professional and trade associations.
6. The right to education and enrolment in schools and universities.

I may say that the existing policy followed by religious institutions and schools where religion may be taught is not disturbed, either in the manner of employing teachers or in the matter of enrolment. Also, I would repeat that the Bill does not cover employment of a domestic or personal character.

Generally speaking, Mr. Speaker, the Bill attempts to make it the law of this land, the law of Saskatchewan, that the racial and religious minorities of our province shall enjoy the same rights as others in respect of jobs, education, business, property, and access to public places. Now I hope, not only hope, but I feel confident that no one will raise the cry of compulsion or of regimentation as far as this Bill is concerned. It is true, Saskatchewan that we force people to do things, or to refrain from doing certain things. But that is true of every bit of -legislation that ever passed through this House or ever passed through any other Parliament. Compulsion for the common good, if we must use the word compulsion, is, I humbly submit, the very essence of democratic government. The Criminal Code reeks with compulsion in every sector. Our Provincial Statute, dealing with child welfare, protection to deserted wives, dealing with homestead fights, provincial enactments in the interest of agriculture and for the protection of our natural resources and many others, all compel someone to do or refrain from doing something. You just cannot have democratic government without compulsion. The test, of course, I suggest to the House, is whether the compulsion is for the common good, or is only to serve special interests. As long as compulsion adheres to the principle of the greatest good for the greater number, it will stand up under attack and I suggest, Mr. Speaker, that in giving protection to minorities we are not legislating for them alone, but we are legislating for the general good of the whole community. In the words of the labour Leader quoted before:

Freedom is essential to the preservation of democracy. If and when we begin to limit it by insisting that it be denied more and applied to others because of racial or religious differences, the list of exceptions grows and materializes, until finally freedom for all is ended.

I have attempted, Mr. Speaker, to summarize what the Bill does in respect of racial and religious discrimination. We should, I think, for a moment consider what it does not do. Well, for one thing, Mr. Speaker, it does not interfere in any way with the formation or the functioning of religious, fraternal, or social organizations. Moreover, the Bill does not interfere with the freedom of choice in employment of a domestic nature, or where personal relationships are involved and it does not interfere with the legitimate expression of opinion even on religious and racial matters. As a Methodist, I can still tell the Premier what I think of the Baptists. It happens to be good, but I can still tell him. And as a Scotsman he can still tell me or anyone else what he thinks of the Irish, just so long

as he does not violate the law of libel and slander and does not provoke discrimination.

Now the Act does not prevent any freedom of action except on grounds of race and creed. I have stated that before. Any owner of property may still sell or lease his property to whom he likes, or he may not sell it or lease it at all, there is nothing compelling him to do it just so long as his decision is not based on religious or racial grounds. A landlord, for instance, can still exclude as tenants in his apartment house, if he wanted to, all those who do not belong to the Assiniboia Club, or all those who do not make over a thousand dollars a year, or he could confine it to CCFers if he wanted to. But, he cannot have a policy of exclusion for instance based on Anglo-Saxon origin. Now there is nothing in the Act to force the public to deal with any particular businessman, or class of businessmen. It does provide, however, that no one shall be prevented from engaging in business because of race or creed. Under this Act a municipal council, for instance, could not refuse a licence to carry on business just because the applicant happened to be French, Norwegian, or of any other descent, or -because he was a protestant or catholic, as the case may be. Now, Mr. Speaker, to those who think we have gone too far in this Bill, I can only say this: that we do not believe we have imposed a hardship on anyone who really has the welfare of the province at heart. To those who think we have not gone far enough and I may say there are some in each class, I can only say that in drafting the Bill we have endeavoured to practise the moderation and the tolerance the Bill preaches.

Mr. Speaker, I think that is sufficient as far as the topic of discrimination is concerned and I believe a pace has been made out for the Bill before the House in that respect. The Saskatchewan Bill of rights, however, Mr. Speaker, goes beyond racial and religious discrimination. It reaffirms the fundamental rights of democratic peoples the world over. Rights that are being written into international charters. Those are the rights of freedom to religion, freedom of speech, freedom of association and assembly, freedom from arbitrary imprisonment and detention and freedom of election. Now, Mr. Speaker, I have no intention whatever of treating this House to a lecture on the necessity – on the moral obligation – of keeping those inalienable rights constantly before us. If they die in a country democracy dies with them and to prevent them becoming commonplace and platitudes, it is felt desirable to give them a place in our statute law. That is being considered in other jurisdictions. The United Nations are giving expression to those freedoms in their international charter.

Now, I would like to make it clear here, Mr. Speaker, that we have not be exclusion or omission denied the existence of many other important rights and freedoms. The Atlantic Charter stresses two freedoms, freedom from fear and freedom from want. Now, freedom from fear in this province, I think, will be pretty well looked after, if we can make the other freedoms set out in this Bill operative and enforced in Saskatchewan. Freedom from want, Mr. Speaker, I am afraid will have to be dealt with more positively than by inclusion in a Bill of Rights.

Now there is another freedom that affects us all. This, too will have to be dealt with more effectively than by inclusion in this Bill. I refer, Sir, to the freedom of the little man to live and engage in his occupation and to work out his

March 19, 1947

destiny generally free from the impediments placed in his path by the combines and the monopolies and the cartels which pretty much dominate the economic and political life of Canada today. Mr. Speaker, we cannot do that by a Bill of Rights. But until it is done, the words free enterprise and private enterprise will, I submit, be without substance and without meaning. The Bill, however, is not silent on the matter of legitimate freedom of enterprise of the individual, both in respect of property and in respect of business and occupation. They are sometimes called the rights of private property and the rights of private enterprise. Section 9 of the Bill provides:

That every person shall enjoy the right to own, lease, rent and occupy land.

And Section 8 provides:

That every person shall enjoy the right to engage in and carry on any occupation, business or enterprise under the law.

Legitimate free enterprise is given other protections in the Bill. By Section 4 the right of assembly and association is guaranteed, and by other sections individual rights are safeguarded in respect of employment, professional and occupational organizations, trade unions and education. I respectfully and humbly suggest, Mr. Speaker, that if we can impress the spirit of this Bill on the people of Saskatchewan, the rights of private property and of individual personal enterprise will reach a new high in our province. Now the right of election is a freedom we thought should be reaffirmed. The Saskatchewan Legislative Act says:

That an assembly shall continue for five years and no longer.

That provision, however, Mr. Speaker, can be evaded or side-tracked, by amending the Act at will and in that way continue the life of an assembly for one year, for two years, or for a hundred years. If it can be changed to permit of a one year extension, it can be changed to permit a legislature to sit forever. Now, I know we cannot bind future legislature by the Bill before the House, or by any other legislature. But, I suggest that we can give such emphasis to regular periodic elections that future legislatures will think twice before amending the law, especially when that law is contained in a Bill of rights.

At this point, Mr. Speaker, I would like to draw the attention of the House to three House Amendments that will be introduced when the Bill goes into Committee. I shall not labour them now. They have not been drafted. I will give you the substance and I think the House amendment will pretty much follow the form as I have it here. Section 13, we are suggesting that a subsection be added which will read:

Section 13 shall not be deemed to interfere with freedom of speech upon any subject.

Section 14 (that is the penalty section), we are suggesting that the penalty for offences under the Act, that an offender shall be liable on summary conviction, to a fine of not less than \$25 nor more than \$100, that is for a first offence; and not less than \$50, and more than \$200 for a second or subsequent

offence; and I shall in Committee suggest an amendment to Section 16, which will then read:

The provisions of this Act shall bind the Crown and every servant and agent of the Crown and application for release may be made without complying with the provision of the Petition of Rights Act.

Now, I would like to say as I draw near the close of these feeble remarks, Mr. Speaker, that I introduced this Bill in the spirit of greatest humility, realizing my inability to do justice to the transcending importance of the issue. The privilege of introducing the Bill should have been in abler hands. I can only do my best and leave it to the Members of the -House to fill in the gaps and reinforce my arguments from their own superior fund of information and knowledge. In only one respect, Mr. Speaker, do I refuse to take a back seat to anyone, and that is in my wholehearted endorsement and support of the principles of this Bill. I have had the privilege of introducing into this h a number of 'Bills commonly known as Security Measures, among them The Farm Security Act. Now, when I leave public life (probably not soon enough for some people – I don't know) my part in legislation aimed primarily at security will always be a source of great pride and satisfaction to me. But I will always be equally proud that if tell as my lot, as Attorney General, to introduce into this House, Saskatchewan's first Bill of Rights, aimed primarily at liberty. To me, Mr. Speaker, security and freedom are not conflicted but are synonymous or consistent tongue. I do not believe that one can exist without the other. It is popular today to say loosely that some political and economic philosophies give you one, but only at the expense of the other. Now, I question the validity of that commonplace. Every security measure properly applied adds to the personal individual liberty of the citizen affected and every measure guaranteeing more liberty adds to the security of the citizen affected. It was one thing, Mr. Speaker, to say that Hitler gave his people security, but that it was at the expense of liberty. Now it is true he deprived them of liberty, but it was not by given them security. Three meals a day in the desert night is not security. It is doubtful if a people ever lived in such a state of insecurity as did the German people under the Fuehrer and his storm troopers. Security and liberty must march along, Sir, side by side as one context. The racial and religious minorities in Saskatchewan cannot have any read security until they are free from the feel of arbitrary discrimination and arbitrary government action such as the deportation orders-in-council.

Now, the converse is equally true, Mr. Speaker, it is idle to say that the people of Saskatchewan enjoy the fullest possible measure of freedom and liberty just so long as they are living in a condition of economic and financial insecurity and bondage. Security and freedom are one and indivisible, but I have said, I realize, Mr. Speaker, a pride to proper security measures properly applied and properly administered. I freely admit the government can, in the name of security, impose unnecessary restrictions on individual liberty, any government can do that, and I realize that it is the duty of Parliaments and governments generally to be everlastingly on guard against it. But there is no absolute criterion or yardstick by which it can be said definitely and positively that any particular enactment or government action falls in the class of ones duty, unjust compulsion. That will always remain a matter of opinion, ultimately, I suggest, to be decided by the people when the election

March 19, 1947

rolls around.

I admit that a Bill of Rights will not insure freedom and liberty for a people if the spirit of the Bill is violated in other government actions, but I can assure this House that this Government is constantly on the alert and will remain on the alert, to see that every Government action conforms with the spirit and purpose of this Bill of rights. There will always be some, however, no doubt, with the best intentions in the world, who can see a negation of liberty in every security measure passed. Our Farm Security Act has been criticized as confiscation, our labor legislation, our automobile Insurance Act Acts enlarge rather than curtail liberty for the majority of the people and can be classed along with and our Hospitalization scheme met compulsion. Now, in the opinion of this Government, Sir, those legislative Acts enlarge rather than curtail liberty for the majority of the people and can be classed along with this Bill which I am introducing into the House as Saskatchewan's Bill of Rights.

Now, the difference of opinion that can exist on the question of interference with personal and individual liberty is well shown in the charges being made that the Federal Act making the Wheat Board the sole agent for the marketing of wheat is dictatorial and undemocratic and an infringement upon personal liberty. That Act, Sir, is primarily a security measure, intended to give some measure of security to the great wheatgrowing industry of western –Canada. Now I am not arguing, here today, whether it goes too far or not, in respect of curtailment of liberties and freedom. Personally I do not think it does, but I state it as an example of the possibility of any legislation being criticized as compulsion and in derogation of individual rights. Most people in western Canada feel that the Wheat Board Act contains only the necessary and essential safeguards to make the Act work, but we find, Sir, that it is being criticized as being dictatorial by the Winnipeg Grain Exchange, the Winnipeg Free Press and the Regina Leader-Post. Now, it merely shows, Mr. Speaker, how easy it is to see compulsion and dictatorship if one is looking for it. I had intended to quote from my good friend the editor of the Regina Leader-Post as to what he has to say among other things:

Economic discipline is to be enforced by withdrawal of permits. Any farmer who is shown to have made an unlawful delivery can be kept out of business. At the discretion of the Board, the man may be deprived of his economic status ...

and so on. I haven't time to read it, but it will be remembered that the editorial is directed at an Act of the Government at Ottawa and the editorial is cultured in language often used in criticism of some of our own security legislation. Now I concede the right of such criticism, as a matter of fact it is one of the rights that we are reaffirming in this Act, but I refer to it to point out that every government finds it necessary, at times to curtail and restrict personal liberty or licence in certain respects in the welfare of people as a whole and that such reasonable and necessary curtailment is not inconsistent with the principles laid down in this Act.

Now, Mr. Speaker, I do not know whether this Bill will be opposed or not. I hope not. I feel so strongly about the principles involved that if I can have them written into the law of this province and into the hearts and minds of the people of Saskatchewan, I will leave public life with a sense of

contentment and satisfaction that will last me for the rest of my days.

Now perhaps a personal note will be excused. As a Member of the CCF party, I am attacked personally every time an attack is made on that party as being an enemy of liberty and personal freedom. Those attacks are, of course, quite in order if they are true. They cause me to do some mental prodding. I am like the Hon. Member for Qu'Appelle-Wolseley. I was first attracted to the CCF because of its home rule-democratic principles. I felt, Sir, that it was the only party that really stood for liberty. Political, personal, social, financial and economic. I want to say, Mr. Speaker, that I found nothing to cause me to change my mind. If I thought I was a dictator or an autocrat, or any enemy of personal liberty, or belonged to such a party, I would resign tomorrow. I was born, Sir, and brought up on an atmosphere of rebellion against all forms of special privilege that did then, and that do now, more than anything else to make a personal liberty a delusion and a snare. I still believe that the greatest dread in Saskatchewan today to the exercise of a full and a happy life which is, after all, the only freedom, lies in things far removed from any dictatorship or compulsion practised by this Government. I cannot help but wonder if attacks on us for alleged curtailment of liberty, whether knowingly or not, are not only smoke screens to shield the real enemies of personal freedom and initiative under the guise of a return to the system of so-called free enterprise. When I am attacked through the CCF as being of a totalitarian term of mind, for that is what their criticism amounts to, I do as I am entitled to do. I compare the background of my attackers with their personal and political ways of life, I compare their background with my own and, Mr. Speaker, I do not find anything there to cause me to believe that they are qualified to read me a lecture on personal liberties or personal right. I say that in a kindly spirit, but frankly, I resent lectures on personal freedom from people whose sole outlook on life from birth, by training, by environment, by association, is, in my opinion, diametrically opposed to any real democratic freedom for the individual. Frankly, Sir, I do not believe that these gentlemen who meet in the Assiniboia Club and talk about the CCF taking away liberty, care as much about the liberty and freedom of the common man as I do. I, Mr. Speaker, now move second reading of this Bill. The Saskatchewan Bill of Rights is made binding on the Crown, that is, on the Saskatchewan Government and I can assure the people of this province, that the Government and the CCF party intend in all its actions, whether within or without the House, to hue to the line in upholding the lofty principles now being enunciated for the first time in Statute form in Saskatchewan.

Mr. Procter: — I did not want to interrupt, but in this third amendment that you spoke of, you said that you were introducing a third House amendment to do away with the fiat to sue the Crown. Are you also introducing an amendment to the Petition of Rights Act? For that matter, should the Attorney General get the drift, there is already a Statute requiring the fiat before the Crown can be sued. Now, if there is a House amendment coming in here, I suggest to the Attorney General, that there should be an amendment to that Act already on the Statute Books.

Mr. Corman: — Mr. Speaker, my own thought would be that it would not

March 19, 1947

be necessary. We are passing a new Act. We provide in this Act that it shall not be subject to the provisions of another Act. I believe that that will cover the ground, but I can assure my hon. friend that we will have it done in an effective way by the lawyers. It is a point worth considering, and we will consider it.

Mr. W.J. Patterson (Leader of the Opposition): — May I, at the outset, Sir, place the Attorney General at rest by advising him that it is not my intention to oppose the Bill. May I further advise him that it is not my intention to propose any amendments or restrictions to the Bill that will prevent him in future following such intellectual, mental or other activities as may lead him into any particular party that he may wish to belong to. That is, I wish to leave him free to belong to the Liberal Party or the Social Credit Party or the CCF Party as he sees fit.

All of us, Sir, will agree in condemnation of prejudice, intolerance or discrimination on the basis of race, religion or minority, and to the extent that the Bill attempts to cover that, we can unanimously support it. However, following the hon. gentleman's remarks, it would appear that the purpose of the Bill is not so much to create a condition in Saskatchewan which he admitted already exists to a very large extent, as to set an example to the people of the world. Now that may be a very desirable objective on the part of this Legislature. It is, in fact, only carrying out the practice that we have adopted to a considerable extent during the present Session, of advising other authorities what they should do rather than attending to the business which is primarily and directly the responsibility of this Legislature.

I quite agree with the Attorney General in this statement that we are very fortunate indeed in the Province of Saskatchewan in the very limited extent to which those discriminations, those prejudices and racial antipathies which have been so prevalent in other parts of the world, have been brought to this province by the people from those countries who have come here to become our citizens. If the Bill will help still further to improve that condition, I am all for it; but I say again that it is a remarkable tribute to the practice and operation of the policy which the British people have followed over the centuries, in Great Britain and in their various Dominions or Commonwealths across the seas, that we can see men and women coming from other nations, from other countries and other parts of the world where racial and religious strife has been prevalent and those same people come to Saskatchewan or come to Canada and those age old disputes and animosities to a very large extent disappear. I say that is a tribute to the method and the practice and the policy which has been adopted by the British people over the centuries.

We should be very proud, Sir, this afternoon, that the Attorney General has told us that he is introducing a Bill which he compares in importance to the British North America Act and The Saskatchewan Act. He might have gone a bit further and compared it to the Magna Carta and the Bill of rights and Habeas Corpus. He might have gone that far. It wouldn't have made a great deal of difference, Sir, as we will see when we analyse what the effect really is.

we have been told over the radio and in the Press during recent weeks that the Attorney General expected 'fireworks' when this particular subject came up. Well, I don't know whether he intended his address, this afternoon, to be a pyrotechnical display or not. To my mind the subject-matter is too important and of too grave interest, to be a matter of fireworks. In other words, it is a serious and an important question which requires the very best study, the very best thought and the very best consideration that we can give to it.

If you study English history I think you will find this fact very definitely established: when, from time to time, the Parliament of Great Britain or of any of its Commonwealth had codified or placed on the Statute Books some right or some liberty that has been accomplished or secured, it has never been the occasion for any particular display. The fireworks take place when rights and liberties and freedoms that have been secured are being restricted or being taken away from the people. That is the occasion when you can look for fireworks.

The whole matter of the rights and freedoms and the liberty of citizens is, of course, a very large subject. I presume that in the Library in this Building you will find very many volumes devoted to the study of the growth and development of these liberties, how they were accomplished, how they were established. I quite frankly admit that a comprehensive knowledge, or even what might be called a rather elementary knowledge, of the subject is beyond the time and the capacity that I have had to give to it; but I would say that the British people, longer perhaps than any other people in the world have enjoyed a wider measure of individual freedom and of individual liberty than any other race or nation, comprising such matters as: freedom of conscience, freedom of religion; freedom of speech; freedom of assembly; protection from arbitrary imprisonment and detention; the right to own their own property and to manage their own affairs; the right to contract with their fellow-citizens; the right of access to courts; the right to manage their local affairs through their local governing bodies and the right of their Legislature to control the expenditure of public funds. These rights have been established for longer periods of time in the British Commonwealth of Nations.

There are other matters which might not be quite so definitely established: the right of membership in certain organizations, in certain societies. Those, I say, are not so definitely established.

The Attorney General has quoted the head of the American Federation of Labour with respect to the attitude of that particular organization on racial discrimination. Now, I am not criticizing. It is not my business; it is not proper that I should do so. But the fact does remain that, notwithstanding that declaration, there has existed in the United States certain racial discrimination in the matter of membership of labor organizations and I say it is rather a delicate subject. If a group of men or women or citizens decide to organize a club or an organization or a society or a fraternal benefit society, I think we have to be somewhat careful in saying to people who take that action, "You must, whether you wish or not, admit to your membership people that you may not be prepared to admit." However, that is purely aside from the main question.

Mr. Corman: — If the Leader of the

March 19, 1947

Opposition understands that this Act deals with fraternal societies and such, let me assure him that it does not.

Mr. Patterson: — No, I am not suggesting that, Mr. Speaker. I am talking about the whole subject of where discrimination can be said to be applied and the point where a g should step in and say that that discrimination shall not exist or shall not operate; and I say that when you come to certain phases of semi-public organizations, a Legislature should be very careful in determining just how far it shall go. Insofar as the courts are concerned, insofar as the general law is concerned, absolutely not. I am entirely in agreement with the remarks made by the Attorney General and he has expressed my opinions and my objections to intolerance, to discrimination, far better, but fully as I hold them.

Now these freedoms that we have secured, Sir, and that have been established for us have in some cases been secured for us by actual rebellion, by armed revolt. In some cases they have been secured by appeals to the court. In some cases after they have been secured, they have been established by legislative action. But, in the main, they have been secured, they have been established, and they have been maintained by public opinion. There is no use putting laws on the Statute Books of this or any other province unless the popular support is there to make those laws effective.

The whole history of Britain and the constitutional history of Britain, is the story of a struggle to obtain and preserve for the individual his rights and his freedom, and, as I say, it has been marked at different stages – in some cases by armed revolt, in some cases by judicial opinions, and in some cases by parliamentary action, and, following up what I have just said, the fundamental necessity or requirement to establish any freedom or any right or any liberty is not a law of the -Legislature or a law of Parliament; it is an education of public opinion to believe and desire and support those things. For that reason British history indicates that the British people from the beginning, gong back to the Saxon regime, have depended more on the establishment of these rights on the basis that I have suggested, rather than on legal parliamentary enactments. When I say that, I am not minimizing, or not reducing, the importance that we should attach to Acts of Parliament or Acts of the Legislature; but I do say that our whole history is evidence of the fact that the British people do not depend so much upon Acts passed by their Parliaments as they do upon rights established by precedent, by practice and by public support.

Now, I have not had an opportunity of studying the constitution of some of the totalitarian countries, but I am quite sure that, if you examine the constitution of Russia or of Poland or of Roumania or of Yugoslavia, you will find in that constitution certain provisions guaranteeing the people of those countries certain rights, certain liberties, certain rights with regard to their religion and other matters. Those constitutions, or our own constitution, are not worth the paper they are written on unless there is a public opinion behind them to support those conditions and a government that is prepared to carry them into effect.

Prior to the Norman conquest of England, in the Saxon

period, there was a certain measure (and for that day it was a very advanced measure) of democratic control. I presume, today, the same provisions would not be regarded so; but for that day to a very considerable extent the management of the public affairs was determined by the meeting of the people, the Witenagemot. There was not of course universal suffrage, but it was a form of democracy. The Normans came over and conquered Great Britain in 1066. They introduced a new system of government: the Divine Right of Kings and the Feudal rights of the Barons. For many long years there was a constant struggle wherein the people sought to overcome this Divine right of Kings which was the cardinal principle of the Norman system. In 1215, the barons compelled King John to sign the Magna Carta, and it, Sir, is one of the three outstanding milestones in the development of human and individual liberties and freedoms in the history of the British people: the Magna Carta in 1215, the Bill of Rights and the Habeas Corpus Act.

The Magna Carta was not an Act of Parliament. It was never enacted by any –leg or Parliament. It was a case where the people, represented by the barons and the landed gentry generally, went to the King and compelled him to accept certain restrictions on the power which he had previously exercised. The fact that it was not an Act of Parliament does not minimize its value or its importance. It was, as I say, one of the three milestones in the development of rights, liberties and freedoms for the people.

Naturally, an enactment that was passed 700 years ago contained many provisions that are not of particular interest today; but there were two or three outstanding sections of Magna Carta which are still applicable and which the people of Canada enjoy, today, whether this Legislature takes any action or not, whether it passes this Bill of Rights or not. King John, in 1215, agreed:

To no one will we sell, deny or delay right or justice. No free man shall be taken or imprisoned except by the lawful judgment of his peers, or under the law of the land.

As a matter of fact, rather surprisingly, my hon. friend the Attorney General may be surprised to know that in the Magna Carta there was a measure of debt adjustment not as we understand it today; but actually there was a matter of debt adjustment in it.

There was reference to giving the citizen the right to do business without undue government interference and without unfair government taxation. Now those measures might well be considered by the members of this House, today, in view of the situation in the Province of Saskatchewan, and, even if the Magna Carta is 700 years old, perhaps some feature of the Magna Carta might be made applicable to Saskatchewan in 1947. As I said before, Sir, this was not an enactment of Parliament.

Then we pass over a considerable period during which, with certain variations sometimes up and sometimes down, the rights of the citizen and the rights of Parliament were gradually being extended, being established, and more firmly fixed, and, in 1689, following the abdication of James II, when William and Mary were called to the throne of England, parliament presented a Bill of rights to the new King and Queen and made it a

March 19, 1947

condition of their receiving the Crown that they would accept these conditions and these restrictions. Again, I point out, sir, this was not at that time an enactment of Parliament. It was again more or less a contract or an agreement between the sovereign and his people, though it is quite true that, subsequently, it was enacted as a Statute of the British Parliament.

That particular Bill of Rights, or that particular phase of establishing our liberties, provided that there would be no suspension of law by the sovereign; that taxes would be imposed only by Parliament; the right to petition the King was maintained. In other words that means that the right of the subject or access to the court was renewed and established. There were to be free elections; there was to be free speech and free assembly of Parliament, not to the people but for the members of Parliament elected to represent the people; and there was trial by jury. If you have read Constitutional history, if you will refer to Hallam, who is a recognized authority, he says this:

The Bill of rights did not materially affect the existing law. It may have had some value in restating it.

That is exactly the position we are in, today, with regard to the Bill presented by the Attorney General; and again I say that does not minimize or restrict the value or the importance of the occasion; but it certainly does not assume the importance that the Attorney General would attempt to credit to it. As a matter of fact, this 1689 Bill of Rights did contain in one of its provisions a somewhat restrictive measure on religious grounds. I am not going to enter into that because it is not important today. It is accepted generally as a 'milestone', one of the main steps in the development and the establishment of our rights. Again I stress that it was only a restatement; it did not create or provide for the people of England anything that they did not have. It merely codified it, and placed it on the Statute Books in more convenient and perhaps more appropriate form.

In 1679, very shortly before the Habeas Corpus Act was passed and that has to do very largely with subjects who are charged with a crime and are imprisoned. The Attorney General told us that the Criminal code 'reeks with compulsion'. It does – for the criminal. For the innocent man, the man who has no charge against him, the Criminal Code has no fears, no worries, or no compulsion; but even the man is convicted of a crime and is subject to the compulsion to which the Attorney General has referred, under Habeas Corpus he can require that his case be brought to trial without undue delay and he cannot be retained in detention without his case being heard and determined by an impartial and a fair judiciary.

Now as I have tried to indicate, Sir, the British people have not, over the centuries, depended upon codified laws or Statutes passed by parliament. That does not mean to say (as I have said before and I repeat it) that these things are not important, and that they are not desirable. It does not mean to say that I am, for that reason, opposed to this Bill – but I am trying to point out to you, Sir, what I said earlier, that unless you have public opinion, unless you have a Parliament, unless you have a government and unless you have judiciary that are in agreement with and approve of and support the

principles contained in your Statutes, then they are not worth the paper that they are written on.

As I have already indicated with the Norman Conquest, the Diving Right of Kings was established, and those rights included the right of unjust taxation, the right to charge men with a crime and hold them in prison without trial. In those days actions of that kind were in some cases taken by kings, by the sovereign and over the centuries, the efforts of the people were to restrict those rights and those powers exercised by the sovereign. I am beginning to wonder, Sir, if perhaps the time has not come when the people will have to fight and make some effort to control, the right of governments to exercise the powers which formerly rested with the sovereign or with the King.

Coincidental with that, there were, in the early days of British history and up to a comparatively recent date, certain disabilities imposed on people because of their race or their religion. We cannot deny that. The struggle to remove these restrictions and these discriminations was carried on at the same time. Happily, I think we can say, that today, they have been completely eliminated – maybe not altogether – but so far as the law is concerned. There was a long period in British history when Jews could not occupy public office or could not be employed in Government positions. That has been entirely done away with. Then there was, of course, during the long period of religious controversy, periods when one church or another was at a discrimination in relation to another; but the major struggle of the British people has not been to remove discrimination as between races, or between religions, or between groups and minorities, it has been to reduce the power and to control the power of the authority that for the time being had the administration of the public business. From 1066 on for a long period, that power and that authority rested in the sovereign. He could determine what taxation or who should not be arrested, and he could determine when an individual should be tried or should not be tried and certain other matters of perhaps not so great importance, but still of importance; and, as I say, the whole history of British constitutional development has been a history of the struggle of the people to restrict these arbitrary powers which formerly rested in the sovereign and today rest to some extent in the government of the day.

Now recent developments in this province have reason to give serious minded people some concern. While we have eliminated the rights and the powers of the sovereign we have some reason to concern ourselves with, and to give some consideration to, the rights which have been placed in the hands of the Executive Council; and we have lost, or we have been threatened with the loss of, certain rights to a greater or less extent. The right to contract has been very considerably restricted. The right of access to our courts also has been interfered with. The right to operate our own business has been substantially restricted. The powers and authorities in our local governing bodies have been interfered with.

Mr. Brockelbank: — How?

Mr. Danielson: — You should know.

Mr. Patterson: — The use of one law passed by

March 19, 1947

this Legislature for a certain purpose to enforce another purpose of the Government – we have had examples of that. We have had examples of the loss, to a greater or lesser degree, of the control which this Legislature should exercise over the expenditure of public funds. We have not much worry today, Sir, about being arrested and thrown into prison without a charge being made, but we have some concern about when we start into business, whether the Government will say, “Now we want that business to prove that a certain other law is in effect and operative: prove consequently, we are going to take your business from you.”

At one time there was a certain measure of compulsion on the British people to do a certain amount of work for the State. That has been eliminated; in practice that has disappeared. But, to be concerned about and the State may make us or compel us to work for the State, in a different form perhaps, but, in effect, with the same result as when the King impressed men for his Navy or for his Army or for his various other interests.

Mr. Phelps: — You fellows gave them \$5 a month.

Mr. Patterson: — It seems to me, Sir, that this subject and this matter is perhaps more serious and more important than some of the Members of the Government appear to appreciate, if these interjections indicate their realization, or their appreciation, of the factors and the principles that are at issue – and they are not particularly at issue because again let me assure you, Sir, that I am not going to oppose this Bill; but like so many other measures that are imposed by this Government it is merely a matter of window dressing; it does not mean anything. It is all very well to say that this is so and that is so. Every Member of this Legislature has a responsibility on him, Sir (whether he accepts it or not is his business) when a matter of this kind comes up, to make for himself some study of the history and the background of the matters involved. Now if these Members are not prepared to do that and are prepared to accept what some Minister says or what I get up and say, that's their responsibility. So far as I am concerned, I prefer to make some little study at least of what it involves, and what all of the background and the precedents are. So, as I say, perhaps a Bill of Rights is necessary in Saskatchewan at this time to preserve our rights and to maintain our freedoms and to maintain our liberties.

Now our good friends in the United States have followed a somewhat different practice in this matter than has been followed in Great Britain and in the Commonwealth of Nations. The United States was established as an independent nation in 1767 and that perhaps, Sir, is the period in British history where the arbitrary rights and powers of the sovereign were being exercised to a greater and to a worse extent (if I may use that expression) than at almost any time in comparatively recent British history. I would be free to admit that, at that time, the people of Great Britain themselves, certainly the people of the United States, were not enjoying the rights and the privileges which were properly theirs, because they had an arbitrary sovereign and a somewhat arbitrary government. Consequently, when those men who broke away from Great Britain and set up the United States drafted their Declaration of Independence and subsequently when they drafted their Constitution, they did to a considerable extent what we are attempting to do

today. They codified the law with respect to these matters and they stated that certain privileges and certain rights would be inalienable and inviolable insofar as the citizen was concerned. In another respect, they departed from the British practice in setting up absolutely separate and distinct departments for their legislatures, their administration and for their judiciary. Under the peculiar conditions that existed at that time, they went a very long distance in respect to these matters. Whether they have been more successful in actually preserving, in effect, the rights of their individual citizens by establishing them in the constitution, by codifying them in a Bill of Rights than we have in Great Britain, is a matter for argument. I think you could take examples in both countries and prove that it has not been entirely successful or not been entirely a failure. However, that is not a matter which need concern us. But again I stress my argument, Sir, that whether you or I as a citizen of the Province of Saskatchewan or a citizen of the Dominion of Canada enjoy a full measure of liberty and freedom, a full measure of rights, does not depend on what is placed on the attitude of the public. It depends secondarily on the attitude of the government of the province or of the Dominion as the case may be, and, thirdly, it depends on a fair, unbiased and impartial judiciary.

So far as I am concerned I have never been greatly concerned (and I don't think any citizen of the Province of Saskatchewan has any great reason to be concerned) about the right to freedom of assembly. I have never heard of any assembly in the Province of Saskatchewan being prohibited, or the right to worship. As a matter of fact, if we should do anything it perhaps is to make people go to church more than they do. Certainly nobody that I know has been prohibited from attending any church as often or as frequently as he likes; or the freedom of speech; nor have I heard any serious complaint in the Province of Saskatchewan of a man being accused and charged with a crime and not having a fair opportunity of having his offence brought to trial. I have heard some criticism of the interference with the ownership of property in the Province of Saskatchewan and with the operation of business in the Province of Saskatchewan; some criticism of the right to contract in the Province of Saskatchewan; some criticism of the right of the citizen of Saskatchewan to have access to the courts. I have heard some criticism of the present condition in Saskatchewan with respect to those matters. Never have I heard any criticism, or anybody make any complaint, that he had not freedom of assembly, freedom of worship, freedom of speech, freedom of religion, freedom of conscience, and all those things which this Bill is going to preserve for us, and by inference is going to create for us which, of course, is ridiculous on the surface of it.

I think it was Tennyson who said something about "justice slowly broadens down from precedent to precedent"; and that is the whole picture of the development of individual liberty and individual freedom in the British Commonwealth of Nations – from precedent to precedent. One precedent is established in the court and it is continued and it is extended and it is a right, just as quickly as public opinion is prepared to accept it and support it and just as quickly as the Government authorized to administer the law accepts the principles involved.

I repeat, Sir, I have no criticism against this Bill. Everything that is in it I can agree with, I think, 100 per cent.

March 19, 1947

I have some certain criticisms about things that are not included in it that I think are perhaps more essential to the people of Saskatchewan today than the things that are included. I would like to see in the Bill a provision that the citizen of Saskatchewan should have the right to contract; that he should have the right of access to courts, to the properly established courts, to decide his civil differences with his fellow citizen.

Mr. Fines: — Why did you not do it then?

Mr. Patterson: — I would like to see some provision in this Act that the citizen of Saskatchewan should not be compelled to meet unfair Government competition in the conduct of his business, or that he should not be faced with expropriation by the Government for the purpose of establishing under one law an entirely different Act of this Legislature. I would like to see some provision in this Bill, Sir, that local governing bodies and their constituents, the electors or the ratepayers in those bodies, should retain the full right to determine and manage their local affairs. I would like to see some provision in this Bill that this Legislature would have a more complete control of public funds and instead of voting blank cheques should have the right to vote specifically public moneys voted for Government purposes. I would like further, Sir, to see in this Bill some provision that would prevent the Legislature of the Province of Saskatchewan doing what the Parliament of New Zealand did prior to the last election, which totally changed the representation of the rural as compared with the urban areas, and made possible the return of that government which in the last election did not elect one single member from a rural constituency. Now, it would be possible, Sir, for this Legislature to pass an Act giving the city of Regina shall we say, six or eight or ten members and giving an areas three or four times the size of your constituency, Sir, one Member. That can be done and it has been done in New Zealand. I say I would like to see something in this Act that would protect the people of the Province of Saskatchewan against such action, because those are things that are happening, have happened or may happen. I think that is far more important, sir, than re-enacting or restating some rights and liberties that are ours, and have been since Magna Carta, Habeas Corpus and the Bill of Rights, whether this Legislature ever passes one Act or another of any kind or description. And I would like to see in this Bill, Sir something to the effect that one Member of a political party should not threaten another Member of the same party because in matters entirely outside of that party, the particular individual decides to exercise his individual right to support or oppose in municipal affairs something that may not be acceptable to the senior member of the party concerned. Finally, Sir, I would like to see in this Bill some provision that this or any other government in Saskatchewan will not have the power or the right to eradicate capitalism in the Province of Saskatchewan. Now maybe, if the Legislature does not want to protect us against that, that is their business, that is their privilege; but I'm speaking for myself, Sir. I would like to see in the Bill of Rights of the Province of Saskatchewan something that would protect us from the pronounced decision of the announcement of the Premier that his purpose and his objective is to eradicate capitalism in this province.

Mr. Fines: — Would you like to see a clause in this Bill to

prevent the eradication of socialism from the province?

Mr. Patterson: — Mr. Speaker, I am quite prepared to allow people to believe and advocate Socialism, it is their privilege. We were told a few years ago that democracy needed Socialism; then we were told that co-operation needed Socialism. Yesterday we were told that Christianity needed Socialism. Well, now if people want to think those things – if they are sound, in due course, under the rights that they exercise, as I exercise mine and as you exercise yours, to have their own opinions, you make your own decisions; if those statements are fundamentally correct, sound, certainly. But when a member of a party, a socialist party in provincial affairs allows his name to be put on a different slate in municipal affairs and he is told what will happen to him if he goes ahead with it, then I think that is going a little too far, and I would like to see it prohibited in this Bill.

Now, compared with during the War, Sir, I think maybe we could admit that, at the present time, there is a little different attitude towards these restrictions and regulations by the Government. The same kind of thing (as I have tried to point out) as was exercised by the sovereigns back in the 15th, 16th and 17th centuries is now being exercised by the Government. Having just gone through a very serious period in the world War, we accepted a considerable measure of restriction and regulation and as I say, for that reason, perhaps, people today are not quite so alert to, quite so aware of, what can easily happen in peace-time if a policy that was followed by the Federal Government in the prosecution of the war and which is now being departed from is accepted as a full-time policy and program by the Provincial Government. Now there may be some argument (it doesn't matter much) with respect to this particular Bill, Sir, whether the Federal Government is removing these restrictions fast enough or too fast. That is outside of the question. There is one thing that is a fact, Mr. Speaker, that in the Province of Saskatchewan it is not a question of whether the restrictions and regulations and centralization by the Government is being removed too quickly or not quickly enough. In this province that form of Government control is rapidly and constantly and steadily increasing. At every session, (we passed some at this Session) we pass measures giving the Government the power to appoint more Boards, pass more Orders-in-Council, do this and that, which tend, as I say, to regulate, restrict and to centralize the administration of our public business.

No person will complain of the right of a government to take a piece of property if it is -necessary in the public interest – to take a piece of land to build a road or to construct a bridge; but we are getting to rather a particular and a peculiar position, “Sir, when a government can take your business away from you because, as they say, they want to prove that some other law is effective. And I would like to see something in this Bill that would place some safeguards at least around that sort of thing.

Now again, let me repeat I'm not going to oppose the Bill.

Mr. Phelps: — You certainly damn it with faint praise.

March 19, 1947

Mr. Patterson: — The Attorney General would seem to have some concern as to whether his Bill would be opposed. He had told us on the radio, or at least it was reported on the radio that he expected some fireworks. Well this (as I said at the outset and may I repeat it) is not a matter for fireworks. This is a matter for some sober, careful consideration and I quite sympathize (I think more than the Attorney General appreciates) with his desire, when he leaves office to have something on the Statute Books that he can say, “Well now, I made that contribution at least to the welfare of the people of the Province of Saskatchewan.” I think every one of us thinks that he is a very proper and a very natural desire and ambition and I am in entire sympathy with that. But I am somewhat opposed to the idea of suggesting that, if we did not pass this Bill, if the Attorney General had not dreamed up this window dressing, the people of Saskatchewan would not have enjoyed, or would not continue to enjoy everything that he provides in his Act.

However, I have already said that I have no opposition to the Bill but there are certainly many features that I would like to see included in it. After all, Sir, it is not what has happened in some other part of the world, that we have to concern ourselves about, very desirable perhaps though it may be to set an example of goodwill and tolerance and all this sort of thing; but there are certain practical matters that are of interest and importance to the people of the Province of Saskatchewan. As I have already said, we are going, when the Bill is in Committee, to propose certain amendments to preserve, not the rights that we have not lost or are not liable to lose, as the Bill now does, but to further protect us from the possible loss of rights that have already been impaired or have in some cases been taken away or that, from the present policy of the Government, we may expect will be taken away from us. Just to recapitulate them: the right to contract – there should be in this Bill the right to contract; there should be in this Bill provision for access to the Courts. There should be in this Bill something to protect the individual citizen in the operation of his business from expropriation and competition by the Government. There should be in this Bill something to protect the rights of our municipalities and our schools and our hospital boards and the ratepayers who maintain them to determine how they will be administered and how their affairs will be managed. There should be something in this Bill to insure that when the Government presents an estimate for a million or two million dollars that we will have something to say what it is going to be spent for. There should be something in this Bill to protect us from the courts which the Attorney General said he was in favor of, (I think this radio broadcast was on January 6, 1947) when he said he would set up courts to try and convict men and women who have consistently voted for the old political parties ...

An Hon. Member: — Of course, he never said that, but he doesn't mind.

Mr. Patterson: — As I say, I would like to see and I propose to bring in something that will prevent an unfair redistribution in the Province of Saskatchewan in anticipation of the next election. I would like to see something to provide that the welfare of all the citizens of the province shall receive first consideration

rather than that of small organized pressure-groups that happened to have given support to the Government.

Now, with a Bill of this nature, Sir, because we have a Federal system of government in Canada, its administration naturally presents certain difficulties. I agree with the Attorney General that under the British North America Act property and civil rights are entirely within the jurisdiction of the Provincial Government; but in actual operation (as I am sure my hon. friend will agree) many complications arise and many contradictions develop and (I am not stressing them) they might afford some difficulties in the administration of this Act; but that would not be any reason for opposing it. If it is right it should be enacted and it should be placed on our Statutes and it would be very nice to have it on our Statutes; but I would warn the citizens of the Province of Saskatchewan that if they want absence from, or the elimination of injustice, discrimination, unfairness or any of these other things, they should not depend upon the Bill which the Hon. Minister has presented to us today, because, as I have tried to explain to you, the mere enactment of this Bill means little or nothing. All, or certainly a great percentage, of what it contains already are established rights. There is a law that in the failure of any Legislature or the Dominion of Canada to enact an Act with respect to any particular subject, the laws of Great Britain automatically apply. Consequently, the Magna Carta, is the law of Saskatchewan; the Bill of Rights, insofar as it is on the Statute Books of the Parliament of Great Britain is on the Statute Books of Canada, unless we pass our own law definitely contrary to its provisions; and similarly with the Habeas Corpus. So, I would say that the people of Saskatchewan should not be so greatly concerned about the terms and enactments contained in the Bill of Rights presented to us today as they should be concerned about the attitude and the policies of the Government, which, even if this is enacted can continue along the course it has already pursued and very substantially increase and enlarge the powers of the Government, the centralization of administrative authorities and to that extent restrict, interfere with and remove the rights and liberties of the subject with which we are all so vitally concerned.

Debate adjourned on the motion of Mr. Brockelbank.

Hon. J. Brockelbank (Minister of Municipal Affairs) moved second reading of Bill No. 70 – An Act to amend An Act for the Cancellation of Certain Indebtedness in respect of Advances of Seed Grain and Supplies.

He said: This Bill is an Act to amend the Act that was passed two years ago, which provided for the cancellation of certain parts of the 1938 Seed Account. This Act now provides for the cancellation of the outstanding indebtedness of individuals to municipalities and to the Minister of Municipal Affairs on account of advances for seed grain and supplies made under the authority of certain Acts and also cancels the indebtedness of the municipalities and of the Minister of Municipal Affairs to the Provincial Treasurer. I am made. I'm going to get square with the Provincial Treasurer on this account. The Bill provides also for the removal of withdrawal of caveats and liens which were registered to secure these advances. Now, Mr. Speaker, I just would like to give the House a very

March 19, 1947

brief review of what this means. The principal outstanding on the three years amounts to \$15,086,000, these are in round figures. The interest outstanding amounts to \$6,747,000 which makes a total of \$21,800,000. The \$800,000 or little better is money which was taken out of Provincial funds and was used for the purpose of these advances and the cancellation of that amount just means that we are cancelling our assets which was set up by making those advances and loans. The balance of the amount repayable to the Federal Government is about \$15.75 million and under the agreement is reduced to 50 per cent of that, the agreement which was reached and to be made on the adjustment of the Treasury bill and we will have to pay on that account a little better than a quarter of a million every year for 30 years to square off these accounts.

An Hon. Member: — Did you say a quarter of a million?

Mr. Brockelbank: — A little better than a quarter of a million a year.

An Hon. Member: — I thought it was a million and a quarter.

Mr. Brockelbank: — No, I might explain this for the Hon. Member. There is something over \$15 million of Treasury bills owing to the Federal Government on these accounts. By the agreement concerning the Treasury bills, this is reduced to 50 per cent, \$7,086,000, in an annual payment of \$262,893 for 30 years, is the amount that will pay off that debt to the Federal Government. That is the liability that we will be accepting by the putting through of this cancellation. Now, Mr. Speaker, I think everyone in this House who remembers very well the conditions which existed in 1935, '36 and '37, when we had crop failures, when we had extremely low prices for farm products, everyone who remembers these things would be very glad to see the last of these old debts which were incurred in that very disastrous and difficult time and I am very glad to see this Bill going through this House. It will mean of course, that there will be many farmers in the province, who will be relieved of this debt and together with the relief they had received on account of the 1938 seed settlement, the cancellation of the advances which were made by the province in years prior to 1935.

There is no doubt that many farmers in the province, who during the depression and drought years had an extremely difficult time, got deeply into debt and even now many of them are just beginning to get things cleared away. This will put them in a position where they will be must better able to get the necessities of life. They will be much better able to clear off their remaining debts and to own their farm and their machinery and their equipment. They will be much better taxpayers and more tax paying ability for the municipalities in which they live. I don't think that anyone who has gone through this period of time could oppose this Bill and I don't think it is necessary for me to say much more about it. All of us, I am sure want to get the matter cleared up and dealt with. I would therefore, move second reading of this Bill.

Mr. A.T. Procter: — I quite agree with the Attorney General or with the Minister of Municipal Affairs that we are all glad to see this

old and protracted indebtedness being cleared out of the way. I fee however, Mr. Speaker, that it would be remiss on my part if I did not, on the second reading of this Bill, place myself on record as being opposed to that principle, that if I may say so is more lacking than present in the Bill. I of course, refer to the fact that the Bill is creating a condition of complete unfairness among those of our farmers who received seed grain and which I think should have been recognized in this cancellation of indebtedness. We are all aware, Mr. Speaker, that there were many in this -province who had considerable personal sacrifices provided themselves with seed grain rather than going to the various governmental authorities to obtain seed grain. We are also aware that there are many who, having obtained seed grain and relief again at considerable sacrifice to themselves and to their families, made an honest and able and strenuous effort to repay that seed grain. Actually, there were even municipalities, who with the view to protecting their residents, acquired a fund, which they were building up. Some of them for the purchase of road machinery, some of them for other purposes, and in some of those cases they went to the bank and took up the indebtedness to the bank known as the Seed Grain Indebtedness and held it themselves in order to save their people from paying interest. So far as I can see from this Bill, those municipalities are also going to be left holding the bag.

Now, Sir, it does seem to me that this Bill should have made some provision to take care of those parties. There can be, Sir, only one result and that result will be a most unfortunate result in connection with the repayment of the balance of the 1938 seed grain. I think too it will have a most deleterious effect on the repayment of the arrears of taxes. I think the figures the Hon. Minister gave me the other day show that there is some \$11 million of arrears of taxes outstanding at the end of 1946.

Now, when this Legislature does the sort of thing that is contemplated in this Bill, it lends weight to that small minority of our people who take the view that anything advanced by the Government or the municipal authorities or any other government authority, they will never be collected on the ground that to collect it, would have a deleterious effect politically. I have in mind, Sir, two certain cases, of men who lived in the southwest of this district, whose cases came before us when we were in the Government. I remember and I am quoting purely from memory now, that in the one case both men had gone into growing flax. In the one case, one of these men had some \$32,000 worth of a flax crop and in the other case it was something over \$34,000 worth of flax crop. Those were indebted for \$2,000 or thereabouts for seed grain and neither paid their seed grain. I have no doubt that today those men have not paid their seed grain still. It has always seemed to me, and it seems to me still, that there is something wrong where those of our community, who will never see a \$32,000 crop are going to be forced to contribute to the payment of the seed grain bill of men such as I have mentioned.

I remember attending the 1944 Municipal Convention at which this whole question came up and I remember a very fine old gentleman getting up at that Convention, I don't recollect his name now, and I'm quite sure the present Minister of Municipal Affairs was there are heard him make this statement. He said that he had been in the hospital and he had incurred a heavy hospital account. He said that that year he had bought a

March 19, 1947

Buick car and paid for it in cash. He said that in that year he had gone out to the coast after he came out of the hospital and that he had returned to the farm. Then he went on to say that he was one of those who had borrowed seed grain from the municipality, that he had paid back his seed grain bill, and I think he quoted the figures as \$637. He said that up to the time of that Convention he thought that he had done the right thing. After listening to many of the speakers at that meeting he felt that he should not have been called on to pay that, that he had rather prided himself on the fact that he paid his just debts and that he had theretofore considered this to be a just debt. After listening to many of the speakers at the Convention, he felt that the period through which he had passed as a national calamity and that he should not be asked to pay his own seed grain indebtedness but that it should be assumed by the nation. It struck me then, Sir, as it strikes me today in connection with this Bill, that the old gentleman, he was a very elderly man, I think you were there, Mr. Speaker, and you probably remember him getting up at the Convention. It struck me then as it struck me today that there was a very fine old gentleman, who had had his finer principles blunted and who had not a proper appreciation of what happens in that kind and in this kind of a situation.

I wonder what percentage of our people in the Province of Saskatchewan in one year would be able to incur heavy hospital and doctor bills, buy a Buick car, go to the coast, pay the expenses of their farming operations and pay a seed grain bill of \$637. By the way, I think the old fellow said that he had some money left yet. I wonder what percentage of our people will ever be able to do that in a single year.

Mr. Speaker, I wonder whether it ever occurred to that old gentleman that when he's with the burden of that indebtedness on the province and on the Dominion, actually all the Liberal girls who are working as stenographers and teachers, nurses and store clerks and so on, would have to pay a share of his \$637 seed grain bill. All the little girls working in the hotels, all the young men who were trying to get a start so that they might acquire the confidence that he had gotten, would have to contribute to his wealth.

It seems to me that in doing what they are doing here, the Government are placing those men in an unsound and a wrong position. I believe that the proper principle in connection with the cancellation of seed grain, the cancellation of relief with the cancellation of any other indebtedness is this. If the indebtedness cannot be collected without occasioning undue harm or undue hardship to the man or his family, then that seed grain should be cancelled. I believe on the other hand that where the one man is well able to pay, that he should pay. That he should not ask his neighbor and all the rest of the people of the community, who have met their obligation, repaid their seed grain, who are probably in no better circumstances than the man who leg go, to pay their own seed grain and then help to pay his seed grain.

I suggest to you, Sir, that some principle, I'll have more to say on this question when the Bill goes to Committee, that something should be done by the Hon. Minister to take care of the type of cases to which I have referred. It does seem to me, Sir, that the man who paid, should be put on a more even footing with the man who didn't pay but who is equally able to

pay. Now, I have no objection as I said to the cancellation where it will cause hardship or difficulties but, I have objection where it causes inequality such as I have mentioned. I feel that those municipalities who took the action that they did take should be given consideration, Sir.

Mr. J. Gibson (Morse): — I did not want to speak on this Bill but since the Hon. Member for Moosomin has spoken I would like to make a few brief comments on some of the things that he has said. I am quite willing to agree with him that there is no doubt some special cases where perhaps seed grain indebtedness has conferred a special privilege upon some farmers or groups of farmers. I would like to remind him that so far as I am aware, the seed grain was distributed while the Government of which he is a Member was in power and distributed on the basis of need.

Being a member of a rural municipality at the time when this seed was being distributed, I am well aware that every precaution was taken to see to it that the person who received this seed was in need of the same.

With regard to what he said about the stenographers, the nurses and the hotel waitresses, etc. who were being called upon to pay for this cancellation, my opinion, Mr. Speaker, is that had this seed not been provided at that time that perhaps those groups of which he has spoken might have been called upon to pay for it in a much different way. They might have perhaps been all placed on relief because this seed was not provided.

I think that the Hon. Member for Moosomin well knows that many of the farmers who received this seed, I am not going to blame his Government for this, although I believe that they do bear a certain responsibility for the cause of it, was delivered so late that the crops that were grown from that seed were very, very badly infested with rust. I think that he must know that in some cases the cost of harvesting those crops alone was more than the returns from those crops. I know of such crops and for that reason and for the reason that I have just said, that I think that it was very, very necessary for that seed to be provided. I don't at all agree with the remarks in this respect, of the Hon. Member for Moosomin.

Then again, with a fair method, a fair means of putting into effect any cancellation, I think the Hon. Member for Moosomin will surely agree that it is almost impossible to put any scheme of debt cancellation into effect without having some inequalities in it. That does not go for provincial governments alone, it also goes for municipalities. We have proof that a number of municipalities in this province have been quite willing to accept the offer of the present Government in aiding them to settle some of those relief debts. In some cases some of the municipalities have taken advantage of this offer and in no case that I know have they suggested that those people in the municipalities who didn't receive these cancellations should receive payment because of them. Mr. Speaker, I think that I have taken up sufficient time, I certainly support this Bill.

March 19, 1947

Mr. G.H. Danielson (Arm River): — This is one of the old indebtedness on Seed Grain, Mr. Speaker, which was incurred back in 1935, 1936 and 1937. We know that at that time there was no general application, the crop failure and the distribution of seed probably didn't have as general an application all over the province as what it had in 1938. So far as the cancellation itself is concerned, I think what this Government is doing at the present time is simply passing on to the farmers, who have held back and haven't paid their seed for these three years whether it has been inability to do so or whether they have listened to the Hon. Minister of Municipal Affairs, who has advised them for the last three years to not pay this debt. Letters have been sent out by this Department with his signature advising the municipalities not to collect this bill and in spite of that, Mr. Speaker, there have been certain unfortunate individuals who have been compelled, this bill has made our people who had this claim registered against the title of their land, and have been compelled during the last few years to quite the farm through sickness and for other reasons. Who have in some instances had to sell their farm and in case where the transfer has taken place the title had to be cleared and the amount had to be paid. Now then, in these cases, and in numerous others, these people have, by circumstances been placed in a position where they had to pay in order to be able to carry on their business are now in a position where they had no recourse from the Government. They are not going to get anything back in spite of the fact that at the time these transactions took place, Mr. Speaker, the Department of this Government, over which the Hon. Minister is presiding, sent out circular letters to the municipalities advising them not to collect these debts.

An Hon. Member: — Might I remind the Hon. Member that he has repeated this in a previous speech.

Mr. Danielson: — Yes, Mr. Speaker, I think it bears repeating.

As a matter of fact, I think it is very much to the point on this Bill. There is another side to this matter and I am not one of those who think that you will ever collect all of the seed grains outstanding. I don't care what you do. I believe that there are thousands and thousands of cases in the Province of Saskatchewan in these three years that should have their seed grain cancelled. There are on the other hand, many cases, of course, where the payment of this indebtedness to the Government would have very, very little effect on the financial position of the person who was to have seed grain. As a matter of fact, perhaps it might reduce his income tax a little bit in case he could pay or wouldn't have to pay that account.

There is another feature in connection with this thing, Mr. Speaker, that I would like to point out and I think the Member for Moosomin touched on it a little bit and that is this: The idea, the belief and the impression that exists in the minds of the people is this, that what is the use of paying, if we don't pay and wait long enough it will all be cancelled. Now I think we find that, to some extent that when we peruse the figures of the collection for 1938, now that was reduced to one-half. I am not going to enter into a discussion of the merits of that transaction. It was reduced to one-half. Well, what has happened now during the last two years. There has been

reasonably good crops, Mr. Speaker, and last year the Province of Saskatchewan harvested a remarkably good crop. While it wasn't so good a year ago yet it was a fair crop. In spite of that fact that that amount was reduced by one-half, I think I am correct in saying that more than half of that 50 per cent balance is still outstanding.

Well, what does that mean, well it means that all the collections you have since the cancellation has been approximately over \$3 million. Now that shows that there is a feeling or a mental attitude when this thing happens time after time, after time. Well, I've got the money to pay but if I wait long enough it will be cancelled.

Now I am not criticizing this Government, I think something like that was done years ago. I want to say this, that there are places in the Province of Saskatchewan where this Government should go out and cancel not only this 1935, 1936 and 1937 but even the 1938 seed and they are in the crop failure areas of this province. Particularly in the southwestern part but also other laces where the people have been very unfortunate in not having the crops which have been producing any revenue the last few years.

Now after all these years if there are any people in the Province of Saskatchewan that can honestly and justly claim that they are entitled to consideration, they are the crop failure areas in this province. I don't think they should trouble at all, they should wipe off that 1938 seed 100 per cent because many of these people, Mr. Speaker, have had no crops since 1942. Now that is the picture as it exists today and I think, as I said, there are many of these fellows, these farmers owing part of this seed grain that can justly claim cancellation because their financial position has not been such, or is not such, at the present time that they have any means of paying this debt. On the other hand, there are many that could pay, and they would never feel the loss of this small amount, if they did pay them.

Mr. C.M. Fines (Provincial Treasurer): —Mr. Speaker, the impression which I have is that opposition has been expressed by the two hon. gentlemen who have just taken their seats to the idea of cancelling this debt. They believe that we should collect a portion of it. The hon. gentleman who is now on his feet ...

Mr. Procter: — Mr. Speaker, on a Point of Privilege, that is not the objection. The objection is not the cancellation of the debt but the cancellation of the debt with no provision made for payment, repayment to the men who have already paid.

Mr. Fines: — Oh, Yes, Mr. Speaker, it can be covered up in all kinds of verbage. The objection a moment or two ago was that there were a lot of people, very well to do people that cold pay and they should be called upon to pay it.

Now my hon. friend made that statement here, it is recorded and we will be able to listen to him tomorrow, if he doesn't believe he said it. Those on this side heard it only too well, that this debt should not be cancelled because it was unfair,

March 19, 1947

that there are many people who could well afford to pay it and the principle of his party was that those people who could pay it should be made to pay it. From 1935 to 1944, that is nine years to collect it in and in that time there was a total of just over \$1,300,000 collected. Out of a total of over \$7.5 million since 1935, \$1.3 was collected.

Mr. Procter: — ... promised cancellations.

Mr. Fines: — the same is true in connection with the others. My hon. friends had seven years to collect the 1937 but the fact of the matter is, Mr. Speaker, that the last three years from 1942, 1943 and 1944, they did not collect enough to even pay the interest on it; not even enough to pay the interest. In other words, under the arrangement that they had made with the Dominion Government when the Dominion paid the banks out in 1938, 1939 and 1940, in those years, the arrangement made was that anything that was collected by the province would be applied first on interest and then on principle but there was never sufficient collected after the Dominion Government paid this out. After the Dominion paid the banks off there was never sufficient collected in any one year to even pay the interest on it, let alone reduce the principle. Now, Mr. Speaker, if my hon. friends were sincere about wanting to get this thing settled why didn't they bring in a policy many years ago? We have brought in a policy now and I will be one of the first to admit that there will be elements of unfairness. That's true all the way through with relief and seed grain advances. There is unfairness in it: Here we have two farmers, side by side, one farmer refunds the money while another man, who is probably better able, doesn't do so but gets his advances from the municipality. Well now, there is a certain element of unfairness there.

Take two municipalities, both in similar positions, the one municipality refuses to show any initiative and leave the individual farmer to bear it for himself, possibly goes without seed grain at all, doesn't get his crop in while in the next municipality they are very generous and get the seed grain and make the advance without any hesitation. Now there is an element of unfairness as between municipalities and in connection with claims, there is the element of unfairness, some persons will do without certain things in order that they will repay a greater amount than the other fellow.

Mr. Speaker, I would like to emphasize, one thing which the Minister mentioned at the beginning and that is the tremendous amount that the province is going to be responsible for. This amount of \$15,773,000 will be 50 per cent written off by the Dominion, the balance treated as relief which makes a total of \$7,886,000 to be repaid over a period of 30 years. The taxpayers as a whole will be required to pay \$262,000 annually.

Our friends wonder why the budget has gone up. Well, there is the reason, Mr. Speaker, there is the reason for it because of the fact that they left these debts, they left these things unsettled. We have been compelled to look after the responsibility which they should, the responsibility which they made no effort to accept whatever. Now it is left to us and we have done our best to do something about it. Then they have the audacity to stand up in their places and criticize the fact that we have been prepared to add this to our budget and to relieve

the farmers of this province of some of those old liabilities. I am sure that the people of Saskatchewan will be interested to know that the Liberal party is opposed to the idea of cancellation of this debt.

An Hon. Member: — Without repayment.

Mr. W.J. Patterson (Leader of the Opposition): — Mr. Speaker, it is quite true as the Provincial Treasurer has just said, that during the years 1942-1943 and 1944 the Government of that day did not collect a very great amount of these seed grain advances. That was probably due in main to the fact that we were in competition with a political party that had told the people who owed these amounts that if they would put them in power, they wouldn't pay anything. Now that is rather a difficult spot to put a collector in and it is quite true that under those conditions we did not collect a very great amount of money. Now the question about these municipalities that have taken up their accounts and paid them off, that of course, in a measure is their -responsibility. I think that in dealing with the matter they did that on their own initiative, on their own decision. I do think that we might quibble and say that they assumed that responsibility. I do think that in this House, in discussing the matter, that we should take into account the circumstances and the conditions under which they took this attitude and try and equalize as far as possible any unfairness that may have been created.

I think that it will be generally admitted, Sir, that in any measure of debt adjustment, I don't care how large it is or how small it is, it is impossible to maintain absolute equity. But we should at least try to preserve as much or as great an amount of equity, as great a percentage of equity as is possible. Now if we are responsible today for this Bill being placed upon us, it is not the responsibility of the municipalities. It is not the responsibility of the Liberal Party or the Liberal Government of the day. It is entirely and completely the responsibility of the present Government because they said prior to the election of 1944, that if they were returned they would do certain things.

Now we are today paying the Bill and we cannot accept the responsibility for the present budget of the province going up to the extent it has done when it is actually paying the bills or complying with, to a certain extent, the promises that were made prior to the 1944 election.

I know of a case, I happen to operate a little business and agency business down in my little town, I rather object, Sir, to helping to pay the seed grain account of three or four or five hundred dollars of an individual who came into that office a couple of years ago and paid \$8,000 to buy a section of land adjoining his farm. That may be right, it may be wrong, but as I say I have some reluctance and my share may be very small to paying the two or three or four hundred dollars that you and I and the rest of the people of this province have to help to pay for that particular individual. That's only one case out of thousands in this province. I say that this increase in the budget which the Provincial Treasurer places on the previous Government is entirely and completely a paying of the promise or carrying out of the undertaking that was made by this party in order to secure votes from the people

March 19, 1947

of this province. You and I and the rest of the people of this province will have to help to pay the bill.

Mr. Brockelbank: — One of the strange things is that never until 1944 did election promises ever cost anything, because they weren't kept. This is one of the times where an election promise is being kept. Not only was it an election promise of a political party but it was also for years prior to that time a very insistent demand of the Saskatchewan Association of Rural -Municipalities. It has been mentioned that there is unfairness. The Member for Moosomin mentioned two men who each had over a \$30,000 flax crop but didn't pay their seed account. Mr. Speaker, the former Government had collectors out on the road, or maybe they were in the road. Mr. Speaker, they had collectors out, apparently they knew these people had \$32,000 accounts. Why didn't they collect those bills? This man that paid \$8,000 for a farm several years ago in cash, why didn't they collect that bill? I am not going to presume that either all or a majority nor even a substantial number of the people who today owe 1935, 1936 and 1937 seed grain owe it because they refused to pay. I have a higher opinion than that of the people in Saskatchewan who came through the depression years. I believe that the people who now owe these old accounts are very largely, are in the main those people who found it impossible to pay and at the same time maintain any kind of a decent standard of living. Now I know that there are exceptions to this rule. There are people who paid and who reduced their standard of living too low when they paid. There are some people who did not pay and who could have paid without any great difficulty but in the main those people who have not paid are the people who have been in the most difficult position.

Now, I don't think there is anything more need be said on this Bill. I had some other remarks to make but the Member for Morse and the Hon. Provincial Treasurer have answered those particular points and again I just want to repeat I am very pleased to see this progress being made on this Bill.

Motion agreed to on the following recorded division:

YEAS – 31

Douglas (Weyburn)	Daniels	Putnam
Wellbelove	Darling	Howell
Benson	Stone	Wooff
Brockelbank	Howe	Cuming
Fines	Willis	Swallow
Phelps	Aitken	Van Eaton
Feeley	Thair	Connon
Trew (Mrs.)	Murray	Dewhurst
Nollet	Lazorko	Gibson
Lloyd	Lee	Dobie
Boyle		

NAYS – 3

Patterson	Procter	Embury
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The Assembly adjourned at 6:00 o'clock p.m.