LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
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The House met at 11 o'clock a.m.

Visit of

RT. HON. FRANCIS M. FORDE,

Australian High Commissioner to Canada

Premier Douglas: — We are fortunate in having with us, today, a very distinguished guest, and I am going to suggest to the House that we might suspend proceedings in order to give the members an opportunity of hearing from the Rt. Hon. Francis M. Forde, the High Commissioner for Australia to Canada.

In welcoming Mr. Forde here, we are welcoming him not only as the official representative of our sister member of the Commonwealth, Australia, but we are also welcoming a very distinguished parliamentarian. Mr. Forde was five years in the State Legislature or State Parliament of Australia. During the war years he was deputy Prime Minister under Mr. Curtin and, on Mr. Curtin's death was for a short time Prime Minister of Australia and later Acting Prime Minister after the appointment of Mr. Chifley. In the latter part of 1946 or early in 1947 he came to Canada as the High Commissioner of Australia.

We are extremely delighted to have him here. I know that it will be of particular interest to you, Mr. Speaker, having had the privilege of visiting the Commonwealth of Australia recently, to have someone from that part of the British Commonwealth visiting us here today. Therefore, I am going to move, seconded by Mr. Tucker, that the proceedings be now suspended during pleasure, in order that the Assembly may welcome to the Chamber, the Rt. Hon. Francis M. Forde, Australian High Commissioner to Canada.

Rt. Hon. Francis M. Forde: — Mr. Speaker, Mr. Premier and hon. members: At the outset, I wish to thank the Premier for his words of welcome, and the hon. members of this Assembly for the spontaneous applause they gave to the invitation extended to me to address you briefly, this morning. I must say that I am very delighted to have this honour and to have the opportunity of seeing your Assembly in session.

As one who was privileged to serve for a great many years in public life in Australia — 5½ years as a member of the State Parliament and 24 years as a member of the Federal Parliament — I feel that I know the ways

of parliamentarians. It is nearly always in order, sometimes out of order, but always human; and, after the first ten years in parliament one appreciates the fact that there are some very decent fellows on all sides of the House. And, while parliamentarians have their differences of opinion on questions of policy, they, nevertheless, are frequently very good friends personally. I think that is as it should be, because, in my long experience, the overwhelming majority of men who come into parliament, representing all parties, are actuated by the highest motives in rendering a great public service to their country.

It is very gratifying to me to come along to this wonderful prairie province which is known throughout the world as the greatest wheat producing province in the whole of the British Commonwealth. Although Saskatchewan can probably not claim to have stemmed from the British Isles to the extent that Australia has — because 95 per cent of Australia's population stems from the British Isles, but here, I understand, something like 45 per cent of your population stems from those islands off the coast of Europe; but still you are very British-minded in your outlook because you have been selling your primary products to the United Kingdom for a great many years; and, in Australia, we, too, have been doing that.

You came into the Canadian Confederation some four years after Australia federated. For many years we had six Australian colonies operating independently of one another. A series of conventions culminated in the Confederation of 1901, when the six Australian states decided to speak with one voice on all matters of Commonwealth significance, such as the defence and trading customs, and had our laws all laid out in a different constitution. The residual powers in Australia are vested in the State Parliaments or State Legislatures and our Commonwealth Parliament operates on a written constitution. We have disagreements between the States in Australia and the Federal Government, just as you have some differences here in Canada between your Provincial Governments and the Dominion Government at Ottawa.

The first man who spoke to me after I arrived in Vancouver acted in a dual capacity. He was a Maritimer, Chief Justice Wendell Paris, and he came aboard the ship and, in a very well-chosen speech, said to me, "Mr. High Commissioner, I extend to you today a very hearty welcome on behalf of two governments." He said, "I am authorized to speak on behalf of the Dominion Government at Ottawa and the Provincial Government at Victoria, British Columbia." Well, I went on an official visit right across Canada. I had not been here then, but I went to Toronto and I went to Quebec, and I found, after hearing opinions expressed by prominent men in those governments, that it is only an arch-diplomat of the type of Chief Justice Wendell Paris who can speak for both the Dominion Government and a Provincial Government at the same time. That is quite natural; and it all comes back to this point, that human nature is evidently much the same in Australia as it is here in Canada. We feel, in Australia, that we are a younger brother in this society of British Nations. We look up to Canada as an older brother. You have been longer out in the world, you have had much longer experience.

When an Australian settlement was first established in 1788, Canada had 233,000 population; and they were chiefly, almost solely, I should think, in what is now known as the Province of Quebec. America

then had 3,929,000 population. When Australia federated in 1901, she had 3½ million people, today she has some 8 millions of people and Canada has 14 millions of people. Australia for many years, between wars in particular, had a tendency to adopt an isolationist attitude, that is, we were so far away from the centre of the old world that we did not take the great interest in international affairs which World War II brought home to us was absolutely necessary. But Australia was then threatened with invasion, and we believe today that we cannot live unto ourselves; that we are in the world, and that any conflict in Europe interests Australia and affects Australia deeply; and Australia, like Canada, stands forth for the building up of an effective United Nations organization.

Our two countries are ‘little power’ nations. We have the productive capacity and the resources to feed much larger populations than we are feeding today. Some of your great food authorities, like W.G.S. Thornton, the ex-Deputy Minister of Agriculture in Canada and Sir John Orr and others, have pointed out to us that the population of the world is increasing at the rate of 20 millions a year, or about the extent of one important additional country in the world every year to be fed. There are hundreds of thousands of people dying in the world every year for lack of food, because they have not got the production capacity.

Now we have, north of Australia, 1,200 millions of people, or half the population of the world. Australia wants to live in peace and amity and goodwill with those countries to the north of us, and that is why our Australian Minister of External Affairs, Mr. Spender, at the Colombo Conference, put forward a scheme for contributing, in money and in know-how, in experts and scientists and in other resources, to these less favoured nations of the world, to make it obvious to them that we want to be friendly, that we want to help them during this period of struggle when they are trying to establish self-government and get on their feet. And that proposal received the support of British Commonwealth countries, and received the general support of this Dominion of Canada.

We sincerely hope that another war will never take place, but we have got to realize the facts, and Australia today is very much international-minded. While Australia believes in doing everything humanly possible to make this international organization function successfully, she realizes the necessity to maintain the nucleus of an adequate defence scheme for the country so that, in case of an emergency, it can be rapidly built upon. During World War II, Australia put up a million men and women into the fighting services out of a then population of 7½ million. And, because of our remoteness from our friends, we were threatened with invasion and we had to build guns and ammunition and ships and fighters and bombers because of sheer necessity. Distance and time prevented us from getting them from other parts of the world.

Australia will be forever grateful to Canada, firstly for the generous hospitality extended to the 10,000 Australian boys who came over here to train under the British Commonwealth Air Training Scheme. You opened your homes to them, you made them feel that they were members of your family as it were, and those of them who were spared to go back to Australia will be forever ambassadors of goodwill towards this great country, Canada. Then, Australians will always be grateful to Canadians for the

generous assistance given under lend-lease during the war; the supplying of necessary war materials, aluminium, and machinery and machine tools and lumber and many other commodities. Whenever requests were put out to Ottawa by the Government of Australia, the utmost was done to supply what was required. So I can say to you without hesitation today, there is a great bond of friendship and goodwill existing between the Dominion of Australia and the Dominion of Canada. I want to do everything I possibly can to maintain and foster that friendship, because I believe that we are the two main Dominion pivots upon which rests the British family of nations.

We Australians have a great bond of kinship with the Old Country. We believe that, during this post-war period, England is going through a very difficult time, and the Australian Government and the Australian people are desirous of helping her in every possible way. We have signed an agreement to sell the whole of our surplus wheat to Britain for the next fifteen years; to see our butter and our cheese, and about 600,000 tons of sugar made from sugar cane grown in the north-eastern tropical part of Australia.

We have developed from a great primary-producing country into, also, a secondary-industry nation. Australia, with her 120 million sheep producing a thousand million tons of wool per year, worth $1,350 million a year, has made us a great primary-producing nation. We do not produce as much wheat as the province of Saskatchewan. Your annual production is something like 250 million bushels; our annual production is approximately 200 million bushels. But Australia is rich in great mineral resources — in coal, in copper, in zinc, in lead, in gold and other commodities. We are rich in the raw materials necessary for laying the foundation of a great manufacturing nation; but above all, Australia is rich in the calibre and character of her people. Australia endeavours to inculcate in the minds of young Australians a love of their homes and their towns and their districts and their States, and indeed, their Nation, and the attitude of Australians, I think, was epitomized in the words of the great Australian poet, who, on the anniversary of one of our national days, wrote these lines:

“Bestir yourselves, Australians!
There is a great work to be done.
There is a great Nation to be built up
Beneath this southern sun;

A Nation where no serfs shall quail
Beneath a tyrant’s rod;
A Nation where no knee shall bend
Save unto God.”

We are proud of the fact that we are citizens of a Christian democracy, and God forbid! that the day should ever arrive when that freedom of worship should be taken away from the people of our country or from the people of your country.

In conclusion, I say Australia was proud to co-operate wholeheartedly with Canada during two great wars. We have been co-operating magnificently in this post-war period. I believe our two countries are destined to march forward shoulder to shoulder not only building up the standard of living and the freedom and advanced institutions of which we

are so proud, but also to help less favoured nations of the world, so that we might emerge from this period of uncertainty, from the slow descent onto the high-road to wars, and see an equitable and a lasting peace based upon the Four Freedoms and upon a Christian civilization.

Mr. Speaker: — May I say, on behalf of the Legislature how grateful and how pleased we are to have had this opportunity of listening to such a fine address.

Mr. Tucker: — Mr. Speaker, and Mr. High Commissioner, I am sure that we have enjoyed very much the very eloquent words just uttered by our honoured guest, today, and we have been very much inspired by them.

I can assure the distinguished representative from Australia that we welcome him not only for himself, because we recognize the high part that he has played in the leadership of his nation during the difficult days that are past; but we welcome him as a representative of the very highly-esteemed fellow-member of the British Commonwealth.

We in Canada, of course, have a very special feeling, I think, for Australia, because it goes back, particularly, so far as the present generation is concerned, and particularly to those who served in the First Great War, to the days when Australians and Canadians were so closely associated together in the first war. I remember, particularly, during the last part of the war when some very difficult fighting had to be done in the breaking of the Hindenburg Line and so on, the Canadians and Australians fought side by side. I remember the attitude that the Canadians had when they had the Australians by their side — that they always felt they never needed to fear that in any way they would be let down; they would go forward in full confidence, one in the other, that there would be no thought of defeat, and no thought of falling back, and no thought of anything but standing together, come what may. I think there is a great feeling of comradeship with Australia, arising out of that experience.

Then, of course, we watched with a great deal of understanding and also of admiration what happened from the start of the Second Great War. We realized that you were situated there, in the centre of the Pacific in the Far East, surrounded by much more populous nations, and that Japan might attack at any time. Yet you showed a tremendous amount of courage in sending out of your country some of your finest young men and your best-trained troops, to help in the common cause far away in the Middle East. You took that risk. I understand that you were then the Minister of National Defence, and you must have borne a great deal of the ordeal and worry of that risk, because you people knew better than we could know what it would mean to your people if an invasion did take place and some of your people had to undergo all of the hardships of an invasion at the hands of the Japanese in their then mood. Still you put what you had into the common cause fearlessly and in a most self-sacrificing way, and when Japan did strike, and some of your finest fighting sons were far away, we in Canada did sympathize with you in your agony and anguish. And believe me, it cannot be put into words; it is a heartfelt feeling I express which I am sure was felt by all Canadians — the feeling that you would not have to undergo invasion and that your willingness to contribute to the common cause would not cause you to suffer too much. However, we did admire your attitude at that time, and we wondered if any other nations, faced as you were with

the possibility of invasion, would have had the sheer courage and the sheer self-sacrificing spirit to do what you did in sending the large number of troops you did to help in the common cause in the Middle East, which then was such a vital theatre of war. It was well recognized all over the world at that time that if Hitler ever joined forces with Japan it would not be very good for the cause of freedom.

We also have felt comradeship with you because of the attitude that you have taken as a fellow-member of the Commonwealth in our various Commonwealth conferences. The march of the self-governing nations of the Commonwealth towards complete autonomy and self-government is, I think, one of the most splendid chapters of modern history, and you have taken your full part in bringing that about. We have marched together side by side — Australia, New Zealand, South Africa and Canada, in bringing that about, and of course it has been splendid. I was fortunate to spend a period at the United Nations as a delegate from Canada and I had the opportunity then to meet some of the outstanding men you sent to the United Nations, and I must say that the contribution being made there by Australia to the cause of the establishment of a world organization, dedicated to the cause of the preservation of peace, was certainly appreciated. It was felt that Australia and Canada could always work together, and so far as I was concerned, I almost felt that when I was alongside of representatives from Australia and New Zealand, it was as if we represented one country, there was such complete understanding and goodwill between us.

I feel that your words of reference to your position in the midst of a sea of humanity in the Far East, so much of which is just on the bare verge of subsistence; I feel that your attitude in that regard of being ready to do all you can to try to raise their standard of living and of life, is the path of real statesmanship, and I was very pleased that our Government joined you and the other members of the Commonwealth in that programme laid down at Colombo. I hope that we will not hesitate in going forward along that line, because if fellow human beings are starving to death in other parts of the world, we must take an interest in their welfare if we really mean what we say in regard to our work at the United Nations and so on.

I feel that there is a sense of comradeship with Australia, too, because although you are in the centre of the Far East, we also are a Pacific nation. We are very much interested in what happens in the Pacific, and I think that the contribution that the Commonwealth can make, and has made, to the solution of the great problems that face the world today, is something in which we may all take a great deal of satisfaction. When the League of Nations failed, the Commonwealth remained as one organization of nations, dedicated to the idea of the preservation of peace, and when the United Nations was formed, the Commonwealth of Nations was there to form a nucleus to help uphold the work for world peace. We are based upon common ideas of liberty, freedom, the dignity of the individual, and everything that comes out of a real belief in true Christian faith, and I feel that there is a very great bond that joins all the members of the Commonwealth today.

I am not unmindful of the fact that it now comprises members who do not embrace the Christian faith; but I think their great leaders have similar ideals to what we have, to some extent inspired by the fact that,

for a considerable period of time, some of the people who had to do with the bringing of those nations to the point where they could undertake their own self-government were among the most enlightened statesmen that could be sent to their country by the mother country of our Commonwealth.

My own feeling is, and I utter it with the greatest possible sincerity: We wish Australia the very best of success as she develops her splendid civilization, and we also hope for our own Commonwealth that the association cemented by comradeship on the field of battle and in the struggle for better conditions in the world of peace; that that comradeship may be made closer and more lasting as they years pass, and that, as we go forward, other countries may see that it is possible for people of varying racial origins and religious beliefs to work together for a common cause.

I feel that the British Commonwealth has been the pioneer in laying down that pathway along which mankind may march, and I am sure, Mr. High Commissioner, that you can feel that your country has played a very worthy part in the preservation of freedom in our day, and in co-operating with other nations in working towards a better day which we all hope for, and which we hope to walk towards in full comradeship with your great Nation.

The business of the House was resumed at 11:45 o'clock a.m.

SECOND READING

Bill No. 87 — an Act to amend the Farm Security Act

Hon. J.W. Corman (Attorney General): — Mr. Speaker, I have tried to condense what I think must be said about this Bill. It is something which cannot be dealt with casually, but I will try not to take up any more of the time of the House than is necessary.

It is a Bill proposing an amendment to The Farm Security Act. Now, Mr. Speaker, The Farm Security Act, as everyone remembers, was passed at the Special Session of this Legislature, in 1944, and it was passed, I suggest, to give effect to an unmistakeable, to an overwhelming, mandate from the people of Saskatchewan to give additional protection and relief to farmers who were finding it difficult and in many cases impossible to look after their indebtedness under mortgages and agreements for sale.

Pursuant to that mandate this Legislature passed The Farm Security Act which, among other things, contains the so-called "Crop failure" section, as Section 6 of the Act. Now, I suggest, Mr. Speaker, there is a great deal of lack of understanding of the extent and scope of the protection which the Legislature, in 1944, attempted to give by the crop-failure section. While it is true that the section provided for a reduction in interest in the event of a crop failure, and while it is true that the court has held that the reduction-in-principal provision was beyond the jurisdiction of the Province, we must not lose sight of the fact that the crop-failure section (that is Section 6 of The Farm Security Act) did other things for the protection and

the security of the farmers and those other things, Mr. Speaker, were held by the Privy Council to be valid and to be within the jurisdiction of this Provincial Legislature.

Now, Section 6 first defines a crop failure as a failure of grain crops due to causes beyond the control of the farmer to the extent that the sum realized from said crop is less than a sum equal to $6 per acre sown to grain in each year. And the crop-failure section, by subsection 2, provided (not one — as it seems to me is the general impression) but three different terms of relief under mortgages and agreements for sale for farmers in a crop-failure year. Clause 1 provided that, during such year of crop failure, no payment of principal could be required from the farmer, or the mortgagor. Clause 2 provided that, in event of a crop failure, each claim on the principal should be automatically postponed for one year — for instance, a 10-year mortgage would become a 12-year mortgage, if a farmer suffered two crop failures during the life-time of the original mortgage. And by Clause 3 — that is the one which has been held to be beyond the jurisdiction of the province — it was provided that in the event of a crop failure the principal of the mortgage or agreement for sale should be reduced by 4 per cent, or by the percentage at which interest was chargeable under the mortgage or agreement for sale, whichever percentage should be greater.

Another thing is often overlooked, Mr. Speaker. In addition to the relief which I have just explained, and as an integral part of form of relief, The Farm Security Act set up the Mediation Board instead of the courts to decide, first, whether there had been a crop failure, and secondly, set up the Mediation Board instead of the courts to decide whether or not the farmer was entitled to the protection given by the crop-failure section.

In passing, Mr. Speaker, it is important to remember that all those provisions to which I have referred were examined in the courts and the only one that was found to be bad was clause 3, that is the reduction-in-principal clause.

Now to get back to the historical review — I will try to make this brief. On the passing of the Act, in 1944, the mortgage companies, I suggest by means of lobbies and pressure and influence that they can bring to bear, put pressure on the Federal Cabinet to disallow under the B.N.A. Act, not the crop-failure section, but the whole Farm Security Act; and I might say, in passing, that The Farm Security Act contains many provisions that were copied practically word for word from Liberal legislation.

Mr. Tucker: — Hear! Hear! Most of the good sections were put there by Liberals.

Hon. Mr. Corman: — You had no provision for postponement of principal in a crop-failure year, and you never had any provision that the farmer should not be required to make a payment of principal in a crop-failure year, and the Liberals voted against it in 1944, and spoke against it — but please, this is my last Second Reading, and I certainly do not want to quarrel.

I went to Ottawa to argue against disallowance; I sat with a committee of the Cabinet. I think it was the first time the Federal Government ever set up a committee to deal with a question of disallowance. I sat there with at least a dozen big corporation lawyers. The Federal Government did not disallow it just because I went to Ottawa — it was because the farm organizations of this province sent so many petitions and protests to Ottawa that it was deemed inadvisable to disallow it. But the Federal Government did not quit there. They continued in their efforts to have it thrown out, and they referred it to the Supreme Court of Canada for their ruling as to the validity not only of the reduction-in-principal clause, but as to the whole of Section 6 which contains these provisions for the postponement of principal in the event of a crop failure.

Saskatchewan was joined by Alberta and Quebec in fighting the case through the Supreme Court of Canada and through the Privy Council, and as I said before, we lost only on one point, but we won on all other points, and remember this — the Federal Government, supported by the mortgage companies, asked the courts to hold that each and every section, each and every subsection and each and every clause of Section 6, were bad and beyond the jurisdiction of the province. Counsel for the Federal Government and counsel for the mortgage companies argued that the postponement provisions which I have referred to and which were contained in the Act in 1944, were contrary to Federal bankruptcy laws, and they argued strenuously that the Province had no power to substitute the Mediation Board for the courts, and they, of course, argued that Clause 3 was bad; and on that point the court agreed with them, but disagreed with them on the other points.

I might say the counsel who followed the reference to the courts are definitely of the opinion that the only part of the crop-failure section that is bad is the one providing for a reduction in interest, and that this Legislature has the power to do the other things that were attempted in 1944, and that are being suggested in the amendment that is before the House.

Now I might say, in coming to the amendment, it provides: it will preserve the parts of the crop-failure section which are valid, and it will delete the one part that was held to be invalid. In other words, we are not dealing with history when we are voting on this amendment, Mr. Speaker. What we are dealing with here, today, is an amendment that will re-enact the provision of the crop-failure section of 1944 which have run the gamut of the courts.

First, the amendment before the House — the one on which we have to vote — will provide that the needy farmer, purchaser or mortgagor shall not be required to make a payment of any principal in a year of crop failure. Secondly, in the amendment now before the House, it will, in the case of the needy farmers, postpone for one year each payment of principal, thus extending the maturity date of a mortgage or an agreement for sale by the number of years in which the farmer has suffered a crop failure. Thirdly, it will substitute the Mediation Board for the courts in deciding whether or not a crop failure has occurred; and fourth, it will substitute the Mediation Board for the courts in deciding whether or not a farmer is entitled to the protection of the crop-failure section.

I would like to just say here that the Government refused to be rushed into a hasty re-enactment of the crop-failure section until we had had a chance to study the judgment of the Privy Council, and until we had had the result of an appeal that was then going to the Privy Council in respect of the Labour relations Board. We want to have the Mediation Board to be a substitute for the courts, but we wanted to know what the Privy Council had to say about that. I may say that the Privy Council, in that Labour Relations Board case, held that the Provincial Government had the power to set up provincial boards with power to act.

Now, in my remarks I have referred repeatedly to the "needy farmers." It may be said that that expression does not appear in the Act or in the amendment; but I wish to say that this Government believes there are many farmers still burdened by debt under mortgage or agreement for sale, who need the protection that will be afforded if this amendment is passed — that is, relief from payment of principal during a year of crop failure, and the relief given by an extension of one year for payment of each subsequent payment of principal. I say that it is only for those needy farmers, and for them only, that the original crop failure section was passed, and it is for those needy farmers only that Section 6 is being re-enacted.

Now I know I have here opponents of farm security legislation, and I know they have endeavoured to create the impression that by our legislation (and the same thing, I am sure, is going to be said about the amendment before the House) we have given protection to debtors well able to pay in spite of a crop failure, and that we have harmed needy creditors who, perhaps, need the payment more than the person who has suffered the crop failure. That, Mr. Speaker, overlooks what to me is the pith and substance of the crop-failure section, and that is the power given to the Mediation Board to prevent the section working a hardship, or to prevent it giving protection where no protection is needed or deserved.

The public has not been told as often as they should — certainly not by those who opposed this legislation in 1944 — that the old Farm Security Act contained a provision that I shall read, and that the amendment before the House contains this provision:

> "The Provincial Mediation Board may, by order, exclude from the operation of this section (that is the crop-failure section) any mortgage or agreement of sale or class of mortgages or agreements of sale, and in case of such exclusion this section shall not apply to the excluded mortgage or agreement of sale or class of mortgages or agreements of sale."

Now that, Mr. Speaker, gives the Provincial Mediation Board power and jurisdiction to see that no injustices are done and to see that the general provisions of the section are not allowed to operate, for instance, to protect the rich against the poor, or the undeserving against the deserving.

I might say, Mr. Speaker, it is the opinion of this Government that protection to farmers, as much as possible in respect to crop failure, should be given on the basis of need. So I say again, to make it clear beyond the possibility of confusion, that the legislation contained in the amendment before the House is not 'blanket' legislation in protecting the wicked and the righteous alike. The owner of a mortgage or agreement for sale under the original Act and under the amendment has the right to go to the Mediation Board and ask for a ruling as to whether the benefits of the crop-failure section should be given to the farmer in question.

Now, Mr. Speaker, I know there are two schools of thought about the wisdom of setting up provincial boards. This Government belongs to the field that thinks provincial boards serve a very useful purpose in certain specialized fields. The reason I am dealing so much with the power of the Mediation Board is that, up until recently, there was doubt about the power of the province to set up these boards and invest them with power to make decisions; but, in the opinion of this Government, backed up by the decision of the Privy Council in the Labour Relations Board case, such a tribunal as the Mediation Board, composed of laymen, is the best kind of tribunal to deal with relations between debtors and creditors in respect of farm debt, just as we think the Labour Relations Board is the best kind of tribunal to deal with relations between employers and employees; and in that respect I might say the Privy Council agrees with that contention.

Now, in the Labour Relations Board case (I am going to be brief here) our Saskatchewan Court of Appeal held in effect that the Labour Relations Board was invested with judicial functions and was therefore a court, and that the members of the Board could not be appointed by a Provincial Government, as it was the sole prerogative of the Federal Government to appoint judges. The Privy Council did not agree with that, and in its judgment, among other things, it said:

> "It is as good a test as another to ask whether the subject matter of the issue makes it desirable that the judges should have the same qualifications as those which distinguish the judges of superior or other Courts, and it appears to their Lordships . . ."

They were dealing there with labour matters and industrial matters:

> "It appears to their Lordships that to this question only one answer can be given . . ."

And this is the important part of the Privy Council judgment:

> ". . . for wide experience has shown that though an independent president of the tribunal may in certain cases be advisable, it is essential that its other members should bring an experience and knowledge acquired extra-judicially to the solution of their problems."

I believe what their Lordships were trying to say, in a kind way, was that there are many modern problems never contemplated by the Fathers of Confederation which should not be left for a solution to judges trained in the law, but should be dealt with by laymen, who, as their Lordships say and I am quoting from the judgment of the Privy Council:

> ". . . bring an experience and knowledge acquired extra-judicially to the solution of their problems."

Now we, on this side of the House, have no apology to make for entrusting the working out of The Farm Security Act, the crop-failure section in particular, to the Provincial Mediation Board. We believe, as their Lordships put it, that if the economic and social outlook had been the same in 1887 as it became in 1944, it would have been found expedient then to have established a specialized tribunal to deal with the complex problem of farm debt and the maintenance of farm population, as it affects the social and economic life of our people.

I know that everybody will agree with me in this . . . I am glad to say that I am getting near the end, Mr. Speaker. I would like to draw your attention, Mr. Speaker, and the attention of the House to the fact that I have said nothing about the absence of certainty which existed on both sides of the House in 1944, about the constitutionality of the crop-failure clause. I have said nothing on that point. Now if the Opposition raises the point in this debate I reserve the right, Mr. Speaker, to have something to say in reply, and I suggest that that something will show that the Liberal Party is the last party in this province that should ever start giving lessons on intra-vires and ultra-vires; but I am not dealing with that now.

Now, Mr. Speaker, up to this point I have been dealing with the crop-failure section. There is another amendment, however, proposed in the Bill before the House, and that has to do with section 7 of the original Act — that was not before the Court in the reference. Section 7 of the original Act prohibits eviction under mortgage of the farmer or his family from the homestead. I might say that subsection (2) of section 7 of The Farm Security Act reads as follows:

> "Insofar as any final order of foreclosure hereafter made of the mortgage affects a homestead, the operation of the order and of any order for possession contained therein insofar as it affects a homestead is hereby stayed so long as the homestead continues to be a homestead."

And subsection (2) of Section 7, as originally enacted in 1944, says:

> "This section shall remain in force until the first day of April, 1947."

I may say that on two different occasions it has been extended for two years, but it is in force now by virtue of the last amendment of, I think, two years ago; it is in force now only until July 1, 1951, and the amendment proposes that provision giving that protection to the farmer with a homestead with a mortgage against it, be extended until July 1, 1953.

I might say, Mr. Speaker, that, in 1944, the Liberal Opposition in this House spoke against and voted against and opposed this Section 7 — that is the section protecting the homestead against foreclosure and eviction. I sincerely hope that they have changed their minds and will be able to support it by voting for the Second Reading of this Bill.

I might also point out — and this is the last thing I have to say at this stage, dealing with the protection given to the homestead, the "no eviction clause" as I often call it — it is only deserving farmers who will be protected under that no-eviction clause, because the Mediation Board is empowered, just as it has power in regard to crop failures, to deny the protection of the so-called "no eviction clause" where it is felt that that protection and security is not needed by the farmer or his family.

I apologize for the length of time I have taken, and I would move second reading of this Bill.

Mr. Tucker: — Mr. Speaker, I do not intend to delay the House very long in speaking on this Second Reading, but there are some things that the Minister has said which I would like to comment on briefly.

Now the history of Debt Adjustment legislation in this province has been one of giving a Debt Adjustment Board pretty sweeping power, as far as it is felt that the Board could be given power, to deal with debt and the protection of needy debtors, and at one time it was thought that that Board could exercise its rights to stay proceedings indefinitely so as to force a creditor to agree to a fair settlement of any obligation.

It was in that mood that The Debt Adjustment Act was passed under the Liberal Government, which went into office in 1934. Later, there was a law passed in the Alberta Legislature, which went to the Privy Council. The decision on this law indicated that the Province did not have the power to prevent people from going to the courts, and this decision brought into doubt the right of a Debt Adjustment Board to say that you could not go to the courts without getting a permit from that Board. So it was thought that, to continue to give debtors protection in this province, the safe thing to do was to set up a Mediation Board — and I might point out that that, according to my recollection, was done under a Liberal Government. That legislation put within the power of that Mediation Board all the powers that they figured they could give it, and the power of protecting debtors from being thrown out of their homes and so on was put into the hands of the courts — the judges. In other words, if a person could show that he had a good excuse for not paying, or a good reason for not paying, the courts were given power to indefinitely stay proceedings. Now as I have said, the reason for that course of action was that it was thought that The Debt Adjustment Board Act that had been passed, up to that time, was actually ultra-vires for the reason that it provided that nobody could bring an action unless they got a permit from the Debt Adjustment Board.

Of course, many people did feel that the Courts were probably the proper people to deal with this matter — that their appointment was for life, and they were in a very independent position. They were not subject to any influence, political or otherwise, and many people felt that they could deal with these rights much more satisfactorily than any Board which could be set up under provincial legislation. That had not been the attitude of our party until it became clear there was doubt about provincial power to give a Board that power.

As far as our position today is concerned, I do not think it is a doctrinaire matter at all. There is something to be said on both sides of it, and that was recognized in the setting up of the Farmers' Credit Creditors' Arrangement Act. Long before the Privy Council gave the decision which the hon. Attorney General referred to, that very principle was recognized in the composition of the Farmers' Creditors' Arrangement Act, when they set that Board up to adjust debts in the province. After it was finally decided that the Province could not adjust debts, as it was once thought they could — they once thought the Debt Adjustment Board could do it; but in the light of the Privy Council decision, it was finally decided the province could not adjust debts, they could just prevent people from being dispossessed and hold up proceedings by exercising the power of moratorium. When that was finally decided, the Dominion Government put through the Farmers' Creditors' Arrangement Act in 1934 — actually it was put through by the Bennett Government with the support of all parties, I believe, in the House — and the makeup of that Board was just along that line: that there would be a High Court judge as the Chairman of the Board, and he would be advised by a person representing the farmers and a person representing the creditor class. I think the experience with that Board, because of the nature of the different judges in this province who were asked to handle the work, was very satisfactory. There were tremendous write-downs of debt, and every debtor who appeared before those Boards, I think, with very few exceptions, was very satisfied with what was done under the Farmers' Creditors' Arrangement Act, — at least after the first couple of years. I must say that for the first year or so there was a tendency just to extend the time of payment rather than cut down the debt; but later, particularly when Chief Justice Brown took charge of the work, there was some real effective debt adjustment done.

I do not think there is any hard and fast attitude taken as to the question of which system under the circumstances seems to meet the need of the time in which you are living but I think most of us would lean to the general principle that the rights of citizens should, by and large, be left to be determined by the courts of the country, because, as everybody will admit, the courts are independent of all pressure or influence, whereas no Provincial Board which can be dismissed on a moments notice by the government of the day, can be nearly as free of political pressure as the courts can be. Admittedly, the decision of rights as between citizens really should be a matter of impartial decision, rather than be subject to the possibility of being influenced by the fact that those people have no security of tenure, and may be dismissed if they do not bow to any influence that might be brought to bear. The reason why judges have been given the power to hold office not during pleasure but practically for life, is because, when judges could be dismissed whenever the government felt dissatisfied with their work, they were not independent. British history shows that even judges at times were under influence from the government and were forced to do things that they should not have done, until they were given the right to hold office for life.

So that, I think, is the history of British jurisprudence — that these things should be left to the courts as much as possible. Conditions arise, however, such as you had for a time during the 'twenties and again during the 'thirties, when a situation gets to the point where the legislature or parliament has to deal with it in a more or less general way, and your moratorium is established and you have boards set up to handle the situation during that time of extraordinary crisis, perhaps. Well, I think that is really the proper approach to take in dealing with these matters, and while

I would not go so far as to say I oppose this Bill, because we set up the Mediation Board and I think this Bill is intra-vires now, I doubt, so far as most farm creditors today are concerned, if we are in a time of crisis. If we passed a law and said, "now under certain circumstances, if a person can show that he cannot pay due to circumstances for which he cannot be held personally responsible, due to crop failure or something like that " — if we laid down those principles, I think we could rely on the courts to honestly enforce them, and put into effect the principles that the Attorney General referred to, of protecting needy people, because we all agree with that — and that is the way the law has been, the way the law was at the time this Government came into office. In other words, the principles had been laid down that needy people should be protected and it was a matter of application to the courts for the protection, and superimposed upon that was the right of the Mediation Board to assist debtors, and then again, over that was the right of the moratorium.

It seemed to me that for ordinary times that system leaves the adjudication of human rights where they should be, namely, in the hands of the courts and not with any politically appointed Board. I am not reflecting on our present Debt Adjustment Board because I think it is a very good Board, and I am not suggesting that any pressure is brought to bear upon them; but it is possible for that to happen. As a people we believe in democracy and that we should live under a government of law, not under a government of persons, and that is the basis upon which we believe that rights should be decided by judges who are free of any possible pressure with regard to applying the laws that the representatives of the people may pass.

However, that raises one or two other points, but before I deal with them I would like to sum up, briefly, the history of our dealing with farm debts. It has been one of establishing a Debt Adjustment Board, and that that Board had a right to prevent all actions unless it gave permission, and that Act was kept in force until it became quite clear that it would not be upheld by the courts, and, therefore, these rights were placed back in the hands of the court. Now as a matter of fact, I have had some slight experience with how that system has been operating and I think that the judges have been just as determined in protecting needy debtors as the Debt Adjustment Board or the Mediation Board ever were. They have had the law to enforce there, and if the debtor made out any case at all as to why he had not been able to live up to his contract, our courts have been very careful to protect them; so that, as a matter of fact, I do not think there can be any real complaint against the way the matter has worked up till now.

Now, in regard to this legislation saying that payment of principal should be postponed in the event of crop failure, generally I think everybody would agree with that principle, and I see no harm really of writing that into the law of the province, because it will be of some guidance to our judges in enforcing rights or carrying out their duties under the Act, where they have to decide whether foreclosures can be started or not, and so on. But whether the best way has been taken to bring that about I am not so sure. With what the Attorney General said about this being designed to protect needy debtors and not to protect the people who do not need the protection at all, of course every reasonable person would agree. We do not quarrel with that. But the way it has been brought about is probably not as good as one might expect from the hon. Attorney General or his law officers. I am not saying that this Bill should be opposed on this ground, but I am putting it to the Attorney General. The way the Act is worded now, it says:

> "the mortgagor or purchaser shall not be required to make any payment of principal to the mortgagee or vendor during the period of suspension and a payment of any principal which falls due during the period of suspension and any principal which falls due under the mortgage or agreement of sale shall become automatically postponed for one year."

It is automatically postponed under that clause if there is a crop failure.

Now you might have a case of a person borrowing money. He might even be a member of the Cabinet — and somebody might decide to loan him some money and he might give a mortgage on his land, but the person would be relying not only upon the land, but also upon the thought that this other person, whoever he might be, had other means of paying the mortgage, and he should not have that obligation postponed automatically. The Attorney General says, in explaining that: "The provincial Mediation Board, may by order exclude from the operation of this section any mortgage or agreement of sale or class of mortgage . . ." Now, it seems to me that — and I am trying to find a word, I am trying to repay the Attorney General in politeness, and I cannot think of a word that really conveys my meaning without probably being somewhat offensive; but it seems to me the way chosen to bring that about is somewhat clumsy. If you say that this applies to everybody, whether they need the protection or not, and then say, "now you can exclude any mortgage or agreement for sale" from this, it seems to me that that is not the right way to go about it. You should go about it the other way and say that anyone who needs the help should be able to get it — just as the Attorney General said; because I can see a situation arising where you would exclude a mortgage, and then the person would need the help, but once you have excluded a mortgage I do not think you could bring it back in again, the way this Act is worded. I can see a situation where a man might have quite a large income and give a mortgage on his land or property. Then something might befall him and he would lose that income, and then he would have a crop failure and he might need the protection of this Act, and he should be able to have it. It seems to me that by saying that this Act applies generally, and then you can exclude certain mortgages, you are going about it in the wrong way. Now that is the way it looks to me. The Minister might say, "you can exclude it for a time and then bring it back in again". Well, it is quite possible that you could; but then again, is not that going after the matter in the wrong way? It seems to me that, with the very able officers of the Crown that the Attorney General has, they should have worded it in such a way that this shall apply always, in any year, unless in that particular year the Mediation Board rules that it should not apply. In other words, this power of exemption from the operation of this Act should have been written into either Clause 3 or Clause 4: "If the Board finds that there has been a crop failure in the year in question, the provisions of this Section shall apply, and if the Board finds that there has not been a crop failure in the year in question the provisions of this Section shall not apply."

Now, it might have been said in there that, if the Board finds that the debtor has no need of this protection, or in the opinion of the Mediation Board, the debtor is not entitled to protection under this, it

shall not apply. In other words, it should be an exception right there, rather than in a special clause saying that you can exclude a mortgage or an agreement from the operation of this section altogether, because it looks to me as if that Section is more or less designed to say to, for example, the Dominion Government, "Now then, we will exclude all of these mortgages that you may make in connection with some housing plan, or some such scheme as the V.L.A., or such Canadian Farm Loan Board mortgages." It seems to me that Section 6 is really designed for that purpose, and I agree with what the Minister says he is trying to achieve here; but I really think it could have been done in a little bit neater way.

I should say a word about what the Minister said about the applications for a ruling by the Dominion Government of disallowance of this legislation. I will tell the Minister — I think I can tell him now. I think I met him in the elevator or the hall of the Parliament Buildings in Ottawa when he was down there making his submission to the Ministers — he will remember that. I think probably we exchanged some words at that time, and I am not sure, but it seems to me that I assured him that, in his submission that this disallowance should not take place, he would have the support of the Saskatchewan members of Parliament. My attitude at that time, and the attitude of my colleagues, was that disallowance would not be justified at this particular time. So the Minister at that time certainly had our moral support in every way we could give it to him. I think that, probably, the attitude of the Government was quite unusual, but, when these applications and this pressure was being brought to bear on the Federal Government to disallow, I did not think it was a bad idea for them to say, "All right, we are going to bring this whole thing out in the open, and all of you people who think it should be disallowed, come and make your representations in the presence of others who think it should not be disallowed", and that gave my hon. friend a chance to come down there and meet these arguments. There was some adverse comment at that time about the setting up of this committee of the Cabinet to deal with the matter, but I thought it was a good idea because it gave my hon. friend a chance to go to Ottawa and make his representations and feel that he had actually achieved something of a triumph in persuading the committee of the Government that it should not disallow the legislation. I did not begrudge my good friend that feeling that he had achieved something there.

Now, in regard to the reference to the courts, I think things have been said that really are not quite fair. The suggestion has been made that this legislation was referred to the courts because the Dominion Government was against it, or something of the sort. Well, I do not think the Dominion Government was against it in any way, shape or form. The question was this, as I understood it at the time — and this was discussed because I was a member at that time and it was my duty to put forward the views of the farmers of this province; and as I understood it, the reason that this was referred to the courts was that at that particular time the Dominion Government was going to engage in quite a considerable programme under the V.L.A. Act, and also they were going to land a great deal of money under the Canadian Farm Loan Board. Then there was the possibility of their entering the field in regard to housing and loaning money in the province in that field, and my understanding at that time was that if the Provincial Government had given an undertaking that wherever Federal money was involved the

Federal Government would be permitted to pass whatever legislation they thought was right to protect the debtors and would agree that the province should not interfere with the Dominion exercising its powers in any field it went into, that if the province would give that undertaking that no provincial legislation would apply to Dominion mortgages and so on, then the province could pass any legislation it wanted. But unless they would agree to exempt Dominion legislation then, of course, they would have to put it into courts just to see what the situation was.

With the Dominion intending to spend millions of dollars under V.L.A. and put out millions of dollars under the Farm Loan Board Act, and the possibility of entering a programme with respect to housing, the Dominion had certainly the right to know where it stood in regard to enforcing any rights against people it loaned money to or had money owing to it, just as this Government would not want the Dominion Government interfering with any of the operations. I understood at the time that that was the reason for the reference to courts. I definitely understood that, and that, if the undertaking could have been got from the Provincial Government, actually the legislation would not have been referred to the Courts at all.

Now, I would say in conclusion, Mr. Speaker, just to sum up the situation, I do not think today that debtors have any more protection than they had during the days of the ‘thirties. At that particular time there was a Debt Adjustment Board and at the present time you cannot start a foreclosure without getting leave of a Judge. That law remains and that law was passed by the previous Government. So far as I know — and the Minister can correct me if I am wrong — the only change made by this Government, the power of moratorium was always there. If there was any doubt thrown upon the exercise of that power amending legislation has been passed to make sure . . . (Interruptions) . . . I did not think I would bring down the House like that in this particular submission; perhaps in some other it might have been expected, but not in this. I was saying that as far as I know the only change is in regard to making sure that we have the right of exercising power of moratorium. And in our province where we have ups and downs in income and so on, I think that right should be jealously guarded and kept in the hands of the Government. I find no fault with that; I think it is right. All Governments have exercised that right. Then, in regard to saying that foreclosures cannot be started without getting the permit of a judge, and showing that the debtor could have carried out his contract, that exists today and I think that is satisfactory. Then, of course, the right of saying, in the case of needy debtors, that in the case of crop failure the principal shall be postponed one year, I think that that is sound. And the right to say that if a creditor has money coming and he figures the debtor can easily pay out of other sources of income besides his crop – that he can be made to pay — I think that is sound.

The only other thing that I have doubts about, is the question of the homestead. Under the law before this law was passed you could not foreclose a homestead or dispossess a person unless you satisfied a judge that it was fair and just that that should be done. In other words, you have to show that a person could pay and would not. That is what you had to do. If there was any doubt whether he could pay or not, you could not get an order to dispossess a person from his homestead. But to get that

order you had to go to a judge, and my experience has been that it was as hard to get an order from a judge as it was to get an order from the Mediation Board — they were just the same so far as any dealings I have had. Under all past Governments there was really no difference. But there again you come to this situation. Whom should you give the custody of the protection of the citizen to? Which is the group that is most likely to exercise it without any possibility of pressure — to a judge who holds his job during his lifetime so that no government can do anything to him no matter what he may decide, or to a group of men, no matter how high-minded, who have to rely upon their position for their living and who can be told by people in public life, "Now in this particular thing I want an order or I do not want an order, regardless of the rights or wrongs of the thing, and if you don't do it you are going to lose your job?" Which person is most likely to be able to give an absolutely unbiased decision, which is what we want? My only complaint against this Mediation Board section of The Farm Security Act is that you took the protection of the citizen against being dispossessed from his home out of the hands of the courts where it has always been, and put it in the hands of the Mediation Board. Now, I would say that I have such faith in the Mediation Board today, as it is made up today (I think that they are such a fine group of people) that I think they will do their job just as well as a court would do it. I think they would resent interference, and I think that they would quit rather than submit to it. But the trouble is that those particular people will not always be there, and as a matter of lasting principle, which is the soundest attitude to take? I think there is no doubt about the answer and that is part of the fact that I am in doubt about. However, as I say; as far as I am concerned I am not going to take issue with that either because it is the settled policy of this Government to have those rights reside in a politically-appointed board or a board that they can appoint and dismiss at will. I do not think that fundamentally it is sound in regard to this particular item; but I realize that in the past we have given the same power to our debt adjustment boards that we set up. I can see that there is a lot to be said on both sides, and I am not going to take a doctrinaire position in the matter either. I know where I lean, myself, and over it all there is this protection that the Government can give to anyone, whereas if the power of protecting is given to the courts, if the Government are absolutely satisfied that somebody is not being protected as they should be protected, they have the right to interfere by power of moratorium. It means to me that that is really the power that the Government has and that it should take, and with that power it does not need such a provision as you have got there in regard to the homestead.

I congratulate the Attorney General for bringing forward an Act now that is likely to be held, and I am fairly satisfied that it will be held to be intra-vires. I think that I was so outspoken at one time as to say — and I know I should never give opinions ahead of time because you never know what courts are going to do; but I was so sure the former Farm Security Act the Attorney General brought in, which purported to deal with interest, according to long-established decisions in the courts that the Provinces could not deal with matters of interest, would be ruled ultra-vires that I think I expressed the opinion that even a first-year law student would know that that Act would not hold up in the courts. I think, in fairness to my predecessors here in the Legislature, that was the real basis for their opposition. They were sure it would not hold up in the Courts and so did not see any purpose in passing it. But now, when we are

Faced with a Bill that is clearly intra-vires, I think the situation is altogether different and I compliment the Minister subject to what I have said about trying to achieve the protection of the needy debtor. I compliment him in bringing in a Bill that I am sure will hold up in the courts.

Mr. Benson: — Mr. Chairman, I just want to direct a couple of questions the Attorney-General might answer when he sums up. One is in regard to this sub-clause 2:

> "Payment of any principal which falls due during a period of suspension should be automatically postponed for one year."

Would that mean then in the following year there would be two payments of principal come due providing there is no crop failure, or would that mean . . .

Hon. Mr. Corman: — No, the next one would go ahead.

Mr. Benson: — Then, that would mean the extension of the agreement for one year?

Hon. Mr. Corman: — That is right.

Mr. Benson: — Yes, that was not clear to me. Then the other section is this last one, 7:

> "This section shall be deemed to have been in force on and from the first day of August, 1950."

That says it is retroactive to that time. I would like to know what the reason for that is? Has the Mediation Board experienced an increased number of applications since this period on account of frost damage, poor crops, and generally inability of the farmer to pay — an increased number of applications over previous years?

Hon. Mr. Corman: — Mr. Chairman, I might deal with the questions of the hon. member for Last Mountain first. The reason it is made retroactive to the first of August, 1950, is to make sure it will give protection in respect to the 1950 crop. The other question asked as to whether there had been an increase or not: I think I can say from correspondence that comes to my office that the shoe is beginning to pinch a bit, and I believe that farmers here will back me up in that from the experience of their neighbours. Now, Mr. Chairman, I don't know whether the Leader of the Opposition makes me null or I make him null, but we have got along very nicely and I certainly am not going to spoil it and I would like to get a vote taken on this before one o'clock.

Mention was made of the fact that The Moratorium Act was put on the Statute Books by the previous government, the Liberal Government, and it was passed in 1943 I think, giving the Lieutenant Governor in Council the power by moratorium to protect not only farmers, but protect anyone from litigation or matters of that kind. It is probably like some other legislation: it was passed by the Liberals but in all the time they were in power after

it was passed, they never passed one more order under the Act. When I am told that we don't do anything more than the Liberals did — we probably don't as far as window-dressing is concerned . . . (interruptions) . . . but wait . . . In any event I would just like to leave this fact that the Liberals passed the Act and never used it to protect one single solitary farmer.

I do appreciate what the Leader of the Opposition has said about the personnel of the Mediation Board, and I am not going to go into the argument of courts against provincial board. But I would like to point out that the Privy Council say that in many matters boards composed of laymen, with a personal knowledge of the subject matter, are superior or more useful than the courts. And I may say that our Provincial Mediation Board is made up of two men who have been farmers, sold grain, I believe both of them at some time were elevator agents — they have bought grain and they do know the crop of agricultural debt, and just as my opinion differs from that of the Leader of the Opposition I believe that such a board is a better tribunal to decide on the basis of need under this Act than all our judges, our upright judges who don't learn an awful lot about stooking wheat or killing grasshoppers from reading Blackstone . . . I don't know where I thought that up.

Now, just one other thing. The Leader of the Opposition has expressed the opinion — and he may very well be right; I am learning that he is often right, let me put it that way. He has expressed the opinion that we should put the onus, the responsibility, on the farmer to get the protection instead of giving him the protection in the end and putting the responsibility on, let us say, the mortgage company deny him that protection. We don't agree with that on this side of the House: we are starting out by giving him that protection. Usually the creditor is better advised, has more money to get advice. We think in any event that he is the one who should protect his rights rather than say to the farmer you get . . .

Mr. Tucker: — I don't think the hon. Minister wants to misrepresent me.

Hon. Mr. Corman: — I certainly don't.

Mr. Tucker: — I suggested that if you put in four or five words — in other words the right would be established, but then you would say that if the Board finds there is a reason why it should not apply in this case, it should not apply; it would leave the onus just where it was before. It would be a matter of draftsmanship, rather.

Hon. Mr. Corman: — No, the words "clumsy" and "neater" were used, and frankly they did not get under my skin. I don't draft all the Legislation, you know. I will admit some of it does not come in here exactly; but I think there is a principal involved. I do not think it is a matter of draftsmanship. I do not want to leave the farmer in the position where he is going to lose his rights because he is not aware of them or because, by reason of difficulties and so on, he does not go and protect them. In any event, whether we are right or wrong, we asked the draftsmen in the buildings here to draft it this way because we wanted it this way and we still think that it is not an unfair responsibility to place on the creditor to say — "Do you think this farmer should be denied the benefits, the advantages of the Act? Then go to the Mediation Board and have them make a ruling". So much for that.

On this question of whether it will stand up in court or not; I have a quite voluminous reply here. I thought I was going to get more than I got. I just want to say this. Liberal Attorney-Generals have given advice to this Legislature that turned out to be wrong, and they were good lawyers, too. Mr. T.C. Davis ("Tommy" Davis as we know him) when he was Attorney General, came into the House and said that the Adjustment Act in 1944-45 — "this Debt Adjustment Act that I am introducing will stand up in court beyond peradventure of a doubt." He quoted the Law Officers as saying the same thing. I have it here; I was going to read it because I thought I was going to get 'flayed' more than I did. But it was the Session of 1934-35, when they first came back, and it turned out that the Privy Council held that this Debt Adjustment Act did not guarantee anything — it absolutely was not worth the paper it was written on. And for giving the erroneous decision he was, within a couple of years, made a Judge of the Court of Appeal. Now, Mr. Speaker, all I am going to say to you is that I don't qualify for a judgeship by reason of what I said in 1944, because I did not go out on the legal limb that Mr. Davis went on. I said that I thought it was time some government had the courage to do what we thought the Fathers of Confederation intended to give the Province the power to do.

I still would like to point out that the vote when it is taken — we can forget who is right or wrong in the past we an forget the history of the thing; but what we are voting on today, in any event, Mr. Speaker, is legislation that will provide that in a year of crop failure no payment of principal under agreement shall be required; secondly, that the life of a mortgage or agreement for sale shall be automatically postponed for one year; and a provision that no farmer or his family shall under a mortgage be evicted from or dispossessed of his homestead if the Mediation Board considers the farmer or his family worthy of such consideration and protection.

I would gather that this is going to be unanimous, which I think it should be; but I do want to point this out. Please do not vote for this and then go out in the country and say that those wicked C.C.F.er's have passed Legislation that is cutting down credit and preventing people from selling their farms. Remember, if you vote for this you are voting to give that protection to the homestead; you are voting to give that protection to farmers in the event of a crop failure and, as the Leader of the Opposition said yesterday — what was the expression? — He referred to something the Liberals had done 10 years ago and he said "I wasn't here then" and we laughed; but there is something in it. I hope the Opposition have changed their minds, will support this and will not go out and say that it is C.C.F. legislation that is cutting down credit.

The question being put, the motion for second reading of Bill No. 87 was agreed to unanimously, on a recorded vote.

The Assembly adjourned at 11:00 o'clock p.m., without question put.