

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Twelfth Legislature
32nd Day

Friday, March 26, 1954

The House met at three o'clock p.m.

On the Orders of the Day:

SASKATCHEWAN GOVERNMENT AIRWAYS

Hon. J.H. Brockelbank:

Mr. Speaker, before the Orders of the Day are called, I would like to draw attention to a matter of some interest to members of the Legislature, with regard to inquiries for the possibility of Saskatchewan Government Airways giving free rides in the north of the province of Saskatchewan. One member of the Legislature did more than inquire about it; he talked about it. He apparently went and lobbied the Board of Directors, with not complete success, but with some success; and the credit for this will have to go to the member for Cumberland (Mr. Berezowsky), who is sitting over here. We will have to look into his ancestry after this one.

This matter was discussed briefly at the last meeting of the directors of Airways, and this is a letter from the Chairman of the Board:

“The Board felt that Airways could not undertake to fly the members of the Legislature on such trips free of charge, but that we would offer them the same rate as offered to commercial travelers – a return fair on a round trip for the cost of 160 per cent of a one-way trip.”

It means this. The regular return fare from Prince Albert to Uranium City is \$117.00. This ‘bargain’ fare for members of the Legislature would only be \$104.00, and next session, Mr. Speaker, I will be very much disappointed if I am not able to report that at least 30 members of the Legislature have taken this trip.

CO-OPERATIVE FARMOUT

Mr. Robert Kohaly (Souris-Estevan):

Mr. Speaker, before the Orders of the Day are proceeded with I wonder if the hon. Minister of Natural Resources would care to comment on an item appearing in an editorial of ‘The Co-operative Consumer’ under dateline March 19, concerning the recent farmout to the co-operative of the Smiley oilfield – the two sections in the Smiley oilfield. Undoubtedly the Minister has read the item and, if not, I would like to see that it is placed in his hands so that he could give the House a statement as to the effect of this editorial insofar as the Department is concerned.

Hon. J.H. Brockelbank:

Mr. Speaker, actually I haven’t read the editorial. It is one of the things I have been going to read but I haven’t read it yet. I did read the short item in the ‘Leader-Post’, and all I could say at the present time is that neither I, nor any member of the Government, wrote the editorial and that government policy has been announced, and any further policy will be announced in due course; and the Co-operative Consumers or the ‘Leader-Post’ or anybody else will not make the policy for the Government.

Friday, March 26, 1954

ASSISTANCE TO WHEAT PRODUCERS

Moved by the Hon. Mr. Douglas (Weyburn), seconded by Hon. Mr. Nollet:

“That this Assembly reaffirms its support of the Canadian Wheat Board and the International Wheat Agreement as the best available means of implementing a policy of orderly marketing and long term commodity agreements.

Further, that this Assembly recognizes the problems confronting the wheat producers arising out of the large supplies of wheat now accumulated in Canada and expresses the opinion that a conference of the representatives of western agriculture and the three Prairie Governments along with other interested parties could do much to assess the nature of the present wheat situation with a view to making representations to the Government of Canada regarding the problem of storage space and the need for assisting the farmers to finance their operations.”

Premier Douglas:

Mr. Speaker, on behalf of the Government, I am presenting this resolution in the hope that it will be passed unanimously as evidence to the world that this province is united in its support of the Canadian Wheat Board and the orderly system of marketing, and as an expression of our confidence in the value of long-term agreements as being eminently fair both to the producers and consumers of wheat.

I am fully aware of the fact that the marketing of wheat comes exclusively within the jurisdiction of the Federal Government. All elevators and terminals have been declared to be works for the general advantage of Canada; therefore, the handling and marketing and sale of wheat and the entering into long-term agreements for the disposal of wheat, lie entirely within the jurisdiction of the Government of Canada.

Nevertheless, in a province where wheat constitutes one of our main sources of income, it is only natural that the members of this Legislature and the people of this province should be vitally interested in what is happening with reference to the wheat marketing situation. I have no desire, in anything I say today, to sound like an alarmist; but since the art of governing is the art of foreseeing, it is the duty of the Government of this province and the members of this Legislature to become immediately cognizant of the present situation and to make such suggestions as we think are worthwhile to those who are responsible for the wheat policy of this Dominion.

The Government of this province has some of our people in the Planning Board, in the Department of Agriculture, and in the Treasury Department, keeping in constant touch with the wheat situation. The Agent-General for Saskatchewan in the United Kingdom has visited a number countries and has kept in close touch with the wheat situation. On his way back to Saskatchewan, this year, he visited in Washington and in Ottawa, and in Winnipeg with the Wheat Board, and he has been visiting with the Wheat Pool since his arrival back in western Canada, in order that the Government of Saskatchewan may be kept fully informed as to what the general world picture is with respect to wheat.

Friday, March 26, 1954

I would like to ask the indulgence of the House while we take a few minutes to take a look at the wheat situation. I would like to draw the attention of the House, first of all, to the fact that the last four crops that have been taken off in Canada have exceeded any ten-year average prior to 1950, and that the last three crops have been among the highest in our history. I will try not to weary the House with too many statistics, but I think some of these figures will be of interest to the members. The ten-year average, from 1923 to 1932 inclusive, was 407.4 million bushels. The ten-year average, from 1933 to 1942 inclusive, was 353.1 million bushels. The ten-year average, from 1943 to 1952 inclusive, was 423.5 million bushels. I would ask the members to keep those figures in mind, and then to look at the crops for the last four years: in 1950 – 461.6 million; in 1952 – 552.6 million; in 1952 – 687.9 million (which was an all-time record); in 1953 – 614 million (which was second only to the record of the previous year).

That indicates that in the last four years, particularly, we have had an abnormal situation. In these four years we have actually produced what normally would be five or six crops. In consequence, we have had a fairly large carryover. But again I would ask hon. members to remember that we have always had, in Canada, fairly large carryovers of wheat, and again I will give some figures which I think will be of interest. Taking the same periods of time, from 1923 to 1932, the average carryover was 80.6 million; from 1933 to 1942, the average carryover was 213 million; and from 1943 to 1952, the average carryover was 206.7 million. Those are fairly substantial carryovers; but let us look at the last four years. In 1950 the carryover was 112.2 million, and that was much less than the average for the two previous decades. In 1952, the carryover was 189.2 million, and that was much less than either of the two previous decades. In 1952, the carryover was 217.1 million, just slightly more than the average for the previous ten years. In 1953, as at July 31st, the carryover was 362.7 million. This was some above the average carryover for the ten-year period from 1943 to 1952.

I want to point out, Mr. Speaker, that carryovers are a relatively normal condition with us. Considering the large crops we have had in the last four years, it is only in the last two years that the carryover has been very much above what is a normal carryover for Canada. However, this carryover has been aggravated by the fact that we have had two large crops in succession – in 1952, the largest crop in our history and in 1953, the second largest crop in our history. In addition to the carryover of 362.7 million bushels, we had this tremendous crop, in 1953, of 614 million bushels.

If we take the carryover – 362.7 million bushels – add to it the new crop in this crop year of 614 million bushels, we have, therefore, an estimated 967.7 millions of bushels on hand at the beginning of the crop year. If from that we subtract what are our normal domestic requirements of 160 million bushels, that left us with total stocks of wheat available for export, as of August 1, 1953, 816.7 million bushels. But there has been exported in this crop year 138.3 million bushels, leaving us with a surplus of wheat available for export of 678.4 million bushels as of February 1, 1954. That is a very considerable quantity of wheat for a country our size to have on hand.

That figure of 678.4 million bushels is 22 per cent above our accumulated stock of wheat at the same time in 193, and it is 64 per cent above the stocks of wheat we had on hand at the same time in 1952. The situation is further complicated by the fact that the large crops in Canada and the large carry-over have coincided with very large crops in other parts of the world, and that very often happens, Mr. Speaker. We find, therefore, that in

Friday, March 26, 1954

the crop year 1953-54, the world wheat crop was estimated at 7,045,000,000 bushels, which was second only to the previous year, 1952, when the world set a record for wheat production. The wheat crop in the world last year of 7,045,000,000 bushels is 17 per cent above the pre-war average, but 21 per cent above the post-war average.

If we look at Europe which, after all, is our main market, there were very good wheat crops there last year. It is estimated that the wheat crop in Europe, last year, was 1,700,000,000 bushels. That was 6 per cent above their pre-war average and 34 per cent above the post-war average.

Good crops in Canada and in the United States and abnormally good crops in Europe and in other parts of the world, is the situation which we find ourselves in at the present time. The wheat available for export in four major exporting countries as at February 1, 1954, stood as follows: United States had available for export 923.4 million bushels; Canada, 678.4 million bushels; Argentina, 156.2 million; Australia, 149.5 million – or a total in these four exporting countries of 1,907.5 million bushels of wheat. This figure represents 26 per cent increase in the stocks of wheat available in the four exporting countries as compared to the same time in the previous year.

That, roughly, is the wheat situation in Canada and in the wheat producing countries of the world generally.

I submit, Mr. Speaker, that this attention, although abnormal, should not be an occasion either for panic or alarm. The fact that western farmers own large quantities of the best wheat in the world is not too great a cause for concern. After all, wheat is wealth, and it is better to have a flood of wheat than to have a storm of dust. If we are prepared to approach this problem intelligently, having in mind the interests of the producer and the consumer, surely it will not be a problem that ought to baffle the mind of man. One can be baffled by a problem of scarcity; but a problem of great quantities of food which constitutes wealth in its best form, is a problem which ought not to cause us either to panic or become alarmists. It is doubtful if the world has ever had a surplus of wheat over any 25-year period. That is, in any 25-year period in the world's history, there may have been times when there was a shortage in the first part of the 25 years; there may have been a surplus in another part of the 25 years; there may have been a part of the 25 years when supply and demand were fairly well equated; but it is doubtful if any time over a 25-year average the world has produced more wheat than it required.

I think it would be tragic if we gave the impression in Canada that a large supply of wheat had caused us so much concern that we were likely to dump our supplies of wheat on the world market at 'fire-sale' prices. As a matter of fact, I submit that, if the history of wheat marketing is studied, it will indicate that a catastrophic drop in the price of wheat has never yet sold one extra bushel of wheat to the importing countries. All that could happen by depressing the price of wheat is to transfer some of the surplus from the exporting countries to be stored in the importing countries. All the lessons of history indicate that surpluses of wheat that occur from time to time will eventually be needed because, as I have pointed out, in any 25-year period the periods of surplus are usually followed by periods of deficiency.

That story is as old as man himself. If one turns back to ancient history and to biblical times, one remembers the story of Joseph: Joseph in

Friday, March 26, 1954

the land of Egypt faced with great surpluses of wheat and other cereal grains. Joseph's advice to the people of his day was to build themselves storage facilities in the seven fat years in the calm confidence that those surpluses would be required in the seven lean years that were bound to follow. It will be remembered that that was good advice and that, in the world of that day, people came from all the neighbouring countries to Egypt because Egypt was the only country which had the foresight to see that its surpluses of wheat were not an occasion for alarm but a warning to save them against the day when they would be required.

Therefore, I submit to the members of this House and to the people of this province that these surpluses of wheat are abnormal. We have been extremely fortunate. There is no guarantee that these periods of surplus will not be followed by a period of deficiency. Therefore we should do nothing and say nothing that would give any person, or group of persons anywhere in the world, the impression that we are now prepared to see this wheat disposed of at calamitously low prices, but rather, indicate that this wheat should be held as a trust and as a guarantee that we will be able to meet the food requirements of the world in times of deficiency, which in all probability will come over the next period of years.

The surplus of wheat, of which I have spoken, is further complicated by two things. The first is that the United Kingdom has withdrawn from the International Wheat Agreement, or more properly, they did not sign the International Wheat Agreement when it was up for renewal. That is something for regret; it is not a matter for recrimination. It is not my purpose at this time to say why it wasn't signed, or whose fault it is that the United Kingdom did not sign it. Suffice it is to say that the United Kingdom did not sign the International Wheat Agreement and that the market upon which we have usually depended for the sale of our wheat is not available to us within the framework of the International Wheat Agreement.

The situation is also complicated by the fact that there is in the United States, available for export, some 923.4 million bushels of wheat, and our position is bound to be affected by the selling and disposition policy of the United States. If the United States were to decide to embark on a fire-sale policy of disposing of its wheat, then, of course, that would have a very adverse effect upon our economic situation. I think most of us were heartened by the fine message issued by President Eisenhower on January 11th last, in which he committed his administration to an orderly disposal of their wheat and other surpluses.

Since that time, I believe a conference has been held between the representatives of the Canadian Government and the United States government in an endeavour to see that there is no dumping policy followed that would cause embarrassment to either country. We must always remember, of course, that in the United States the final decision will lie with Congress, and we are bound to be somewhat apprehensive as to what will be done in that country in view of the very large surplus of almost one billion bushels of wheat that hangs over our heads.

I want to point out, Mr. Speaker, that the whole purpose of the International Wheat Agreement was to prevent disastrously low prices for the producer in surplus periods and calamitously high prices for the consumer countries in deficiency periods. I think that the International Wheat Agreement was designed to serve the best interests both of the producer and of the consumer, because it protected the producer in periods of surplus and it protected the consumer in periods of deficiency. for that reason I think it is

Friday, March 26, 1954

to be regretted that the United Kingdom has withdrawn from the International Wheat Agreement and even more serious that the government of Great Britain has discontinued the policy of bulk buying and replaced it with the re-establishment of the grain exchange. We in this province are not likely to forget that during the deficiency period following the war, under the Anglo-Canadian Wheat Agreement, the producers of Canada sold wheat to the United Kingdom at reasonable prices, whereas if the speculative market had been followed, they might have received much larger prices that would have placed a very heavy burden upon the consumers in the United Kingdom and elsewhere.

It would be regrettable if the speculators now, in a surplus period, were to take advantage of the producer when the producers of this country went out of their way to protect the interests of the consumer in a deficiency period, as they did from 1945 to 1950. I submit, Mr. Speaker, that in the long run, speculative marketing is as disastrous for the consumers as it is for the wheat producers. I believe that it is in the interests of both the wheat producers in this country and of the consumers in the non-wheat-producing countries to have some system of orderly marketing and long-term agreements that will protect the interests of the wheat producer when wheat is in surplus, and protect the interest of the consumer when there is a shortage of wheat. I hope the day is not far distant when we can get the United Kingdom and other countries back into the framework of the International Wheat Agreement. If we don't, and if the speculative market once more is to reign supreme, we shall go back to the old system of having disastrously high prices because there happens to be a temporary surplus and ridiculously high prices whenever there happens to be a shortage, with usually the speculator playing both ends against the middle and exploiting both the producer and the consumer.

Mr. Speaker, if it is in the interests of both the producer and the consumer to have a system of orderly marketing (and I believe that it is), then I submit that this country must adopt sound domestic and international policies with respect to wheat, so that we can maintain an adequate price to the producer during periods of surplus, and so that we can protect the interests of the consumer during periods of scarcity.

If we are to make orderly marketing a success, then we must take cognizance of the need for storage and for financing wheat surpluses. As of March 3rd of this year, the farmers of this western country had marketed only 260.3 million bushels of wheat. That is 18 per cent below 1952, but only 5 per cent below 1951. With 678.4 million bushels of wheat available for export all of our available storage in Canada is now fully utilized, and there are large quantities of wheat in storage on the farms. I think it is unlikely that the wheat quota will be very much above 8 bushels per acre by July 31st of this year. But the real problem will start when we begin to take off the 1954 crop. With terminal elevators and country elevators full, with part of the 1953 crop stored on the farm, the 1954 crop will present very great problems.

My contention is that if Canada as a national policy (and it is a good one) is going to have a policy of orderly marketing, then the burden of carrying such a policy is not the sole responsibility of the wheat producers, but the responsibility of the Canadian economy as a whole. Therefore the Canadian economy must help the farmer solve these two problems that arise necessarily out of a long-term marketing programme. The first thing that must be provided is additional storage. If a big crop comes off in 1954, then storage will have to be found. The logical place to store additional wheat is on the farms. That means that by some means or other the farmer will have to get the

Friday, March 26, 1954

necessary loans to build additional storage facilities. He will have to be able to get those loans at low rates of interest. He will have to have a provision similar to what they have in the United States, by which those loans are paid back out of payments for storage for which he will be credited for storing that wheat, with the additional provision that in any year when those granaries are not in use and not storing wheat, then there is no repayment on the loan. In other words, the farmers would be assisted to put up granaries, and the loans would be paid off as they stored wheat and out of the payments for storing that wheat.

The second problem which the national economy must help the western producer to face is the problem of enabling the farmer to finance his farming operations until such time as we pass out of the surplus period into a period of more normal marketing conditions. As far back as 1941 I was advocating in the House of Commons (and I have never ceased to advocate since) that we should follow a policy similar to that in vogue in the United States, which started back in 1936, by which they advance to the farmers 75 per cent of the parity price. I am suggesting that we should advance farmers 75 per cent of the initial price for wheat stored on the farm, or as an alternative, as they do in the U.S.A., the buying of the wheat outright and taking title to the wheat and paying the farmer for storing it on the farm. Of course, the payments for storing the wheat would be charged against the loan which was given to him to put up the storage facilities.

This question of helping the farmer to finance during a period of surplus when his wheat cannot be readily sold, is not designed to look after the farmer alone. In western Canada our agricultural economy rests primarily on the ability of the wheat producer to dispose of his wheat, and if he cannot dispose of his wheat, it is not only the farmer who is financially embarrassed. It is the merchant; it is the business people of the community; it is the municipality; it is the school board, the hospital board; indeed all the people giving services in that community. Yes, and we can go much farther abroad. It affects business all across Canada. It affects the industries of Eastern Canada, all those who sell farm machinery and trucks and other goods to the farmers of western Canada. Therefore it would be in the interest of the Canadian economy generally, and the western economy particularly, to face up to the problem of how is the farmer going to finance during this period of surplus production of wheat, confident as I am that that period of surplus production will in time give way to a period of deficiency when this wheat which is now accumulated will be badly needed by nations in all parts of the world.

That is why, Mr. Speaker, we have suggested in this resolution that probably there ought to be a conference of western agriculture and the western provincial governments and other interested parties to examine this whole situation. It may be somewhat premature to talk about a conference just at this moment; but we will see within the next month or six weeks what is likely to happen. When the St. Lawrence opens up, wheat may begin to move. There may be fairly large and substantial orders for wheat coming to the Wheat Board. We have no way of knowing for certain. It may be that, by the first of May, the situation will have improved and the conditions which I have outlined will not be quite as serious as they are at this particular moment. If that be true, I would be the first to suggest that the crisis had passed and no such conference was necessary. If, however, the situation does not improve and if there is not a very extensive movement of wheat out of Canada and from the farms to the elevators and from the elevators towards the terminals, then I suggest that such a conference should be held.

Friday, March 26, 1954

The House might well ask, "What is the value of such a conference?" I suggest that the first value of such a conference would be that it would enable western Canada to speak with a single voice, since our western economy is vitally affected by the present situation and by the future prospects. After all, orderly marketing is a national policy; therefore the consequences of a national policy should be accepted as a national responsibility. But the only way that the authorities in Canada can be expected to recognize the problems of one area in Canada, is for all the people and all the groups in that area to speak with a single voice. I would like to see such a conference bring together all groups in western Canada, irrespective of our other differences about other things, in order that we would speak together upon the need for action at the national level to safeguard our western agricultural economy from any injurious results arising out of the present wheat situation.

Such a conference would present us with an opportunity of sitting down and assessing accurately all the facts in order that we may know what the situation is with respect to wheat, what the future prospects are of disposing of wheat, and how long we are going to have to carry this wheat. These are facts which could come out of the kind of discussion which I am suggesting.

Another purpose of this conference would be to enable those attending it to canvass the situation to see what we in the west could do for ourselves, through our provincial governments and our municipalities, through our Pools and all our farm and business organizations. There may be things we could do ourselves to help meet this situation by pooling our resources and by putting our various ideas together.

Finally, such a conference would enable the representatives of western Canada, as a united body, to present to the Government of Canada concrete proposals to enable our western economy to survive during this surplus period in order that the burden of implementing orderly marketing policy might not fall exclusively upon one segment of the Canadian economy.

Mr. Speaker, I am aware of the fact that, even if we get such a conference, and the conference sends a delegation to Ottawa to discuss the questions I have just outlined, and even if we are able to get a policy instituted to provide for additional storage, to provide for helping the farmer finance through this interim period, this is not the final solution. The final solution, of course, is to sell the wheat. As I have said, I am convinced that we will sell the wheat. Much could be done, however, to accentuate the rate at which we could sell our wheat. Something can be done by removing unnecessary trade barriers that stand in the way of our customers gaining access to the Canadian market, by overcoming some of the currency difficulties in countries which lack Canadian dollars. I have suggested before the setting up an International Currency Stabilization Fund by which we would be able to make it possible for countries not having Canadian dollars to put part of the payment for our wheat into an International Currency Stabilization Fund in their own currency. The United States is now accepting Sterling and francs for payment of surplus wheat and other surplus agricultural commodities. I think one of the things that can be done to help dispose of our wheat is for this country to step up its contribution through the Colombo plan, and to extend credit and to give further assistance to backward and underprivileged nations in order that we might be able to sell some of our wheat there.

Again I point out that if wheat is going to be donated, or if wheat is going to be given on loan, to backward or underprivileged countries, it ought not to be at the expense of the men who grew the wheat. It ought to be

Friday, March 26, 1954

the responsibility of the entire Dominion of Canada. It does seem absurd, however, that, in a world in which there is so much hunger, in a world in which there are so many millions of people who haven't enough to eat, we should be unduly concerned or unduly alarmed about these great surpluses. I am convinced that, if our country and the other countries of the world were prepared to support the ideas advanced by the Food and Agricultural organization for the setting up of a world food bank upon which needy countries could draw, we could do much not only to solve our problem of surpluses, but we could do much to raise the living standards of these backward people.

Mr. Speaker, we should stop and think of what the world is spending, or even what our own country is spending, in terms of national defence – and I am not quarrelling with spending money for national defence. In the kind of world in which we live, we can't go around with nothing but our bare hands to defend ourselves. As I have said in this House before, in the final analysis guns and bombs and planes are no final defence. They may be a temporary defence; they are not a final defence. The only final defence is to establish ourselves from them, because our neighbour's hand will be stretched out in friendship and neighbourliness to us.

The suggestion I am making in this resolution is that, with this wheat situation as it is at the present time, and looking at it in the light of the history of wheat marketing over a long period of years, there is no occasion to become alarmed. This wheat will be needed; this wheat is invaluable. But in the interim period, during the period of adjustment, the Governments of western Canada and the Government of Canada have a responsibility. That responsibility is to see that the farmer is assisted in getting storage facilities and that he is assisted in financing during the period when he is waiting for this surplus of wheat to move out onto the markets of the world. We on this side of the House believe, and I hope we will be supported by all groups of the province, that this is a time to forget political differences, to forget different ideas on other questions, and to present a united front to the Government of Canada and to the world. We believe in orderly marketing. We believe, however, that a great surplus of wheat ought not to penalize the people who grew the wheat; but rather the fact that they have grown a great surplus of wheat ought to mean that the national economy will see to it that they are not penalized for having done such a good job of growing the best wheat in the world. That conference, if it is found necessary – and it will be necessary if the situation does not improve in the course of the next few weeks – should be held here in western Canada. This conference will permit us to sit down and assess all the facts, to work out a programme (in which we can take our part) to take to Ottawa in order to ask Ottawa to assume its fair share of the responsibility of seeing the wheat producers through this present critical situation.

Therefore, Mr. Speaker, I would like to move this resolution, seconded by the Hon. Mr. Nollet, Minister of Agriculture.

Mr. A. Loftson (Leader of the Opposition):

Mr. Speaker, this motion has just been put on the Order Paper, this morning. I don't think it is our purpose to oppose the motion, but we would like have time to give it consideration in view of the fact that we might be able to add something to what the Premier has said. For that reason I would like to have the privilege to adjourn the debate until Monday or some other day.

(Debate adjourned)

Friday, March 26, 1954

SECOND READINGS

Bill No. 85 – An Act to amend The Trade Union Act

Hon. C.C. Williams (Minister of Labour):

Mr. Speaker, this is an Act to amend The Trade Union Act. The first point refers to a section that has been taken from one of the Federal Acts, which does not permit an employer to withdraw any benefits the employees may have had, in the event of a strike or a walkout or anything of that kind; the employees may have had pension privileges or sick leave benefits or coffee periods even. So we want to insert that in the Act and make it impossible for the employers in this province to withdraw those benefits in the event of a strike.

The second point has to do with regulation No. 13. That has been in the regulations now for a number of years. It refers to the Labour Relations Board and how they operate, and we feel it is necessary that this regulation be now put into the Act itself. As I say, it has contained this section for a number of years whereby the Labour Relations Board could not hear any evidence in regard to anything which had transpired between the date of application for certification made to the Secretary of the Board and the actual time that the Board would meet, at which time such application would be made. This might vary from a few days to maybe two or three weeks. The validity of this section was challenged in the courts, about three months ago, resulting in a finding to the effect that the Board did not have the power to limit such evidence as being admissible. The case in point was one where a majority of the employees had signed cards requesting union membership, and when the application came to the Board, a number of the employees indicated they wished to withdraw and claimed the organizer had given false and deceptive information during the period of organization. It was alleged that these employees had also been interfered with during the period referred to, and the Board refused to hear the evidence but went ahead and certified the Union. The courts later quashed the certification, and as previously stated, claimed the Board had no power to refuse to hear the evidence.

Other cases have arisen where the employees have been interfered with by the employers or their agents during this period, with the result that employees have changed their minds and indicated to the Board that they did not now wish to be represented by the Union. There have also been cases where both parties, or their representatives, have taken action during this period which could prejudice the Board.

Cases have also been brought to attention whereby union organizers have been charged with unethical methods during the organization period, and have misled employees in securing their signatures to application cards. There is no suggestion that information along these lines may not be heard by the Board, because these things have happened previously to the date of application to the Secretary of the Board.

It might be said here, Mr. Speaker, that any union organizer who uses such questionable methods should be discharged or not employed in this capacity, because these tactics can create bad feeling among the membership, be a detriment to the union itself and to the cause of labour in general. Any union organizer who organizes in an open and aboveboard manner (and most of them do, Mr. Speaker) will have no difficulty.

Clause 3 of this Bill gives the Board absolute discretion as to whether or not the evidence of happenings during the period referred to may

Friday, March 26, 1954

be heard, and we consider it is comparable to the issuing of a writ, which means that nothing that transpires from that date on can be heard by a court. We feel the Board should not be given the power, by statute, which the courts found it did not have by regulation.

I think, Mr. Speaker, the details could best be discussed in committee, and with that explanation I would move that Bill No. 85 – An Act to amend The Trade Union Act, be now read a second time.

The question being put, it was agreed to, and the Bill referred to a Committee of the Whole at next sitting.

Bill No. 88 – An Act to amend The Rural Municipality Act

Hon. L.F. McIntosh (Minister of Municipal Affairs):

Mr. Speaker, Bill No. 88 is an effort on the part of the Government and the Rural Municipal Association to recognize the trends and developments that have taken place, and the responsibilities as the result thereof, of local governments throughout the province of Saskatchewan.

We find that, in some instances, members of rural municipal councils, for example, live at least a portion of the year outside of the municipality in which they are elected as representatives, and there are cases when they find it necessary to travel further, as a result of the place in which they live, than they would if they were living within the municipality. We also find that the municipal governments are setting up more committees of council to assist in accepting the responsibilities relative to municipal government.

There is also the question of the co-operation insofar particularly as the voting takes place, as between school units and municipal councils, and the S.A.R.M. have suggested that this particular section of the Act be clarified.

The Saskatchewan Power Corporation is moving its services and facilities into what were considered at one time as remote corners of the province; and again it is suggested that more adequate provision be made in The Rural Municipal Act to take care of this situation.

The question of roads arises from time to time and an increasing number of municipal governments are of the opinion that the old 66-foot road allowance is not wide enough to enable them to build an all-weather road. Also, municipalities find that some of the land which they possess carries the mineral rights and they, in advertising or in disposing of the mineral rights, found it necessary, according to the courts, to advertise the mineral rights lease in the same manner as they would advertise the surface rights when they come to dispose of that portion of the title that they may have to land.

Municipal governments also find that there are an increasing number of district or group meetings of municipal men, and it is suggested that some provisions be made to defray the cost of their delegates attending district or group meetings of municipal men, which, as I stated before, are much on the increase.

Municipal men, being also responsible to a very substantial degree for the controlling of the noxious weeds in their respective municipalities, have come to the conclusion that probably more adequate cleaning machinery

Friday, March 26, 1954

designed for the purpose of seed cleaning, might be made available, or should be made available, to their ratepayers; and provisions are made for the rural municipalities to participate in any municipal or any co-operative or community cleaning plants that might be located within their municipality.

Another principle involved in the Bill has to do with the question of assessing property. Again, in hamlets located in municipalities, there are times when an increased activity takes place, and this increased activity may be taking place at the time the assessment roll is made up, or between the time the assessment roll is made up, in any given year, following around to the time when it is made up in the next year. Consequently, they have asked that provision be made whereby they might be able to assess properties that are under construction between the time in which the assessment rolls are certified and finalized.

Mr. Speaker, I think that anything else that might be said in connection with the proposed Bill can be said in Committee. Therefore, I take pleasure in moving Second Reading to Bill No. 88 – An Act to amend The Rural Municipalities Act.

Mr. R.A. McCarthy (Cannington):

Mr. Speaker, I gather from the reading of this Bill that it covers things you are adding to the Act. I was wondering if you have had any representations made to you with regard to some regulations to control snow-plows on municipal roads. They are increasing at a very fast rate. I am very much in favour of them myself. I think they are the coming thing – they are much cheaper than bombardiers. But I find, in talking to municipal men, that they are very much at sea to know just what to do about it. That is, they give a snow-plow permission to go up a particular road and they are wondering about the liability and all the rest of it.

I think it is high time that we had some investigation into this thing. It is something that, I think, is going to increase and of course it is new; and there is no provision made for it in the Act at the moment – or at least I don't think so, from the conversations I have had with municipal men. They do not appear to think there is anything in the Act that covers snow-plows, and I just wondered if the Minister had representation in this regard and if he would care to give us his thoughts on it.

Hon. Mr. McIntosh: — Yes, Mr. Speaker, we have had representations relative to the question raised by the hon. member for Cannington, and we have discussed this on several occasions with the executive of the S.A.R.M. I pointed out to them some of the problems involved in municipalities having, or exercising, control over snow-plow clubs that are operating in various sections of the province.

If the municipalities should go out to license the snow-plow clubs, then that suggests that they are going to accept some responsibility for anything that might occur by way of accident as a result of the operations of the snow-plow. That places quite a responsibility upon the municipality and, up to the moment, the executive have not indicated that they would be prepared to recommend that the municipalities accept that liability as a result of licensing.

We also suggested to the municipalities, or to their association, that another approach would be to enter into a contract with a snow-plow club

Friday, March 26, 1954

that would be legally constituted, enter into a contract with that club, the contract giving you the same protection as a contract would give you if you entered into one with a contractor for the building of a road.

Premier Douglas: — Aren't there quite a few organized under The Co-operative Act?

Hon. Mr. McIntosh: — Yes. As the Premier pointed out, quite a number of clubs have organized under The Co-operative Association Act, so they become a legal entity; and the municipalities could enter then into an agreement with a club that is a legal entity, and probably take out some insurance so that each group may have adequate protection in the even of an accident or some unforeseen contingency.

I believe, Mr. Speaker, that by the time the next Session rolls around, we may have a concrete recommendation from the Rural Municipal Association. But the hon. member from Cannington is quite correct. We have had representations; it has been under study and under advisement, and we think we will probably get a definite recommendation by the time the next Session rolls around.

Mr. McCarthy: — Thank you, I am glad to hear that explanation. I think I might, if I am permitted, say this, in connection with the snow-plow clubs. I think we must recognize that our municipalities cannot plow all the roads, and that is reason we have the snow-clubs. They are not undertaken as a municipal responsibility, nor do I think they should be; nor do I think they want that responsibility. I think that lies with the snow-plow clubs. But there is a dual responsibility about who is responsible for anything that happens on these roads, and I think that is the part that should be clarified. I know it is a difficult situation, and I think it should be clarified as soon as possible because there are a lot of these clubs.

The question being put, it was agreed to, and the Bill referred to a Committee of the Whole at next sitting.

Bill No. 89 – An Act to amend The Homesteads Act

Hon. J.W. Corman, Q.C (Attorney General):

Mr. Speaker, this is a proposed amendment to The Homesteads Act.

The Homesteads Act, shortly speaking, provides that every transfer, agreement of sale, lease or other instrument intended to convey or transfer an interest in a homestead, shall be signed by the owner and by the wife.

There is a change of principle involved in the amendment contained in the Bill. The Homesteads Act, Mr. Speaker, was passed, originally, in 1915. The protection given the wife was a very narrow one at that time. It protected the interest of the wife only so long as the homestead remained a homestead. If a new home was acquired by the husband, within a week she lost her rights in the old homestead.

After the Act of 1915 was passed, it was found that some owners (that is, husbands) were leasing their homesteads for short periods, moving into rented premises, and the wife lost her right to be consulted about the sale or mortgage of the homestead. So, in 1920, the Act was amended to require

Friday, March 26, 1954

the consent of the wife if the homestead had been a homestead at any time within one year. After the passing of that Act, it was felt that the amendment did not go far enough, and did not afford the wife sufficient protection in the home that she had helped establish, and so, in 1928, the Act was amended to require the wife's consent to a disposition of any property, and I quote: "Which had been a homestead at any time." Well, as the pendulum very often does, it started going back the other way and, in 1936, the Act was again amended to provide that the wife's consent was necessary only in cases where the property had been a homestead within a period of seven years.

It is hard to discover the reason for that change. Before 1936, or at least during the period 1928 to 1936 – it could be called the 'golden days' of government in Saskatchewan, by some people; but during that period, the wife was entitled to exercise control over the disposition of a homestead that had, at any time, been a homestead. I do not know the reason for the change, but, in any event, in 1936 they cut down the time to seven years. A number of reasons were given. There was a case of *Burn vs. Burn* – if anyone is interested it will be found in 1935 2WWR, page 336. That case was relied on for the change in the law based on the fact that the judges in that case held that a wife's right, given by this Homesteads Act, is a right only to veto the decision of the husband, but is not a substance of right. For instance, in that case, the wife was applying for possession. The judges held that her right was only a right to veto. Then it was argued that, if that was the only right she had, it was an unnecessary restriction on the so-called, or presumed, right of the husband to run his own business; and so they cut down the time and said they would put in the seven-year period.

It is our opinion that, as most homes are built and established by the joint effort of the husband and the wife (and that is true of homesteads, or homes, more than other property), it is the opinion on this side of the House and I believe it will be unanimous, that the wife is entitled to a voice in the disposition or the mortgaging of any property which has, at any time, been a homestead. We do not think it unduly interferes with the right of the husband to run the so-called 'show', and it was the law of this province from 1928 to 1936. I do not know that I need say any more. We think it was good law during those years, and we think it will be good law for the future.

I therefore move Second Reading of this Bill.

Mr. Robert Kohaly (Souris-Estevan):

Mr. Speaker, it is very difficult to criticize the hon. Minister when he puts things so fairly about the 'golden age' and some of these other ages that we have had. But I do want to speak (and I think I am in order) on the principle, to point out to you that the hon. Minister, in explaining to the members what 'homestead' actually meant, used the word 'home'; and that indicated to him better than anything else could what provision was involved in The Homesteads Act, what the Homesteads Act really means.

I think one of the points we want to bring to the attention of the House (and it is the considered opinion of the Law Society of the province) is that the use of the word 'homes' rather than 'homesteads' would have tremendous value in continuing to protect those people which this Act envisages to protect. It has been the request of the members of the legal profession, through their society, that the use of the word 'homes' be adopted; however, the Bill presently before us does not appear to take this into consideration.

Friday, March 26, 1954

It was most pleasing to me to hear the hon. Attorney General explain to this House what 'homestead' actually and truly meant, so that everybody would understand it, by using the word 'home', and that is what we would like to have in the Act. I think it should be in there – the use of the word 'home' so that when a woman is confronted with the problem of the leasing, mortgaging or sale of a piece of property which, in fact, is 'homestead' in law, she will know exactly what she is doing. We do not need to explain to her the long, careful rigmarole that is necessary in order for her to understand and to know what rights and privileges she has. And that is the first point that I would like to raise.

The second is that we appear to be taking this move – and I am not objecting to it, but pointing it out for what it is; we appear to be moving closer to the system of dower that we have in some of our neighbouring provinces. This tends to get us part-way over there. The question is, do the members recognize that that is what we are doing, and if so, is that what we want? I have no great objection to it. I think it has some serious merits where it has been practised. But I want it to be perfectly clear that that is where we appear to be going; and that, of course, is the major principle.

The hon. Attorney General, when he first spoke, said there is a change in principle; but I did not get the point where he said this is the principle; he never did mention that. I submit that what the principle is is a step by step transition to the dower system; and this is the first Act that is necessary in order to get there.

I may be incorrect, and, of course, I will stand corrected by my learned friend, who has had much more experience than I, and much more ability with this; but it appears to me that this is the opening of the door to the dower system.

Hon. Mr. Corman: — What do you understand by that system? I just want information.

Mr. Kohaly: — The dower system gives, in my opinion, the right for a woman to have a positive interest in the property involved; that is to say, she has in her own right an interest in it. Actually, today, when you take a homestead declaration from a wife you say, "Did you do this of your own free will?" That is consent. There is a section in The Homesteads Act, and I think it is repeated here: "I, Mary Smith, wife of the above named Joseph Smith, do hereby declare that I have executed this transfer for the purpose of relinquishing all of my rights in the said homestead in the favour of 'so and so'." She is consenting to what her husband has, in fact, done. Under the dower system, as I understand it, the wife has a positive interest. It would not be a matter of consenting; she and her husband together would make transfers, agreements, or leases to some third person. And this is the first move in order to get that; and I submit that is the principle involved. I am not arguing against it; I am just pointing out that it is there so that all will know. That is where we appear to be getting to, and I would like to be corrected if I am not correct in my assumption. I, of course, would be bound by what the hon. Attorney General has to say in reply, if he does so.

There is a third point I want to raise here. I cannot understand why the Government, in bringing this Bill in, have continued to penalize and to look down their nose at the legal profession. It is an honourable, longstanding profession and, of course, well recognized by all. However, they insist that we must not draw up and sign the Homesteads declaration ourselves.

Friday, March 26, 1954

If my student draws up a transfer, then I cannot take the Homestead declaration; yet if the man across the street, a student, draws up the transfer, brings it across to me and I question the wife and she says, "Yes, my husband didn't twist my arm", or whatever is involved, I can sign it. It borders on the ridiculous just a bit, that we have not enough integrity to draw up a transfer, which is merely a conveyancing document, and at the same time be trusted to explain to the wife what rights she has. It is a most inconvenient and a most onerous business, that doesn't appear to have any validity or any good reason.

Hon. Mr. Corman: — That is in the old Act, isn't it?

Mr. Kohaly: — That is in the new Act, too.

Hon. Mr. Corman: — Yes, but I mean we are not putting it in now, are we?

Mr. Kohaly: — Well, it is a question of principle that, on second reading, I can discuss.

Hon. Mr. Corman: — Oh, I am not quarrelling with you. I am in the legal profession, too; but I mean, it isn't anything we are doing.

Mr. Kohaly: — That's what I mean, Mr. Speaker, when I say it is most difficult to criticize the Bill brought in by this particular hon. Minister. However, those are the three points that I wished to point out: the matter of principle involved, the word 'home', and some possibility that it can be made easier for us to implement The Homesteads Act in our offices, for the consideration of the Minister and the Government.

Mr. W.J. Berezowsky (Cumberland):

May I say a few words, Mr. Speaker?

Hon. Mr. Corman: — I only wish somebody would, because I don't know what to say.

Mr. Berezowsky: — Mr. Speaker, I am not a legal man, I am just an ordinary individual; but I do know that I have gone with people to Justices of the Peace and, of course, to the legal profession, with the Homestead Certificate, and the woman has been asked, as mentioned here, "Did he twist your arm, or not?" But they sign the certificate, and I am quite sure that in all cases I have ever gone, it was never explained to the wife of the husband who has been asked if she is agreeable to sign away her rights, what her rights were. I think, seeing that this amendment is dealing with the subject, it might be very proper that something be put into the Act in which it would say that, whoever takes that homestead affidavit, whether it is a man in the legal profession or a Justice of the Peace, he be required to explain what those homestead rights are, or home rights are. And probably they should be outlined in the Act.

I would also suggest that in the appendix there, on page 3, that instead of saying . . .

Mr. Speaker: — Might I suggest to the hon. member that this could better be taken up in Committee of the Whole, if you want to suggest some amendments to the Bill.

Mr. Berezowsky: — May I just mention this one thing, it won't take half a minute. Instead of having the person who signs this certificate say, "I am satisfied that she knew what her rights were", that it

Friday, March 26, 1954

should say, "I have explained to her what her rights were." I certainly agree with the principle and the ideas suggested in the Bill, that the woman should have some rights.

Mr. Speaker: — Does the hon. Attorney General want to make any more explanations on it?

Hon. Mr. Corman: — In reply to the last speaker, whether we have succeeded or not, we did try to put in the certificate that has to be signed by the person who examines the wife; we attempted to cover that ground. Previously there was no certificate to the effect that the woman was aware of her rights. I believe it has been suggested that we should have said, "I explained her rights." Well, it was taken and this was put in here at the suggestion of our Law Society. I believe it is a good idea, and we think it does cover that ground. If we find it doesn't, we will just have to re-word it.

Now about whether we are moving in the direction of the dowerage system, I don't know. Frankly, I do not know what that system is. I thought it was something the old man threw in with the bride. I am serious about that . . .

Premier Douglas: — One of those 'give-away' programmes!

Hon. Mr. Corman: — But I believe it is something that might be considered, as to whether we should move toward that. What I have suggested, this afternoon, I do not think moves us in that direction. We are simply taking out that seven-year period; we do not change the principle. But I am afraid my hon. friend has put some ideas in the head of the junior member for Regina that she is going to take out on me after this Session — that is not an invitation. It may be that this House should move in the direction of joint property; but please, I am not advocating that — I do not know; but I believe that is partly what you had in mind; we may be going in that direction. And it may be that a wife should have some control, not only of the home, but over your bank account, for instance. I don't know.

And about ignoring the wishes of the Law Society, we try to meet their wishes as much as we can; we have confidence in them. They did make the suggestion that we call this 'The Home Act' and use the word 'home'. The law officers worked on it for a long time. They don't do that in Alberta or Manitoba. We know there is some confusion between what is the home and that 160 acres you bet the government you could live on for three years. There is some confusion whether the mentality of the people of this province is such that we have to call it a 'home' and not a 'homestead' so that the wife — I believe most wives know what they are doing, not only in respect to this Act, but in other respects; but we did try to meet the wishes of the Law Society and get rid of the word 'homestead' and call it a 'home'. The boys, so far, haven't been able to do it.

The question being put, it was agreed to, and the Bill referred to a Committee of the Whole at next sitting.

The Assembly adjourned at 11 o'clock p.m.