

*Wheat Acreage Reduction Act*

applicant is the landlord; that endorsement must be secured before the landlord makes his application for payment, which must be prior to June 30. Is that not the position under the section as it now reads?

Mr. RALSTON: I was suggesting that the words "previous to payment" be inserted after the word "endorsed", so that the endorsement would not necessarily have to be before June 30.

Mr. GRAYDON: Would the minister say whether to his knowledge there are very many cases in which section 6 or section 7 would apply? Is it an extensive thing, or are there just a few odd cases before the department?

Mr. GARDINER: It is fairly extensive; if I were to go through the records carefully I could indicate the effect of it. Practically all the 1941 claims that we are still dealing with are in connection with cases of this kind. We have just held up one-third of the money, which is lying here in the treasury. The farmer says, "I am entitled to it; no one else has any right to it, because I own this land," and while that dispute goes on we just hold the money.

Mr. HANSON (York-Sunbury): Why should they not be left their remedy at law?

Mr. BOUCHER: It seems to me that we are leaving it to the minister to decide who is the landlord, the procedure being based upon the action taken by those who claim to be landlords, together with the statements of the tenants. In other words, we are asking that body of men actually to decide a point of law. Should there not be some provision in the act for some preliminary procedure in a court of law in order to have a declaration as to who is the landlord, with the proceedings to be filed with the minister on or before a certain date? In that way there would be no question of a hit-or-miss decision; there would be a clearly defined legal principle and a legal decision as to who is the landlord. That would take away from the minister the responsibility, which I am sure he would not relish, of deciding as between two opposing parties and saying who is the landlord and who is not. The landlord also would have the protection of not being dependent upon the tenant to get his application in to establish the basis for his claim.

Mr. GARDINER: I can give the figures which would indicate the outside number of those affected. Farmers making application numbered 191,334; farmers paid numbered 178,014. Those farmers have been paid up; there was apparently no question about those cases. That leaves some 13,000 farmers who have made claims but who have not been paid.

[Mr. R. B. Hanson.]

All the cases of which I am speaking now, remaining from two years ago, will be included in the last figure, but I should say they would be a very small proportion even of the 13,000.

Mr. GRAYDON: Reading sections 6 and 7 together, since they relate to the same thing, I am wondering whether the minister has given serious consideration to the position in which he is placing himself. I should not like to see the minister being called Mr. Justice Gardiner in the days that lie ahead, but since I have come into the house I do not think I have ever seen a section quite like this. It may be that there is nothing seriously in dispute, but I do not think it is a good idea to place one of the executive, which is actually the government, in what might be called a judicial position.

I do not wish to argue the question from the point of view of dry law, because, after all, that might not meet the situation, but I think the minister should give some consideration to the fact that his is a busy department; that he himself has heavy responsibilities, and to me it would seem rather a dangerous procedure to place upon him the duty of rendering judgment in respect of what might amount to 13,000 disputes, though the number will probably be much less. The minister should reconsider the matter, because I think he will be letting himself in for a great deal of trouble that he might just as well avoid. I believe I know his desire and motive in this connection; it is to get this thing cleaned up as quickly as possible and to distribute the money. Nevertheless, there is a principle involved here, even apart from the whole question of constitutionality and the legal aspect of the matter. The minister might consider the matter from the practical point of view, because, after all, I hardly think he wants to make his a judicial as well as an executive department.

Mr. GARDINER: My colleague the Minister of National Defence has suggested that in line 11 of this page the section be amended to read:

The landlord to be eligible for any payment under this act in respect of the wheat acreage reduction on any farm in any year shall make application, on which shall be endorsed previous to payment the tenant's acknowledgment that the applicant is his landlord.

Mr. HANSON (York-Sunbury): You would require evidence upon which you could base payment, in any event, and this change would not carry the principle any further. You would never pay unless you had evidence upon which to act.