

in 1940, 70 per cent and in 1939 under 60 per cent, then it be averaged—I think it should be fairly high, because if there is going to be a reduction, they should get the full benefit—then you will affect practically everybody who had put most of their acreage in wheat in 1940 effecting a tremendous increase over what they had done in 1939. But you would not affect a lot of people as you wish to do under the clause as it is worded.

As to the argument which the leader of the opposition has made with regard to the effect of “may” and “shall,” I can easily see that he was not here during the last parliament and did not have the benefit of the learned dissertations which the former leader of the opposition gave on the effects of “may” and “shall” as affecting a minister of the crown. Mr. Bennett pointed out in an admirably lucid way that the word “may” is almost invariably used when you refer to the crown or a minister of the crown, because in referring to the crown you are always very polite or respectful, and “may,” referring to the crown or a minister of the crown who is an agent of the crown in conferring rights on a subject as against the crown, had the effect of conferring a right and it was, in effect, mandatory. But the reason you use the word “may” in such cases is that, in dealing with the crown, you continue to observe those niceties of English constitutional law. I believe the leader of the opposition will find that is correct.

Mr. HANSON (York-Sunbury): I wish to say in answer to the hon. member that when I got through, I was not too sure of it myself, so I got Craie’s “Statute Law.” I refer hon. gentlemen to the learned judgment of Lord Cairns in *Julius v. the Bishop of Oxford*, reported in the fourth edition, pages 254 and 255, and it makes out a case for the minister, not for me. That is all I am going to say. Therefore I am not going to be so cocksure about my law.

Mr. PERLEY: After listening to all these learned discussions by the minister and by hon. members representing other professions in this chamber, I think we are becoming confused, and, indeed, the whole thing may be described as confusion worse confounded. I fear that we are going to have the minister himself so confused that before we reach eleven o’clock he will not know what it is all about.

He referred to the fact that an attempt is being made to get a reduction in acreage which will bring about a condition whereby there will be about 230,000,000 bushels to be delivered to the market, that being the total amount required for export and for domestic requirements. The minister also said a few

[Mr. Tucker.]

minutes ago that the compensation would bring the price to about 86 cents a bushel on the quantity of wheat which they propose to take under quota. I just wish to say that, had they told the farmers that 230,000,000 bushels, due to export restrictions and domestic requirements, was all they could take this year, and had set the price at 85 cents, it would not have cost the government or the treasury any more, and the confused situation which has arisen here and in western Canada would have been avoided.

Mr. GARDINER: May I ask the hon. member what he would do with the 575,000,000 bushels which we have already? Would he raise the price of that to 85 cents too?

Mr. PERLEY: No; what you have in store is already taken care of. It would not require twenty minutes for me to tell the committee what they ought to do with respect to that, and what they will be remiss in their duty if they do not do.

Mr. HANSON (York-Sunbury): Go ahead.

Mr. PERLEY: I wish, however, to come back to these regulations. If the minister has received proportionately as many protests as have come to me, a private member, certainly he must be flooded. I had one to-day from the rural council of Indian Head, who state that they have sent copies to the Prime Minister and the Minister of Agriculture. I have others from Qu’Appelle, from several rural municipalities, and from many individuals. One, residing at Sinteluta, is well known to the minister. He is a good farmer, and has been farming on a sound basis for years. There are those who have already adopted the principle of the fifty-fifty basis of which the minister spoke a few minutes ago. The regulations will, I believe, upset the whole plans of these men for the first year or so, and in my opinion an injustice is being done them.

I have heard discussed at great length this evening proviso (a) of the second regulation. I have in mind a farmer who is one of my neighbours, who happened to have summer-fallowed last year all the cultivated acreage on his farm. Consider now the effect of this clause which deals with the 1939 crop. In 1939 he had a very small percentage of his cultivated acreage in wheat—at the very most, not more than 25 per cent; practically all the rest of his cultivated land was in coarse grains, barley and oats; and last year he summer-fallowed it all. What are you going to do for that man under this regulation? He had not more than 25 per cent in wheat in 1939, and if he has to reduce again, he will certainly be “up against it”.