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THE EVOLUTION OF EXECUTIVE POWER IN SASKATCHEWAN

1944 to 1982

by

Jamesina G. L. Jamieson, LL. B.

Thesis submitted to the School of Graduate
Studies of the University of Ottawa in par-
tial fulfillment of the requirements for
the LL. M. degree.

January 1989.

Regina, Saskatchewan.

Dedicated to the memory of

*my mother, EILEEN H. D. (Jenkins) JAMIESON, who
quietly encouraged me in my pursuit of academic
goals,*

and

*my father, JAMES H. JAMIESON, who had the keen
interest in politics that is typical of the
Saskatchewan farmer, and who succeeded in passing
that interest on to me by relating to me from my
very early years not only his own recollections of
Saskatchewan political leaders, but also those
passed on to him by his father, who arrived on the
scene from the Shetlands in 1882.*

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Regina, Saskatchewan.
January, 1989.

Jamesina G. L. Jamieson.

THE EVOLUTION OF EXECUTIVE POWER IN SASKATCHEWAN 1944 TO 1982

R E S U M É

This thesis attempts to show the evolution of executive power as exercised by the executive council of Saskatchewan from 1944 to 1982 by examining in some detail the responsibility of the executive council and the support systems that were devised by the four separate administrations that were elected to office during the years mentioned. From the time that the Douglas administration was elected in 1944 to the defeat of the Blakeney administration in 1982, the problems of successive executive councils are discussed, along with the changes over the years in the role of the Lieutenant Governor as head of the executive council. In the course of this examination, changes in structure, function and manner of arriving at decisions are shown. A careful outline of the system that was set up in 1944 by the executive council of the then new socialist administration is given, and the variations made and the fine-tuning that was done from that time to deal with the myriad and complex issues of modern society is set forth.

In examining this evolution, the players are also seen to be important, and they and the support agencies are described to the extent necessary to give some understanding of the way the executive council functioned and exercised its authority, of the reasons for the changes made over the years, and of the means by which those changes were accomplished.

In order to place in perspective the evolution of executive power that occurred in Saskatchewan during the period under study, the historical background leading up to the abrupt change in 1944 is of importance. Consequently, an outline is given from the time of the passing of The British North America Act in 1867 through to the defeat of the Paterson government in 1944, touching briefly on the Red River Rebellion, the provisional government of Riel, the acquisition of the North-West Territories from the Hudson's Bay Company, the creation of the province of Manitoba in 1870, the difficulties and gradual changes in executive authority in "the territories" under direction of the Privy Council of Canada, the struggle for responsible government in the North-West Territories and the achievement of provincehood by Saskatchewan in 1905. This outline is given merely to set the stage for the discussion of the period under consideration. With the background that is given it can be recognized that the changes initiated in 1944 were the beginning of the modern cabinet Saskatchewan has today.

My conclusion bears out my suspicion that there is no magic that suddenly turns elected representatives into Solomons as they take their oaths to serve as ministers of the crown. The influence of the early struggles appear to be still present, but mostly in subtle ways, for hard times made it necessary for the leaders of the past to rely on their imagination and on the co-operation of neighbor with

neighbor, always a fact of life on the prairies. It is apparent that Saskatchewan executive power has gone through a tremendous evolution from a time when the Lieutenant Governor received the funds allocated to the "North-western territories" by the Government of Canada, hired the staff, administered the funds and wrote the laws, to the modern cabinet of today, all in what is a relatively short period of time.

The one concern that has resulted from the research is the modern trend to delegate authority that originally was exercised only by the legislature, to the Lieutenant Governor in Council and then, as the executive council becomes overloaded, to delegate it in turn to ministers, crown corporations, commissions and advisory councils. One tends to wonder how much farther this can continue without too much power being given away and necessary controls lost. At the same time there is a limit to the number of problems that the Lieutenant Governor in Council can deal with directly. The dilemma is an on-going one to be watched with interest.

January 1989.

Jamesina G. L. Jamieson, LL. B.

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THE EVOLUTION OF EXECUTIVE POWER IN SASKATCHEWAN 1944 TO 1982

CHAPTER 1

INTRODUCTION

1. A Definition of Executive Power

It is necessary for the establishment of good government within a jurisdiction that there be persons with authority and responsibility for carrying out the laws of the jurisdiction. These people plan and propose to the legislative assembly of the jurisdiction new laws, and changes to existing laws, to meet the needs of the society according to the policy of the group with the majority support in the assembly. They are also responsible for "executing", or seeing to the carrying out of those policies and laws on a day to day basis. This responsibility can be compared to that of a board of directors of a corporation that sees to the operation of the corporation. Such a body, in the Province of Saskatchewan, is the Saskatchewan Lieutenant Governor in Council, otherwise known as the executive council or, more colloquially, the provincial cabinet. This council is made up of persons appointed by the Lieutenant Governor, on the advice of the premier, to act as the ministers of the crown and to advise the Lieutenant Governor on matters of state. The premier is almost invariably

the president of the council.¹

The terms "cabinet", "executive council" and "Lieutenant Governor in Council", are commonly used interchangeably.² The existence of the "executive council" and "Lieutenant Governor in Council" is recognized by statute, however, whereas the term "cabinet" is not used in legislation.³ All Orders in Council passed by cabinet and all proclamations must be signed by the Lieutenant Governor before they become law. Legislation must be either assented to in the legislature by the Lieutenant Governor and, when the terms of the legislation authorize it, proclaimed into force by royal proclamation.⁴

As will become apparent in this thesis, evolution has placed most of the executive power of the government of the province in the provincial cabinet, although some real authority still exists in the Lieutenant Governor that can be called upon in rare circumstances of need. Except where relating the narrative to specific references in legislation, the reference in this thesis generally will be to "cabinet" rather than the more legal terminology of "executive council" and "Lieutenant Governor in Council" that one finds in legislation.

The complexity of modern issues, such as the use of atomic energy, that must be dealt with by cabinets today, make it impossible to run responsibly the operation of government without people with the necessary expertise to advise, to supervise and to carry out the administration of the policies and laws of the province. This is now accomplished with increasing

frequency through agencies that are either created by statute, or by an Order in Council pursuant to a statute.

A statute creating an agency almost invariably gives authority to the "Lieutenant Governor in Council" to appoint the members of the agency, (whether board, commission, committee, association or corporation), occasionally with stated requirements as to the segments of society to be represented on it. It will also provide for various degrees of autonomy for the agency. An agency is always then assigned to a specific minister of the crown, and reports through that minister to cabinet and through cabinet to the legislature by way of public accounts or a committee of the legislature. (The exception is any agency created by statute that is specifically made responsible to the legislature, such as the Ombudsman, who is appointed by the Lieutenant Governor in Council on the advice of the legislature.)⁵

Where a statute provides for appointment of members of an agency by Lieutenant Governor in Council it is done by cabinet passing an Order in Council. Often the agencies appointed are to act as advisory boards and commissions. These types of agencies (advisory boards and commissions) are relied on to an ever-increasing extent for research. Their duties end with the resulting recommendations arising out of their research.

This thesis will show that the agencies that actively carry out administration and policy and act as the arms of the cabinet have a considerable degree of influence, authority and

power by virtue of the direct liaison that the persons appointed to these positions and agencies have with members of the cabinet. The gradual development and refinement of the structure and control of these agencies is important, because only through these agencies can the cabinet exert its power to maintain good government in the province in modern times. They must therefore be included in any discussion of executive power in the province.

The foregoing outlines the method of execution and control that is common to all provinces in Canada in varying degrees, but in the west, in what is now Saskatchewan, it was achieved after much struggle, and in very recent times.

2. The End in View

It is not the object of this thesis to show reasons for the evolution of executive power during the years before the election of the Douglas government in 1944; nor to show the evolution of executive power from what was originally one level represented by one person (the Lieutenant Governor) under the direction of the federal government. It is not the intention, either, to make a detailed analysis of changes in government departments over the years (for that would be a study of the administrative arm of government), or of the various advisory and administrative boards except, in the latter case, to the extent that it is necessary to show the working link to the cabinet and the effects or influence such agencies

have on executive power. Rather, the intention is:

- (a) to outline briefly what had been achieved by 1944, in order to set the stage for an examination of the evolution of executive power in Saskatchewan for the period commencing in that year through to the defeat of the Blakeney government in 1982;
- (b) to provide a study of the gradual change in control;
- (c) to show that certain matters originally requiring authority from the legislature have now been delegated by statute to the cabinet;
- (d) to indicate the diffusion of control that has taken place through cabinet to many persons and agencies in a complicated chain of authority; and
- (e) to indicate the wider influences that now exist on what the policy formulated by the cabinet should be.

Finally, it should be pointed out that this thesis purports to deal only with the evolution of executive power in Saskatchewan. While other jurisdictions may have followed similar paths, no attempt is made at comparison.

Chapter 2 is intended to set the stage for the remainder of the thesis. It commences with the British North America Act of 1867, which created Canada with four original

provinces. Section 146 contemplated the admission of other territories, including admission of "Rupert's Land and the North-Western Territory, or either of them, into the Union".⁶ The actions of Riel and his National Committee, the formation of the province of Manitoba, executive rule of the "North-western Territory" from Manitoba, appointment of the first Lieutenant Governor of that North-western Territory, and the difficulty of governing the area because of distance will be touched upon.

Gradual changes in government of the North-western Territory were brought about by the Temporary Government Act of 1869, various amendments to it, and various Orders in Council pursuant to it. Further changes followed under the North-West Territories Act of 1875 and numerous amendments to that Act, and various Orders in Council pursuant to it.⁷ Chapter 2 will give a brief sketch of the evolution from the executive authority from 1867, and in particular, the gradual move from executive authority in one man, the Lieutenant Governor, as existed in 1876, to executive authority in an executive council responsible to the majority in the legislature as it existed in 1944.⁷

Chapters 3 through 6 will proceed to discuss, administration by administration, the changes made in the operation of government by the cabinet from 1944 through 1982. These chapters will set forth the inside structural changes over the years in the office of the premier and in the Executive Council Office. As well, they will contain a description of the

procedures and manner of operation of those offices, to the extent that this information can be ascertained. The changes made over the years necessarily reflect the changing demands of society and the attempts made to meet those demands by each cabinet.

This thesis will show that those changes, which were generally made to increase efficiency and to meet the increasing needs of the cabinet for technical experts to advise and supervise, resulted in diffusion of executive power through delegation. It will also show the way various agencies were developed to meet the needs of the cabinet, how they are controlled, and how they inter-relate.

The concluding chapter will discuss the evolution outlined in Chapters 3 through 6, marking the milestones in the evolution, and pointing out the major changes made by each administration and the implications of delegating responsibility to agencies and administrators.

Chapter Notes

CHAPTER 1

1. On the resignation of the Hon. Walter Scott (Premier from September 5, 1905 to October 20, 1916) as premier, and the assumption of that office by the Hon. William Melville Martin (Premier from October 20, 1916 to April 5, 1922), the Hon. J. A. Calder acted as President of the Executive Council for one year, at the end of which time Martin took the title of President. Saskatchewan Executive and Legislative Directory 1905-1970, Saskatchewan Archives Board, Regina and Saskatoon, Queen's Printer 1971, 9.

2. There is perhaps a slight distinction between the term "cabinet" on the one hand, and the terms "executive council" and "Lieutenant Governor in Council" on the other. The Lieutenant Governor, as the representative of the crown, is the head of state and the supreme executive power at the provincial level, with "the power of safeguarding the law and implementing their provisions, as well as devising policy and supervising its execution". MacKinnon, Frank, The Crown in Canada, Glenbow, Alberta Institute, McClelland and Stewart West, 1976, 15. The executive council is his council, appointed by him to advise him. The appointments are made on the advice of the premier who, as head of the party with the majority in the assembly is the president of the executive council. The term "cabinet", on the other hand, has a more political connotation, which excludes the Lieutenant Governor, and the head of the cabinet is the premier. However, any of these terms refer to the same group of people.

3. The present Act is The Legislative Assembly and Executive Council Act, cap. L-11.1. Before the passing of this Act in the 1980-81 session there was always a separate but very short Executive Council Act setting out the composition of the executive council.

4. Authority for a Proclamation is given by cabinet passing an Order in Council. Personal knowledge.

5. The Ombudsman Act, Statutes of Saskatchewan, cap. 0-4; see section 3 re appointment.

6. The British North America Act, 1867, 30 & 31 Victoria, cap. 3, section 146.

7. The Rupert's Land Act, 1868, 31-32 Vict., cap. 105 (Imp.) provided for the surrender of Rupert's Land by the Hudson Bay Company. The provisions for government were incorporated in the Temporary Government Act of 1869, 32-33 Vict., cap. 3, extended by The Manitoba Act, 33 Vict., cap. 3, (Can.) and further extended by An Act to make further provision for the government of the North west Territories, 34 Vict. (1871), cap. 16, by An Act to amend the Act intituled: 'An Act to make further provision for the Government of the North West Territories', 36 Vict. (1873), cap. 5 and by An Act to further amend the "Act to make further provision for the government of the North West Territories", 36 Vict. (1873), cap. 34. This was followed by a consolidation Act, namely, The North-West Territories Act, 1875, Statutes of Canada, 1875, Vol. 1, cap. 49.

CHAPTER 2

SETTING THE STAGE FOR THE FUTURE

An unseen prairie stretches to infinity,
Waits silently,
Waits for discovery,
A fierce wind blows across and sings
Of a future beyond all imagining.

1. Before Saskatchewan

(1) The Early Years - 1867 to 1870

For approximately 200 years before the creation of Canada by the enactment of The British North America Act of 1867¹ (hereafter referred to as The B.N.A. Act 1867), the area known as Rupert's Land and the North-western Territories² was governed by the Hudson's Bay Company.³ Section 146 of The B.N.A. Act anticipated the inclusion of that western area "into the Union". After the passing of that Act, Sir John A. Macdonald turned his attention to this area to the west as a source of new agricultural land and as a link from the Atlantic Ocean to the Pacific Ocean. An Address to the Queen by the Canadian Senate and House of Commons in December 1867 expressly requested the conferral of the power of annexation and the British government subsequently⁴ passed an Imperial statute in 1868 called An Act for enabling Her Majesty to accept a surrender upon Terms of the Lands, Privileges and rights of The Governor and Company of Adventurers of 'England'

trading into Hudson's Bay, and for admitting the same into the 'Dominion of Canada', which is known by its short title as The Rupert's Land Act, 1868.⁵ This was followed by the Temporary Government Act of 1869⁶ passed by the Canadian parliament, which provided for rule by a governor with a council appointed "to aid [him]".

Under the terms of The Rupert's Land Act Canada proceeded to make arrangements to take over the vast area which came to be known as the North-West Territories. On hearing of the intended take-over of the territory by Canada, the French-speaking Roman Catholics in the area became fearful of loss of their autonomy. When, during the summer of 1869, the Indians and Metis (descendants of mixed Indian and European ancestry) saw surveyors moving in, they feared loss of their land.⁷ Louis Riel, as leader of the Metis, was not opposed to company rule and was not opposed to the Queen, but was opposed to the Canadian takeover until he had a chance to negotiate to protect the rights of the inhabitants of the area.⁸ Under the leadership of Riel, opposition to the transfer from the Hudson's Bay Company was organized in the late summer of 1869.⁹

Because of communication difficulties some confusion arose about when the transfer from the Imperial government to the Canadian government was effected. This left the opportunity for Riel to take command and his actions are well known.¹⁰ An assembly of Metis elected a National Committee with Riel as president, and a provisional government was formed which negotiated for a List of Rights.¹¹ An unfortunate incident

subsequently took place. Scott was shot on the authority of Riel's provisional government. This gave an excuse to the Canadian government to send a military expedition to the Red River. The shooting, while winning acceptance for the provisional government, caused Riel to flee to the United States. Riel's actions, however, resulted in formation of a province rather than a territory and that province was named Manitoba as Riel had wanted, not Assiniboia as had been proposed.¹²

(2) Executive Rule from Manitoba (1870 to 1876)

The Manitoba Act¹³ established the province of Manitoba as a province similar to the then existing provinces, and provided for:

(a) an Executive Council composed of such persons and under such designations, as the Lieutenant Governor shall think fit, and in the first instance, of not more than five persons (section 7);

(b) a Legislative Assembly composed of twenty-four Members, to be elected to represent the Electoral Divisions which the Lieutenant Governor was authorized to establish (section 8); and

(c) a legislative council (section 9).

On June 23rd, 1870, the Queen signed the Order in Council to effect the transfer of Rupert's Land and the North-Western Territories to the Dominion of Canada, effective July 15th, 1870.¹⁴ In 1871 The Temporary Government Act of June 1869 was re-enacted temporarily for the North-West Territories¹⁵ and, in 1871, the Imperial Parliament confirmed The Manitoba Act by The B.N.A. Act, 1871--the first amendment to The B.N.A. Act.

The Temporary Government Act as extended¹⁶ (and section 35 of The Manitoba Act) gave the Lieutenant Governor of the North-West Territories the statutory duty of "administer[ing] the government under instructions from time to time given him by Order in Council" (section 2), with authority in the Governor in Council to appoint a council not exceeding fifteen "to aid the Lieutenant-Governor". The powers of the council were also to be conferred by Order in Council. The Lieutenant Governor was given authority to hire public officers under the original Temporary Government Act (section 4), and although there is some variation in the wording of subsequent replacement Acts, it seems to have been accepted that he retained this authority.¹⁷

Lieutenant Governor Adams G. Archibald was appointed as the first "Lieutenant-Governor" of Manitoba¹⁸ and he acted as Governor of "the North-West" Territories by virtue of section 35 of The Manitoba Act. Archibald's instructions, which he seems to have attempted to carry out to the best of

his ability, were to:

- (a) open communications with Indian Bands;
- (b) remove obstructions to the flow of population into the territories;
- (c) report on law and administration of justice;
- (d) report on a system of taxation;
- (e) report on the state of Indian tribes and their numbers;
- (f) report on the nature and amount of currency circulating;
- (g) report on lands desirable to open up at once, probable cost, conditions of settlement, with sketches;
- (h) report on the number of officers employed by the Hudson's Bay Company in the administration of government, indicating who should be retained.¹⁹

In December of 1872 Archibald was succeeded as Lieutenant Governor of Manitoba²⁰ (and of the North-West Territories) by Alexander Morris, by virtue of Order in Council of February 12, 1873.²¹ He had a council of eleven, the maximum number allowed by statute, as mentioned above, being fifteen.²²

The Order in Council of February 12, 1873 also defined the powers of the Lieutenant Governor by and with the

advice of his Council, (as the Act did not indicate the duties of the Council other than to "aid" and "advise"). The Order in Council stated that "by and with the advice of the.... Council" he was "to make provision for the administration of justice in the....Territories, and generally to make and establish such ordinances as may be necessary for the peace, order and good government of the....North-West Territories...."²³ The ordinances were to be only in relation to subjects on which a provincial legislature could legislate, and were to be subject to the approval of the Governor General in Council²⁴ which could, and frequently did, take a long time.²⁵ There was provision that in cases of emergency an ordinance could come into force without such approval, but the urgency was to be stated on the face of the ordinance.²⁶ Later, when it appeared desirable to increase the council, it was found that the wording of the Act seemed to forbid it, and an Act to amend was passed in 1873.²⁷ The amending Act allowed changes in membership and in the number of members from time to time up to a maximum of twenty-one.

At the first meeting of Lieutenant Governor Morris and his council, in March 1873, there was no swearing in, as no provision had been made for it. This was corrected by Order in Council of August 6, 1873;²⁸ but a further Order in Council was needed to correct the fact that the one of August 6th required secrecy as to both legislative and executive proceedings. An Order in Council of October 1, 1873 limited the secrecy to executive proceedings.²⁹ A further (and final)

Act amending the Temporary Government Act that was passed in 1873,³⁰ confirmed, in effect, that the Orders in Council should be passed "by and with the advice and consent of the Council", and that the Governor General in Council might make such laws as the Lieutenant Governor and Council were not empowered to make. It also defined the application of federal legislation to the territories, including criminal law, and gave the Governor General in Council the authority to extend any federal Acts, with such modifications as necessary, to the territories.

The ultimate result of all this legislation and the amendments to it was that the entire executive and legislative power in the territories was in the Dominion government, because the powers of the Lieutenant Governor were acquired through the Dominion Government, and he was under the control of the Dominion government. As mentioned above, Dominion legislation provided that the Governor in Council had authority to make laws for the territories in all areas where the Lieutenant Governor and his council did not have authority.³¹

The first step in the move toward acquiring more local decision-making (executive) power was probably advanced by Lieutenant Governor Morris when he argued with the federal government over their disallowance of a bill appointing justices of the peace. He maintained that the territorial council had to have the authority to make these appointments because of the difficulty of communication with Ottawa, and the necessity of frequent changes in the appointments because of changes in residence of those appointed.³²

Until 1873, directions were given to the west by the Secretary of State. When the Liberals under Mackenzie came to power, responsibility was transferred to the Minister of the Interior.³³ There were long periods of waiting for a response from Ottawa and frequent protests about the delays were sent. This did not change with the new regime, as in March 1874, when the North West Council met again, there was still no word from Ottawa concerning the ordinances passed previously.³⁴

The members of council received no sessional indemnity; some even paid their own hotel bills. The only reward, if one could call it that, was that a member rated the title "Honorable" in front of his name.³⁵ Sessions were therefore necessarily brief, and since executive and legislative business was discussed at the same sitting, the press was barred!³⁶

The last meeting of the Council at Fort Garry was in 1875. Lieutenant Governor Morris summarized their accomplishments. They had laid the foundations for territorial administration, obtained the goodwill of the Indians, concluded several treaties with them,³⁷ had taken measures to regulate buffalo hunting and to prevent the spread of prairie and forest fires.³⁸

(3) The North-West Territories Act, 1875, and Early Government

The North-West Territories Act of 1875,³⁹ (which appears to a legislative draftsman to be a rather hastily drafted statute), provided a separate constitution for the

North-West Territories. It came into force in October of 1876 and had the effect of amending and consolidating previous legislation. There was to be a Lieutenant Governor "to administer the government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada" (section 2), and a council of five "to aid the Lieutenant Governor", two of whom were stipendiary magistrates (section 3).⁴⁰

This Act continued all laws then in force in the territories until altered or repealed. The Lieutenant Governor was empowered to establish electoral districts as population increased and, as soon as the number of electoral districts reached twenty-one, the council would cease to exist and would be replaced by a legislative assembly. The Lieutenant Governor and Council could impose direct taxation and license fees for the raising of revenue for local and municipal purposes of each district, with power to establish municipalities in the electoral districts. (Administration of justice was through stipendiary magistrates who presided over local courts; more serious cases were to be tried by a judge of the Court of Queen's Bench of Manitoba, with appeal to the full Court of Queen's Bench of that province.)

Six months later The North-West Territories Act was amended⁴¹ to provide that the Lieutenant Governor and Council should have

such powers to make ordinances for the government of the North-west Territories as the Governor in Council may....confer on him.

This was subject to the limitation that those powers could not be in excess of the powers granted to provinces under The B.N.A. Act; and that the ordinances could not be inconsistent with the Acts of the parliament of Canada.

In 1877 an Order in Council was passed setting out areas in which the Lieutenant Governor and Council were empowered to make ordinances.⁴² Briefly, these were tenure of territorial offices, prisons, municipal institutions, licenses, solemnization of marriages, administration of justice and courts, enforcement of laws by imposition of fines or imprisonment, property and civil rights and generally matters of a local or private nature. Subject to some variation by amendment, these powers remained until 1905.⁴³

In 1876 the first separate Lieutenant Governor of the North-West Territories was appointed--David Laird.⁴⁴ A temporary Government House was established at Livingstone, Swan River, North-West Territories until buildings were erected at Battleford, which was the new capital. The first session of Laird and his council was held from March 8th, 1877 through to March 22nd.⁴⁵

Laird was considered a good administrator but was not interested in constitutional issues.⁴⁶ Initially three council members were appointed,⁴⁷ as well as a clerk of council.⁴⁸ Measures dealt with by the Lieutenant Governor and his council were matters relating to protection of health and property and procedural rules.⁴⁹

By the second session in 1878 another person had been added as a member of the council by appointment. By the fourth session, in 1881, still another had been appointed,⁵⁰ and there was one elected member from the District of Lorne (Prince Albert). Laird's term of office ended in 1881. During his term, between 1876 and 1881, only fifty orders and proclamations were passed.

To this time difficulties with the lack of jurisdiction, the inconsistencies contained in the federal Act, the various amendments and Orders in Council, and the difficulty in getting any action from Ottawa on requests or, as indicated earlier, of even getting response on the legislation passed by the first councils, made governing the vast area most difficult.⁵¹ Both Morris⁵² and Laird⁵³ were unhappy at lack of representation of the Metis, which was the largest single non-Indian group among the population of the north-west.⁵⁴ Without additional powers, a more representative council and better financial assistance, the council probably accomplished as much as was possible toward setting up the foundation for government. By the time Laird's term ended, not just the council, but the people themselves were becoming dissatisfied,⁵⁵ as evidenced in the newspapers of the west.⁵⁶

In 1882, Dewdney took over from Laird as Lieutenant Governor with the authority and duty to choose the new capital of the Territories. He chose Pile of Bones, and renamed it Regina. The powers of Dewdney and his council were set out in an Order in Council of June 26, 1881, and tabled with the

council on August 23, 1883.⁵⁷ Their powers were expanded to include some slight authority to make ordinances beyond the strictly municipal matters permitted to this time.⁵⁸

By 1884 there were eight elected members of council and there was a third stipendiary magistrate as ex officio member.

There was no executive committee as such. The council as a whole was on occasion resolved into executive session⁵⁹ and acted as an executive committee when it seemed necessary. The ordinances passed by the Lieutenant Governor in Council in turn gave further powers to the Lieutenant Governor. During the time between the sessions of council the duties of government were of necessity carried on by the Lieutenant Governor. Some examples of the very broad authority granted to the Lieutenant Governor by ordinances are the creation of Judicial Districts,⁶⁰ the licensing of billiard rooms,⁶¹ the appointment of fire guardians,⁶² the enrolment of advocates,⁶³ the appointment of sheriffs,⁶⁴ the appointment of the Registrar of Deeds,⁶⁵ the appointment of the Board of Education,⁶⁶ the appointment of poundkeepers,⁶⁷ the authorization of justices of the peace to perform marriages⁶⁸ and the appointment of notaries.⁶⁹

In 1886 the powers of the Lieutenant Governor in Council were further enlarged by Order in Council of the Governor in Council to include direct taxation and, with some limitation, the incorporation of companies.⁷⁰

In its memorial to the Dominion government in 1887 concerning the constitution of the North-West Territories, the council suggested that "the system of having appointed members be abolished", that the council be presided over by one of its own members, and that the Lieutenant Governor carry on only in an executive capacity by and with the advice of an executive council of three to be chosen from time to time by the Lieutenant Governor from the members of the North-West Council.⁷¹ These recommendations indicated a concern of the council for refining its operation as a governing body and a feeling that it no longer needed ex officio legal advisers and appointed members. It would appear from the recommendations that members of the council thought that the council should be only and entirely answerable to the people as an elected body, and that there was a need for an executive body, despite the still rather small size of the council and the fact that the Lieutenant Governor controlled the finances. This seemed to echo the need expressed by the Lieutenant Governor himself when, in his remarks at the opening of the session in 1885, he expressed a desire for assistance of the council in making decisions.⁷² This was a definite proposal from the council itself for executive advisers from among the elected members.

The authority of the Lieutenant Governor became an issue in 1889. Because the then Lieutenant Governor (Royal), in the first session of the first Legislative Assembly of 1888, sent a message to the House asking for supply,⁷³ it was taken as a concession that the assembly should have

control of the funds, for the motion included not only territorial funds, but the funds granted by the Dominion. This was the procedure used where responsible government existed. The Lieutenant Governor's action seemed an acknowledgement of the assembly's authority!

There followed a period of tactical manoeuvring in the assembly the like of which has seldom, if ever, been seen since. A succession of advisory councils resulted because the Lieutenant Governor refused to be bound by the advice of the advisory councils on the spending of Dominion funds, and the assembly refused to support an advisory council that did not insist that he do so.⁷⁴

In 1888 an Act to amend The North-West Territories Act⁷⁵ reflected some of the suggestions made in the memorial of 1887 mentioned above. It repealed the sections providing for the appointment of a council and, by section 2, formally established an elected Legislative Assembly for the North-West Territories, giving the new Assembly the duties previously vested in the council, and setting forth the composition of the Assembly. It further provided that the Legislative Assembly sit separately from the Lieutenant Governor. The dispute in the Assembly in 1889 was over the interpretation of the words "matters of finance" in section 13. That section stated that the Lieutenant Governor was "to select from among the elected members of the Legislative Assembly four persons to act as an advisory council on matters of finance ...". The argument was about whether that referred only to territorial

funds or to the Dominion grant as well. The session ended in an impasse. The problem continued through the next session and messages from both the Lieutenant Governor and the assembly were sent to Ottawa arguing the respective points of view.⁷⁶ The Dominion government amended the Act in 1891⁷⁷ to provide for the advice of the assembly or a committee of the assembly on the spending of Dominion and territorial funds, although it created new problems about the status of the advisory council. In the session of 1893 matters went smoothly, with Supply being voted on in the traditional manner.

Section 14 of the 1888 amending Act, in words modelled on sections 54 and 90 of The B.N.A. Act relating to money votes in provincial legislatures, required the Lieutenant Governor's recommendations for money bills. This Act therefore hints at province-like status in matters of finance at this early stage.

Lieutenant Governor Royal appears to have had more difficulties than any other Lieutenant Governor serving in the area that is now Saskatchewan,⁷⁸ but history deals with him benevolently. He is credited with a sense of goodwill in the battle, and with a determination, along with members of the assembly, to provide a workable, democratic government.⁷⁹

Subsequent action by Lieutenant Governor Mackintosh pointed up one difference between the government of the territories and the provincial governments in the matter of assenting to bills. Under The North-West Territories Act the Lieutenant Governor might either approve a bill or reserve it for

the assent of the Governor General; there was no provision for withholding assent as a Lieutenant Governor of a province was authorized to do.⁸⁰

2. Saskatchewan

(1) Notable Events Relating to Lieutenant Governors After 1905

As can be seen from the foregoing, for a number of years, Lieutenant Governors were actually the sole executive authority, subject to instructions from the Governor in Council. Because of the distance factor and the authority of a Lieutenant Governor to deal with the money allocated to the Territories, his authority for "disposition of" police, for the administration of civil and criminal justice (section 56, The North-West Territories Act), for appointing public officials, including the stipendiary magistrates, and for recommending to the Governor appointments to council, the Lieutenant Governor was in fact a Governor who governed.

When Saskatchewan became a province in 1905,⁸¹ Mr. Forget took his oath of office at an outdoor ceremony on September 1st, to become the province's first Lieutenant Governor. It then became his duty to choose the first premier of the province. This was a unique situation because there were no political parties as such. The two obvious leaders were the Hon. Walter Scott and the Hon. Frederick W. G. Haultain.⁸² Haultain had vigorously opposed The Saskatchewan Act, which is probably the reason Scott was chosen on September 5th. This meant that for five days the only executive authority in the province was the Lieutenant Governor.

The next time that a Lieutenant Governor had to play a prominent role in settling a problem of state was in 1916. In that year allegations of graft and corruption were made against members of the cabinet and an inquiry was called for. There were arguments pro and con a royal commission versus a select standing committee of inquiry.⁸³ There were frequent private meetings between the Premier and the Lieutenant Governor (Lake) during this turmoil.⁸⁴

The problem faced by the Lieutenant Governor arose out of a petition that was presented by the leader of the opposition which "prayed for the appointment of a royal commission" to investigate the charges made against members of the government.⁸⁵ There was initial disagreement between the Premier and the Lieutenant Governor about whether it should be made public, and about whether the Lieutenant Governor had to act in accordance with the Premier's wishes, and about whether the Lieutenant Governor had the right to seek outside advice.

Both the Premier and the Lieutenant Governor were uncertain of the proper manner in which to proceed, and to some extent looked to Manitoba for precedent. The Attorney General, the Hon. William F. Turgeon, pointed out to Premier Scott that he, as Attorney General, was chief adviser to His Honor.⁸⁶ Both the Premier and the Lieutenant Governor referred to the British constitutional authority, Todd,⁸⁷ and Scott consulted J. S. Ewart in Ottawa,⁸⁸ whom he considered the best constitutional authority in Canada. Scott, in adopting the advice of the Attorney General, seemed to be on the right

track in view of the fact that the practice established was that the Lieutenant Governor acted on the advice of his ministers. Another factor that must have been considered was that if Lieutenant Governor Lake had consulted the Chief Justice, as he had proposed, he would have been looking to Haultain, leader of the Opposition until his retirement from politics, and the political adversary of the Premier.⁸⁹

The Lieutenant Governor (Newlands)⁹⁰ was next called upon to intervene in matters of state in 1929 when, following a general election, the return was twenty-six Liberals, twenty-four Conservatives, five Progressives and six Independents (two constituencies were deferred). The leader of the Opposition (Dr. James T. M. Anderson), resigned leadership of the Conservatives to assume leadership of a combined Opposition and demanded that Premier James G. Gardiner resign.⁹¹

Gardiner, after a meeting of Liberal members elect, announced "that he had advised the Lieutenant Governor to summon the legislature at as early a date as possible in order to decide which party should hold office",⁹² and undertook "to refrain from making appointments other than those which the carrying on of public business may demand".⁹³

Gardiner's reasoning was that "the voters had not decided to select Anderson to form a government and if Gardiner asked the Lieutenant Governor to call Anderson, then Gardiner himself would be responsible for the selection".⁹⁴ (Later the same year Gardiner had occasion to discuss the situation with Winston Churchill, who assured Gardiner he had done the

right thing and even expressed surprise that the move had been questioned.⁹⁵ W. L. McKenzie King also whole-heartedly agreed that Gardiner was correct in the way he handled the matter.)⁹⁶

On several occasions the idea of abolishing the position of Lieutenant Governor was raised. The first time that is recorded was as an economy measure in 1933.⁹⁷ It was raised again in 1934, debated and defeated.⁹⁸ The Attorney General, the Hon. M. A. MacPherson, pointed out that to put the resolution into effect the constitution would have to be amended by the parliament at Westminster, and that:

"the Lieutenant Governor was 'no mere creature of the federal executive', and since it was rooted in the B.N.A. Act the position could not be altered by any Act, 'either federal or provincial'".⁹⁹

On the matter of the duties being taken over by the Chief Justice, the Attorney General is reported to have made the interesting comment that

"constitutional issues....have arisen in other provinces, where it was necessary for the lieutenant governor to exercise his authority, which, had such action been undertaken by a chief justice, he might easily have become 'embroiled in a political controversy'".¹⁰⁰

The matter was raised still again in 1935 by the C.C.F. member from Shaunavon, then was not heard of again until 1945, when it was raised one final time in the House by Premier Douglas, who stated that the duties of the Lieutenant Governor could "easily be handled by the Chief Justice".¹⁰¹ It was again pointed out that under The B.N.A. Act it was impossible to manage without a Lieutenant Governor.¹⁰²

A "tempest in a teapot" occurred in 1956 when Lieutenant Governor Bastedo reserved royal assent to a bill about which he, as a lawyer, held personal doubts as to its constitutional validity.¹⁰³ He did so without prior consultation with Ottawa,¹⁰⁴ thereby embarrassing Prime Minister John G. Diefenbaker, who had appointed him. The Act was assented to by the federal Governor in Council, but, somewhat ironically, it ultimately expired without being used.

It can be seen, therefore, that Lieutenant Governors played a very important role up until the province of Saskatchewan was created; thereafter there have been few occasions to call on the Lieutenant Governor to exercise his authority, to the extent that his usefulness was put into question at least four (and possibly five) times. Yet his presence is a guarantee of democratic government. Some of the important powers of a Lieutenant Governor, such as the power to dismiss a minister (on the advice of the Premier), the power of dismissing a cabinet, the power of dissolution of the assembly and the power to refuse dissolution, and the power of selection of the government in a crisis, though very rarely used and then only in emergencies, provide a separation of state and government and are a protection of our system of government.

(2) The Years to the End of World War One

The first Premier of Saskatchewan, Walter Scott, after having his appointment as premier confirmed by an election in December of 1905, proceeded to set up the machinery of government for the province between the years 1905 and 1908. An

Executive Council Act of 1906¹⁰⁵ provided that

2. There shall be an Executive Council....composed of such persons and under such designations as the Lieutenant Governor shall from time to time think fit.

It further provided that from the executive council officers could be appointed during pleasure as President of the Council, Attorney General, Provincial Treasurer, Provincial Secretary, Commissioner of Education, Commissioner of Public Works and Commissioner of Railways. It was stated that the Lieutenant Governor may by Order in Council prescribe the duties of the officers and of their departments (section 3). Pursuant to The Legislative Assembly Act,¹⁰⁶ the officers so appointed were to be capable of being elected as members of the legislative assembly.

The Executive Council Act¹⁰⁷ also provided for the adoption of a Great Seal for the province,¹⁰⁸ which is a symbol of executive authority on behalf of the province. The same session of 1906 also passed Acts setting up the departments of the Attorney General, Provincial Secretary and Public Works.

The years up to the declaration of World War I saw little change in cabinet personnel. Perhaps the infrequent changes had something to do with the fact that section 15 of The Legislative Assembly Act followed British and Ontario practice and provided that someone appointed to the executive council had to seek re-election.

In 1910 the number of cabinet members was increased from four to five. There were eight members appointed to the cabinet when the Hon. William Melville Martin became leader in October of 1916,¹⁰⁹ and during his administration some delegation of authority can be noticed as government started to move beyond basic law and order issues into a great number of economic and social areas. Examples of this are The Saskatchewan Loans Act, which authorized the Lieutenant Governor in Council to issue and sell securities that might have the effect of increasing the amount of the public debt, and The Drainage Act, which gave a minister almost total control of drainage projects.¹¹⁰

(3) Through Post-War Years, Drought, Depression, Pestilence and into a Second War

Following the end of World War 1 in 1918, the province experienced new growing pains as it started to develop into a major agricultural area. Charles Avery Dunning was elected by caucus to lead the Liberal party and serve as Premier when Premier Martin resigned to accept a seat on the Court of Appeal.¹¹¹ In the Dunning administration seven men filled eight positions on the cabinet.¹¹²

The years of the Dunning administration might be called "caretaker years", with review and updating of legislation. However, at least one Act is an example of delegation of administration to a board, and there were several statutes passed that delegated powers to ministers of the crown.

The Act which delegated administrative responsibility to a board, namely The Liquor Act of 1924,¹¹³ was one of the most controversial of the Dunning administration. That Act set up a board with responsibility for general management and control of liquor in the province under the direction of the cabinet, or of a member of the cabinet nominated to oversee the responsibility for the board.¹¹⁴ In the Speech from the Throne in the legislature on second reading of the bill, the Attorney General indicated that it was introduced as the result of a plebescite in which the majority favored liquor sales by government control. The minister went on to state that this meant "the Government", which he interpreted as "all the people of Saskatchewan", is going into the liquor business, and that

[p]rovision must be made for the management and administration of the business. While the former Commission was responsible mainly for licensing and law enforcement, the board would be charged with administration of a large business.¹¹⁵

Enforcement of the Act was to be the responsibility of "municipal and provincial police under the supervision of the Department of the Attorney General in the same manner as other provincial Acts."¹¹⁶

One of several Acts delegating powers to a minister is The Public Health Act,¹¹⁷ which gave wide powers to the Minister of Public Health in case of an epidemic. It is uncertain why this was necessary, but communicable diseases such as diptheria and smallpox were claiming lives in the province at the time and it seems that the cabinet felt there would be

an advantage in placing wide powers in the minister in case an epidemic should occur.¹¹⁸ One unexplainable change, however, was that administration of this Act was placed in the hands of the Deputy Minister, rather than being handled by a commission, as was previously the case.

There were several other Acts passed during the Dunning administration that suggest a beginning in extending administrative authority beyond the immediate control of the minister, in one case to an advisory committee or, in another case, to a commissioner.¹¹⁹

The Hon. James G. Gardiner succeeded Dunning as premier in 1926 for one term of office and the cabinet remained at eight members.¹²⁰ During this one term little change in executive power is evident and no expansion of delegated authority is apparent, but perhaps a glimmer of social concern can be seen in some of the legislation, such as The Child Welfare Act and The Old Age Pensions Act.¹²¹

Following the election of 1929, when no majority was returned,¹²² the Hon. Dr. J. T. M. Anderson became premier as head of a Co-operative government and the cabinet was increased to nine with ten portfolios. This change in government coincided with the "triple whammy" of drought, depression and pestilence that hit the prairies with crop failure after crop failure. The total energies of the cabinet were taken up with the struggle through these years. This is reflected in the debt legislation passed during the Anderson years.¹²³ In the midst of that struggle Saskatchewan (along with Alberta and Manitoba) gained equality with other provinces by the

acquisition of mineral rights in 1930.¹²⁴

Gardiner was returned in the 1934 election--the only Saskatchewan premier to be returned to office after a defeat. The Farm-Labour party made up the entire Opposition of five seats in the legislature. (They were known as "the quints".) The cabinet again consisted of nine members, but with nine portfolios.¹²⁵ There were further changes and additions in debt legislation during the second Gardiner administration,¹²⁶ but no great change in executive power is evident, except perhaps for tighter control on the civil service.¹²⁷

Gardiner resigned in 1935 and was succeeded by William John Patterson, the first premier to have been born in Saskatchewan. During most of the Patterson administration the severe crop failures continued--until the bumper crop of 1942 --and the cabinet focussed on the resulting problems.¹²⁸

In order to emphasize the change that commenced with the next administration it is helpful to give a picture, in some detail, of how the cabinet operated during the Patterson administration. Premier William John Patterson made his cabinet understand that the three matters he considered most important in order for a cabinet to function were solidarity, secrecy and ministerial responsibility.¹²⁹ When a matter was raised in cabinet it was discussed thoroughly until all considerations were examined and then the Premier would state what the consensus was. From then on the whole cabinet was expected to uphold the decision. No votes were taken on issues; it was simply a matter of general consensus arising

out of discussion and then being summed up in a statement to make certain everyone understood the decision. When a decision was made all ministers were expected to abide by it. A minister spoke not just for himself or his department, but for the government.

Premier Patterson was absolutely insistent on the secrecy of cabinet deliberations and advised the ministers of this. There were no leaks during the Patterson administration. Very occasionally a matter might come up where an official was asked to give special information to cabinet as a whole. Aside from that no outsider was ever present, no written agenda was prepared and no minutes were taken.

There was no follow-up to cabinet meetings during the Patterson years. Each minister, having attended a meeting, was expected to proceed to carry out any undertakings he had made there. It was taken for granted that a minister would follow through on anything requiring action from his department without a further reminder. A minister only missed cabinet meetings when it was totally unavoidable. When this happened he would contact the Premier or a fellow minister to be filled in on the decisions made in his absence.

The matter of ministerial responsibility extended to each minister having full responsibility for his department--the hiring of senior officials, the legislation relating to its concerns, the budget, and the handling of the day-to-day problem-solving of his department. The Premier in turn never interfered with a minister's decisions relating to his department. If a delegation approached the Premier on a specific

matter the Premier would never hear the delegation without the minister concerned being present. A minister was very directly concerned with the administration of his department on a daily basis and consulted daily with his deputy.

Premier Patterson and his cabinet also maintained anonymity for the civil service. The minister was advised through his department, then made the decision and took the responsibility for it. No civil servant was ever expected to publicly account--no names of public servants who advised were released. It was considered that this resulted in a stronger civil service, as the employee did not always have to worry about implications if he was wrong. As long as an employee gave his best advice his name would never be public knowledge.

Routine Orders in Council were passed without discussion during the Patterson administration, unless there was some item that a minister wished to raise. The cabinet set the budget by itself. Each minister brought the estimates for his department to cabinet, and the cabinet would have the figures on expected revenue from the Premier in his capacity as Treasurer. The members of cabinet would discuss which cuts could be made, and thus proceed to hammer out a budget at their meetings.

Cabinet met frequently during a session, and for a couple of weeks preceding a session. All legislation went through cabinet. The minister concerned would arrange to have an Act drafted by the Legislative Counsel and bring it into cabinet, where it was then gone over clause by clause.

The Patterson cabinet provided for some delegation in legislation submitted by it and enacted by the legislature during its administration. For example, the Provincial Mediation Board Act was passed in 1943 (replacing the Debt Adjustment Board originally established under legislation of the previous administration).¹³⁰ This Act provided for a board of one or more members, the number as well as membership to be determined by the Lieutenant Governor in Council. An unusual feature of the Act was that it delegated authority to the board to "appoint such person or persons to act in each judicial district....as it deems advisable for the purpose of facilitating the administration of the Act", but only with the approval of the Lieutenant Governor in Council could it confer on those persons power to make orders.

Another example is The Industrial Development Board Act, 1939,¹³¹ which created an Industrial Development Board for the purpose of general encouragement of established industries and for assisting in the establishment of new industries. The Board was to report annually to the Minister of Natural Resources. The Lieutenant Governor in Council was authorized to order payment of all office expenses, including "the salaries of the secretary and necessary assistance" and "actual sums expended by [members of the board] in attending meetings" but no salary or honorarium for members of the Board (section 5). This Act was amended the following year to allow the board to delegate duties to special committees.¹³²

The sequel to the above is that in the spring of 1943, in the dying days of the Patterson administration, The Industrial Development Board Act, 1939 was repealed and replaced by The Saskatchewan Reconstruction Act, 1943,¹³³ The new Act provided for a council (rather than a board) of not more than fifteen persons, to be appointed by the Lieutenant Governor in Council to hold office during pleasure. The remuneration of the members of the council was as determined by the Lieutenant Governor in Council.¹³⁴ The purpose of the Council, as stated in section 3 of the Act, was to:

study and investigate conditions and problems that are likely to arise during or after the conclusion of the war and....consider, develop and recommend plans, policies and activities for the purpose of meeting such conditions and problems, and [it could] confer with federal, provincial and municipal authorities, operators of industries, agriculturists, organizations of employers, organizations of employees and any other bodies.

The Council was given all of the powers of a commission under The Public Inquiries Act.

It may be that the Rowell-Sirois Report prompted the idea for a study group along the lines of the above mentioned council.¹³⁵ It seems natural, looking back, that a main concern would be how to handle the people returning from the war, and the "catching up" that would be necessary because of the restraint on consumer needs while the economic resources of the province, as well as of the whole of Canada, were being focussed on defence. As matters evolved, however, it was the next administration that made use of the report, with the irony

that the Saskatchewan Reconstruction Council is usually associated, in the minds of the people who remember it at all, as being a council of the Douglas administration. Certainly, as will appear in the following pages, it fits in with the general approach of the Douglas administration, of setting up agencies to research the needs of the province. The chairman, F. C. Cronkite, also headed many of the research projects of the Douglas administration, making a further connection in the minds of the public.¹³⁶

One further example of the delegation provided for in legislation during the Patterson years is the new Vehicles Act passed in 1939.¹³⁷ It provided for a Highway Traffic Board of five members appointed by the Lieutenant Governor in Council to regulate all matters respecting the operation of vehicles. This had heretofore been under the direct control of the Minister of Highways.

No documentation can be found to explain the initial creation of the Industrial Development Board or the creation of the Highway Traffic Board at this particular time. The changes would seem to suggest, however, that the time had come, in respect to the administration of these two Acts, where the minister simply did not have time to handle the necessary details.

This, then, is the way that the cabinet was functioning in 1944. An election was held in June of that year and the result was Canadian Commonwealth Federation (usually known as C.C.F.) 47; Liberals 5! This was the turning point in Saskatchewan in the structure and operation of the provincial cabinet.

Chapter Notes

CHAPTER 2

1. 30 & 31 Victoria, cap. 3, (Imp.) section 146. Note that by the Schedule to The Constitution Act, 1952, which is Schedule B to the Canada Act, 1982, 51 Eliz.II, cap. 11, all B.N.A Acts have been renamed Constitution Acts. In this thesis, however, the B.N.A. Acts will be referred to in their original names.

2. The original description of Rupert's Land is set out in the Charter issued by Charles II to the Hudson's Bay Company in 1670:

all those Seas streightes Bayes Rivers
Lakes Creekes and Soundes in whatsoever
Lattitude they shall bee that lye within
the entrance of the streightes commonly
called Hudsons Straights together with all
the Landes Countryses and Territoryes upon
the Coastes and confynes of the Seas
streightes Bayes Lakes Rivers Creekes and
Soundes aforesaid which are not now actu-
ally possessed by any of our Subjectes or
by the Subjects of any other Christian
Prince or State.

(Taken from Encyclopedia Britannica, 11th ed., A Dictionary of Arts, Sciences, Literature and General Information, Cambridge, National Archives, 1910, Vol. XIII, 853.)

As far as the writer can determine the area was never specifically defined beyond that. In later years, certainly by the passing of The Rupert's Land Act, 31-32 Victoria, cap. 105 (Imp.), mentioned below, the domain of the Hudson's Bay Company came to be called Rupert's Land and the rest of the whole north-western area was referred to as the North-Western Territory. According to Lewis H. Thomas, in his book, The Struggle for Responsible Government in the North-West Territories 1870-97, 2d ed., Toronto, University of Toronto Press, 1978, 6, "the Canadians....claim[ed] [the North-Western Territory] was contiguous with Upper Canada and included most of the prairie region from the Red River to the Rockies."

In regard to the spelling, in section 1 of the Temporary Government Act of 1869, 32-33 Vict., cap. 3, the area known as "Rupert's Land and the North-Western Territory" was officially designated "The North-West Territories". However, the official name did not end the variations in spelling and hyphenation for many years--even in legislation.

3. The authority to govern was in the company's charter. Exception--Selkirk settlers--1811-1835. When Lord Selkirk established a settlement at the junction of the Red and Assiniboine Rivers in 1811 that area, known as the District of Assiniboia (Ossiniboia), was governed by a Hudson's Bay governor appointed by Selkirk as leader of his colony, and Selkirk conveyed his instructions for management of the colony by correspondence. Morton, W. L., Manitoba: A History, Toronto, University of Toronto Press, Second edition 1961, 68 and Oliver, E. H., The Canadian North-West, Ottawa, Government Printing Bureau, 1915, Vol. 1, copies of correspondence reproduced.

4. Canada, H. C. "Copy of Letter from Sir Geo. E. Cartier and Mr. MacDougall to Sir F. Rogers of February 8, 1869", in No. 25. Canadian Sessional Papers (1869), 18; "Address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada to the Queen's Most Excellent Majesty", Canada, H. C., Journals of the House of Commons, Ottawa, December 12, 1867, 67-68 and Canada, Journals of the Senate, December 17, 1867, 142; Ollivier, Maurice, The British North America Acts & Selected Statutes 1867-1962, Ottawa, Queen's Printer, 1962, 162, Note: The date given by Ollivier is December 16, but the correct date is December 17.

5. Supra, note 2.

6. An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada, 32-33 Vict., cap. 3, commonly known as the Temporary Government Act of 1869, section 4.

7. Hill, Douglas, The Opening of the Canadian West, New York, The John Day Company, 1967, 75-76; Bryce, the Rev. Professor George, "Two Provisional Governments in Manitoba", reported in Transactions of the Historical and Scientific Society of Manitoba No. 25, January 9, 1890, 3, col. 1--Copy obtained from the Saskatchewan Archives at Regina; Kreutzweiser, Erwin E., The Red River Insurrection, Gardenvale, Que., The Garden City Press, no date (about 1937), 20; "Report of the Select Committee on the Causes of the Difficulties in the North-West Territories in 1869-70", Canada, H. C., Journals of the House of Commons (1874), Appendix 6, Ottawa, I. E. Taylor, 1874--Testimony of J. J. Hargrave, 185-86 and Testimony of John H. McTavish, 1. Numerous other references are found throughout the report.

8. Stanley, George, F. G., The Birth of Western Canada, Toronto, University of Toronto Press, 1936 (1963 Reprint), 70, 71, 74; and as to loyalty to the Queen (Crown) see resolution of loyalty passed at a public meeting of the Parish of St. Clement, following a declaration that those present be "subject to a Provisional Government, about to be formed under Louis Riel as President....", "Report of Select Committee on the Causes of the Difficulties, etc.", ibid., 121; Davidson, William McCartney, Louis Riel 1844-1885, Calgary, The Albion Publishing Company Ltd., 1955, 41, 73 and Jackson, James A., The Centennial History of Manitoba, Toronto, McClelland and Stewart Limited, 1970, 88.

9. Oliver, E. H., The Canadian North-West, Ottawa, Government Printing Bureau, 1915, Vol. 2, 887; Gibson, Dale and Lee, Substantial Justice: Law and Lawyers in Manitoba 1670-1970, Winnipeg, Pequis Publishers, 1972, 159; Report of the Select Committee on the Causes of the Difficulties in the North-West Territories in 1869-70, supra, note 7 at 113; Morton, W. L., Birth of a Province, Altona, Manitoba, Manitoba Record Society Publications, 1965, Vol. 1, xii, xiii.

10. See authorities referred to in notes 7, 8 and 9, supra.

11. Thomas, supra, note 2 at 35, 36, 42; Bryce, supra, note 7 at 3, col. 2.

12. Thomas, ibid., 42; Jackson, supra, note 8 at 104, 106-7.

13. 33 Vict., (Can.) cap. 3.

14. Statutes of Canada 1872, p. lxiii.

15. Kennedy, W. P., The Constitution of Canada--its Development Law and Custom, (2d ed.), London, Oxford University Press, 1928, 329, and 34 Vict. cap. 16 (previously extended by The Manitoba Act, section 36). For statutory history see note 16, below and note 7 of Chapter 1 of this thesis.

16. 34 Vict. (1871) cap. 16. The original Temporary Government Act was passed in 1869--supra, note 2. It was extended by sec. 36 of The Manitoba Act and, subsequent to the 1871 Act cited here, still further extended by 34 Vict. cap. 16, 36 Vict. (1873) cap. 5 and 36 Vict. (1873) cap. 34.

17. Temporary Government Act of 1869, ibid.; sections 4, 5 of the extending Act (34 Vict. cap. 16) incorporate authority of the original Act.

18. Thomas, supra, note 2 at 46; Morton, supra, note 9 at 237.

19. Canada and Its Provinces, Vol. 19, The Prairie Provinces, (eds. Adam Shortt and Arthur Doughty), Toronto, Edinburgh University Press, 1914, 193, 194, 195; Thomas, supra, note 2 at 49.

20. Canada and Its Provinces, ibid., 107; Morton, supra, note 9, footnote 66 at p. 89.

21. Thomas, supra, note 2 at 57; Orders in Council of the Department of the Interior, Vol. 1, 289 (available at the Saskatchewan Archives).

22. Temporary Government Act, supra, note 2, and at p. 13.

23. Order in Council of February 12, 1873, Orders in Council of the Department of the Interior, supra, note 21.

24. Ibid.

25. Thomas, supra, note 2 at 66, 67. Thomas mentions a number of instances and cites as authority Minutes of the North-West Council, March 12, 1874.

26. Order in Council of February 12, 1873, supra, notes 21 and 23.

27. An Act further to amend the Act intituled: 'An Act to make further provision for the Government of the North West Territories, 36 Vict., cap. 5, supra, note 16.

28. Order in Council P. C. No. 961 of 1873, Orders in Council of the Department of the Interior, supra, note 21 at 395.

29. Order in Council P.C. No. 429D of 1873, Orders in council of the Department of the Interior, ibid., 457.

30. An Act to further amend the "Act to make further provision for the government of the North West Territories", 36 Vict. (1873), cap. 34, supra, note 16.

31. Ibid., section 2.

32. Thomas, supra, note 2 at 65, 66.

33. Ibid., 60, and An Act to provide for the establishment of 'The Department of the Interior', 36 Vict. cap. 4.

34. Thomas, ibid., 66.

35. Ibid., 71, citing "Morris to Secy. of State, Dec. 24, 1875, [Canada Sessional Papers] 1877, No. 121, pp. 43-4".

36. Ibid., citing "Minutes of the North-West Council, Nov. 25, 1875".

37. Ibid., 63. Thomas states that between 1873 and 1877 "a new treaty was signed every year" and identifies the treaties in a footnote on p. 64 as Nos. 4, 5, 6; see also Black, Norman Fergus, M.A., D.Paed. History of Saskatchewan and the North West Territories, Regina, Saskatchewan Historical Society, 1913, Vol. 1, 210-218.

38. Hawkes, John, Saskatchewan and Its People, Chicago-Regina, S. J. Clarke Publishing Company, 1924, Vol. 1, 299. Hawkes was legislative librarian from 1907 to 1929.

39. 38 Vict., cap. 49 (found in Statutes of Canada, 1875, Vol. 1)--Note: Because of the careless indifference to the spelling in the various statutes of the Dominion government the spelling used throughout this thesis is the spelling generally used in the territories during the particular period

under discussion. This Act makes reference to former designations, but misses the spelling used in more recent statutes of the Dominion government to that time namely "North West" (i.e. without the hyphen). These variations in spelling are probably only of interest to legislative drafters.

40. It is noted that there was some early precedent in English law for judges to sit on a legislative body. In Great Western Railway Company v. Owners of S. S. Mostyn, [1928] A. C. 57 at 87, 88, Lord Shaw of Dumferline comments on the practice and underlines the complication that is apparent by referring to a case in 1305 when counsel was interrupted by the Chief Justice on a point of construction with the words, "Do not gloss the statute; we understand it better than you, for we made it...."

41. 40 Vict., cap. 7, section 3 (substitution of new section 7).

42. No. 139--dated May 11, 1877, Orders in Council of the Department of the Interior, Vol. 1, supra, note 21 at 607, 608.

43. Thomas, supra, note 2 at 86, and Order in Council No. 139 of May 11, 1877, ibid.

44. Encyclopedia Canadiana, Toronto, Ottawa, Montreal, Grolier of Canada, 1977, Vol. 6, 50. A former Premier of Prince Edward Island, he was a journalist and politician and former Minister of the Interior. Lieutenant Governor Laird presided at the first meeting of the Council of the North-West Territories commencing Mar. 8, 1877--Journals of the Council of the North-West Territories 1877-1887, at p. 5 of 1877.

45. Hawkes, supra, note 38, Vol. 1 at 325, and see Journals, ibid.

46. Thomas, supra, note 2 at 89. Laird was described by Thomas as a man of stern morality, caution and devotion to duty. See Thomas, L. H., "The North-West Territories, 1870-1905", pamphlet, 5. A pamphlet published by Canadian Historical Association, Ottawa, c/o Public Archives, 1970.

47. Namely Matthew Ryan, a lawyer, Lt. Col. Hugh Richardson, a stipendiary magistrate, and James F. Macleod, Royal Northwest Mounted Police. Journals of the Council of the North-West Territories, supra, note 44.

48. Amedee E. Forget; Journals, ibid.

49. Included registration of deeds, measures to protect the buffalo, problems with smallpox which required organization of Board of Health and generally matters of a local nature--Hawkes, supra, note 38 at 329-30, 333. Erection of a school house and a set of rules for the council to follow were two of the specific matters dealt with. See also North-West Territories Ordinances 1877.

50. Paschal Breland in 1878 and Lawrence Clarke in 1881--see Journals of the Council of the North-West Territories, supra, note 44, for the years mentioned. (It was in the Ordinances of 1878 that one first finds references to the "Lieutenant Governor in Council"; previously references were to the "Lieutenant Governor and Council", (emphasis added).)

51. Thomas, supra, note 2 at 65, 66, 67; Hawkes, supra, note 38 at 297; Black, supra, note 37 at 174.

52. Thomas, ibid., 81, citing "Morris to Mackenzie, confidential, Aug. 20, 1875, Morris papers". (The Morris papers are in the Public Archives of Manitoba.)

53. Ibid., 82; Black, supra, note 37 at 251.

54. Thomas, ibid., 81. The first census for what is now Saskatchewan was taken in 1881, and there is no breakdown in numbers between Indian and Metis and as well, French-speaking Metis were counted as French. However, the total under "Native Indian", which would accordingly include English-speaking Metis was 14,914 (78% of the population), the total number of French was 2,079 (10%) and the total of all others was 2,231. Archer, John, Saskatchewan History, Saskatoon, Western Prairie Books, 1980, 358-59 (Appendix E).

55. Thomas, ibid., 87.

56. Ibid., 91, 92; Saskatchewan Herald, Battleford, N.W.T., P. G. Laurie, Editor; dissatisfaction with government policies expressed in issues of Feb. 29, 1880, Mar. 15, 1880, April 12, 1880 (Public Opinion Column) and Aug. 2, 1880, and other issues.

57. Journals of the Council of the North-West Territories of Canada, 1877-1887, supra, note 44 at p. 9 of 1883.

58. The O.C. authorized:

1. The establishment and tenure of territorial offices and the appointment and payment of territorial officers;
2. The establishment, maintenance and management of prisons in the North-West Territories;
3. The establishment of municipal institutions in the Territories, subject to any legislation by the Parliament of Canada heretofore or hereafter enacted;

4. The issuance of Shop, Auctioneer and other licenses except licenses for the sale of intoxicating liquors, in order to the raising of a revenue for territorial or municipal purposes;
5. The solemnization of marriage in the Territories;
6. The administration of Justice including the constitution, organization and maintenance of territorial courts of civil jurisdiction;
7. The imposition of punishment by fine, penalty or imprisonment for enforcing any territorial Ordinances;
8. Property and Civil Rights in the Territories--subject to any legislation by the Parliament of Canada on these subjects;
9. Generally all matters of a merely local or private nature in the Territories.

59. Black, supra, note 37, Vol. 1 at 237. There is no distinction made in The North-West Territories Act between executive and legislative functions.

60. Civil Justice Ordinance, No. 3, 1884, section 2.

61. An Ordinance respecting the licensing of Billiards and other Tables and for the Prevention of Gambling, No. 6, 1879, section 1.

62. An Ordinance to consolidate Ordinances respecting Prairie & Forest Fires, No. 21, 1885, section 5.

63. Legal Profession Ordinance, No. 10, 1885, section 3.

64. An Ordinance respecting the Office of Sheriff, No. 4, 1881, section 1.

65. The North West Territories Act, 1875, 38 Vict., cap. 49, section 54.

66. Appointed by the Lieutenant Governor sitting in Council as an executive--School Ordinance, No. 5, 1884, section 1.

67. Herding of Animals Ordinance, No. 1, 1884, section 4.

68. An Ordinance respecting Marriages, No. 9, 1878, section 2.

69. Notaries Ordinance, No. 8, 1878.

70. O.C. July 7/76, Journals of the Council of the North-West Territories, 1877-1887, supra, note 44 at p. 11 of 1886.

71. Journals of the Council of the North-West Territories, 1877-1887, supra, note 44 at p. 73 of 1887.
72. Legislative Assembly Journals 1888, 5.
73. Legislative Assembly Journals 1888, 98, 99,
74. Ibid. and 105; Legislative Assembly Journals 1889, 25, 26, 43, 61, 62, 74, 83, 114, 115, 125, 127; Legislative Assembly Journals 1890, 35, 38, 39, 40, 48, 49, 93, 96, 103, 112, 115, 118, 120, 128; Canada and Its Provinces, supra, note 19 at 228, 230, 232, 235.
75. Statutes of Canada, 51 Vict., cap. 19, section 13.
76. Legislative Assembly Journals 1890, 48. A copy of the report and letter is printed in Sask., Legislative Assembly, Sessional Papers (1890), 6 and 115 (found at the end of the reports in the Legislative Assembly Journals for that year).
77. Statutes of Canada 1891, cap. 22--new section 13.
78. Black, supra, note 37, Vol. 2 at 633.
79. Ibid.
80. Ibid., 645-46.
81. The Saskatchewan Act, 4-5 Edward VII, cap. 42.
82. The Hon. Walter Scott (1867-1938) was Premier from Sept. 5, 1905 to October 20, 1916. He was a man of little formal education. He purchased The Leader, a Regina newspaper, in 1895 and published the debates of the assembly in the newspaper. That was where he learned his political skills. Scott's obituary, Leader-Post, March 23, 1938.
- The Hon. Frederick W. G. Haultain (1857-1942) was called to the bar of Ontario in 1882 after graduating from the University of Toronto and Osgoode Hall. He came west to practise law at Fort Macleod and represented that area in the North-West Council, and later in the legislative assembly from 1888-1905, and was then appointed to the Bench in Saskatchewan. There was some criticism that the Lieutenant Governor passed over Haultain to name Scott the first Premier of the province of Saskatchewan, but the reason is attributed to the fact that Haultain had opposed The Saskatchewan Act and that the Lieutenant Governor therefore had to choose someone who accepted it wholeheartedly. Encyclopedia Canadiana, supra, note 44, Vol. 5 at 96 and The Canadian Annual Review, The Canadian Review Company, Limited, Hamilton, R. Duncan & Co., 1906, 450.
83. Legislative Assembly Journals 1916, February 1916, 85 et seq.

84. Memoranda kept by Premier Scott--February 19, 21, 22, 23 of 1916, Lieutenant Governor: Bradshaw Charges File, Scott papers, Saskatchewan Archives (Saskatoon).

The Hon. Richard Stuart Lake, K.C.M.G. (1860-1950) was Lieutenant Governor of Saskatchewan from October 18, 1915 to Feb. 17, 1921. During the period when the allegations of graft were causing turmoil in the legislature the Premier, before going to his office in the legislative building in the mornings, often stopped at the residence of the Lieutenant Governor to discuss the proceedings in the legislature and the problems arising out of the allegations. Nothing ever came to light to implicate the Lieutenant Governor in the political games with which he had been accused, and the royal commissions that were held completely vindicated "the honor and integrity of every minister of the Crown". Legislative Assembly Journals 1917, 10, and Speech from the Throne, 74.

85. Scott papers, ibid.

86. Ibid. Note that the spelling "honor" and "honorable" is the spelling used at that time in the west, and is still used as often as not in Saskatchewan, except in legal documents.

87. Todd, Parliamentary Government in the British Colonies, London, Longmans, Green & Co., 1894, 26.

88. Ewart was an Ottawa lawyer who wrote a number of books on political and constitutional matters. Encyclopedia Canadiana, supra, note 44, Vol. 4 at 54.

89. Scott's Memoranda of meeting with the Lieutenant Governor on February 21, 1916, Scott Memos, supra, note 84.

90. The Hon. Henry William Newlands (1862-1954) was Lieutenant Governor of Saskatchewan from Feb. 18, 1921 to Mar. 30, 1931. Saskatchewan Executive and Legislative Directory 1905-1970, Saskatchewan Archives Board, Regina and Saskatoon Queen's Printer, 1971. He was also a member of the Court of Appeal as early as 1918 until about 1921--presumably until his appointment as Lieutenant Governor. There does not seem to be any other information about him available. One of Lieutenant Governor Newlands' daughters was still living in Ontario in 1981, but indicated that she was not up to an interview. She stated she had scrapbooks with clippings about her father that she intends to pass on in her family.

91. The Canadian Annual Review, 1928-29, The Canadian Review Company, Limited, Hamilton, The United Press Limited, Toronto, 1929, 469.

92. Ibid. and Legislative Assembly Journals 1929 (Speech from the Throne), 10.

93. The Canadian Annual Review, 1928-29, supra, note 91 at 470. The situation is described (in a footnote) as follows:

A petition was presented to the Lieutenant Governor on July 26, 1929 by Dr. J. T. M. Anderson on behalf of the co-operation groups asking for the dismissal of the Gardiner Government. On the same day the Lieutenant Governor replied that he had communicated the petition to Premier Gardiner, that the Premier claimed the right as Leader of the largest party elected to meet the Legislature and let the members decide the future government of the province; and that he had agreed to this on the understanding that the Legislature was to be called together at the earliest possible moment. On Sept. 4, 1929, the 1st Session of the 7th Legislature was opened. J. F. Bryant, a Cons. was elected speaker....On Sept. 6, the Gardiner Government was defeated by an adverse vote 34 to 27 on a non-confidence amendment moved by Dr. J. T. M. Anderson, Co-operative Leader. The session was prorogued after a number of Bills had been passed. On Sept. 9, Dr. J. T. M. Anderson was sworn in as head of the new Co-operative Government of the Province.

This situation may be compared with MacKenzie King's situation in the House of Commons in 1926 when, following an election, he was outnumbered when the total opposition was counted up. He wanted Lord Byng to dissolve parliament and pave the way for another election. Lord Byng refused and called on Meighen, as leader of the largest of the opposition groups to form a government. Eugene Forsey, "A Gamble and the Constitution", Saturday Night, January 3, 1953, 9.

94. Benson, Nathaniel A., None of it Came Easy, Toronto, Burns and MacEachern, 1955, 161; Note: the late James G. Gardiner had some input into writing this book, according to his son, Wilfrid J. Gardiner, who presently lives in Regina.

95. Ibid., 162.

96. Letter McKenzie King to Spence, July 22, 1929, Miscellaneous Correspondence File, George Spence Papers, Saskatchewan Archives. Spence was a Liberal member of the Saskatchewan Legislative Assembly from 1917 to 1938.

97. The Leader-Post, March 17, 1933.

There was a suggestion in a Leader Post report that it had been raised one previous time as an economy measure. The Leader-Post--report on debate, February 28, 1934. The writer found one further incident before Saskatchewan became a province when the idea was vigorously opposed in the press. Saskatchewan Herald, supra, note 56, issue of Feb. 9, 1880.

98. Legislative Assembly Journals, 1934, Feb. 27, 1934, 39.

99. The Leader-Post, February 28, 1934, supra, note 97.

100. Ibid.

101. Thomas, L. H., (ed.) The Making of a Socialist, Edmonton, University of Alberta Press, 1982, 199.

102. Section 58.

103. In her book Saskatchewan Government: Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 128, Dr. Evelyn Eager says Bastedo had doubts as to whether the bill was in the public interest as well. She also states that "since a federal directive of 1882 it was understood that in any event lieutenant governors would not act without prior consultation with Ottawa".

104. Ibid.

105. Statutes of Saskatchewan 1906, cap. 3.

106. Statutes of Saskatchewan 1906, cap. 4, section 13.

107. Supra, note 105, section 5.

108. By Order in Council dated September 5, 1905, the Lieutenant Governor's own privy seal was to be used as the Great Seal of the province as an interim measure so that the province had a Great Seal from the beginning of its existence. On November 26, 1906 the present Great Seal was authorized (Order in Council 731/06).

109. Saskatchewan Executive and Legislative Directory 1905-1970, supra, note 90 at 9--and see Appendix.

110. The Saskatchewan Loans Act, Statutes of Saskatchewan 1917, cap. 15, where powers were extended to the Lieutenant Governor in Council to authorize "from time to time the issue and sale of any of the classes of securities" issued under the Act "to an amount sufficient to provide in full the necessary proceeds for repayment purposes, notwithstanding that such issue and sale may have the effect of increasing the amount of the public debt". The original section 11 of the Act passed in 1909 provided that "the express authority of the Legislature" was needed "for any authorization of increase in the

public debt", R. S. S. 1909, cap. 33, section 11.

There are also many examples appearing of legislating greater powers for ministers. One example is An Act Respecting Mines, Statutes of Saskatchewan 1917, 2nd sess. cap. 10, which gave the minister in charge the authority to close down a mine if he is

of the opinion that the working of a mine [is done] in such a manner [that it] will prevent the carrying of this Act into effect or permit the evasion of its provisions.(section 20)

Other examples:

A. The Drainage Act, 1909, cap. 35.

Under this Act the minister had almost total control of drainage projects. He had the authority:

- (a) to vary preliminary plans (section 27);
- (b) to continue drainage work outside the drainage district for purposes of carrying off water, if necessity required it (section 36);
- (c) to extend work after completion (section 39);
- (d) to incorporate other works (section 40);
- (e) to authorize construction of bridges, culverts, etc. (section 41); and
- (f) to award payment of damages (section 44).

B The School Act, 1915, cap. 23.

This Act put most of the authority of administration in the minister, whereas previously all "officers, clerks and servants" were appointed by Lieutenant Governor in Council. (Statutes of Saskatchewan 1908, cap. 100, section 3).

Another trend in delegation which starts to appear is transference of administrative duties to commissioners and inspectors, usually, however, with the direct right of appointments to these positions being retained by the Lieutenant Governor in Council or the minister concerned. It must be noted though, that as early as 1901 this kind of delegation was legislated to a limited degree. In that year The Hospitals Act, Statutes of Saskatchewan 1901, cap. 8, section 7 had allowed the minister (or commissioner as he was then called) to appoint inspectors.

111. Canadian Annual Review, 1922, The Canadian Review Company, Limited, Hamilton, R. Duncan & Co, 1922, 790.

112. See Appendix.

113. Statutes of Saskatchewan 1924-25, cap. 53.

114. Previous legislation provided for a Liquor Commission of three to control licensing and law enforcement. The Saskatchewan Temperance Act, R.S.S. 1920, cap 194. Under the 1920 Act liquor was sold only through physicians and druggists.

115. Speech on second reading of the bill, Attorney General, the Hon. J. A. Cross, Legislative Assembly Journals 1924-25, 117.

116. Ibid., 123.

117. Statutes of Saskatchewan 1924-25, cap. 44.

118. No explanation is given in the speech of the Minister of Health in the budget debate, although he refers to the bill and the problems with diptheria and smallpox. Sask., Legislative Assembly, "Copy of speech delivered by the Hon. J. M. Urich during the Budget Debate", January 12, 1925, Sessional Papers (1924-25), (found in Legislative Journals 1924-25, p. 77). Various newspaper accounts of the fight against these diseases appear during those years--e.g. The Morning Leader, issues of Jan. 6, 1923, p. 9, May 11, 1923, p. 3, May 14, 1923, p. 7, Aug. 31, 1923, p. 5, Nov. 29, 1923, p. 10 and Jan. 28, 1926, p. 2.

119. The Grazing Lands Act, 1923, Statutes of Saskatchewan 1923, cap. 47, under which the minister had the right to establish community grazing areas (section 140), with the right of the Lieutenant Governor in Council to appoint an advisory committee to advise the minister, and

The Game Act, Statutes of Saskatchewan 1924, cap. 30, which gave ultimate responsibility to the minister (of Agriculture), who had authority to appoint a game commissioner to direct and attend to the administration of the Act (section 58).

120. See Appendix.

121. The Child Welfare Act, Statutes of Saskatchewan 1927, cap. 60 and The Old Age Pensions Act, Statutes of Saskatchewan 1928, cap. 75.

122. Supra, at p. 27 of this thesis. In 1929 a general election resulted in an assembly consisting of twenty-six Liberals, twenty-four Conservatives, five Progressives, six Independents, with two elections deferred--Legislative Assembly Journals 1929, (Speech from the Throne, September 4, 1929), 11. The opposition parties agreed to combine under the leadership of Dr. J. T. M. Anderson, who resigned as leader of the Conservatives in order to assume leadership of the joint Opposition and then demanded that Gardiner resign.

123. While there had been a Debt Adjustment Bureau in existence in the Department of Agriculture since 1922 without any

legislative sanctions (Speeches Delivered by The Hon. T. C. Davis, K. C. Attorney General on moving the Second Reading of The Debt Adjustment Act, 1934'...., in the Legislative Assembly of Saskatchewan, Session 1934-35, Regina, Thos. H. McConica, King's Printer, 1935), special debt adjustment legislation was first enacted in the spring of 1929 during the Gardiner administration. It provided for a bureau headed by a commissioner. In simplified terms, it provided for application for assistance to a Debt Adjustment Bureau, headed by a Debt Adjustment Commissioner all appointed by the Lieutenant Governor in Council. The Bureau processed the applications and the Commissioner mediated with the applicants' creditors and took assignments of crop proceeds and chattels (livestock, mostly) to be paid out to creditors under a negotiated agreement which could be registered as a chattel mortgage. The Debt Adjustment Act, Statutes of Saskatchewan 1928-29 cap. 53.

By 1930 the effects of a world-wide depression was being felt in Saskatchewan. Canadian Annual Review, (1930-31), The Canadian Review Company Limited, Toronto, The Carswell Company Limited, 1931, 247. Saskatchewan was facing a drought at the same time, the effects of which increased in 1931, and again in 1932.

In 1931 the executive council, by Order in Council, established the Saskatchewan Relief Commission as an agency to be responsible for all relief programs in the province, including funds made available by the federal government. Gazette, Sept. 5, 1931, 2; and Russell, P. A., "The Co operative Government's Response to the Depression", (1971) 24 Sask. History, 82.

During the Anderson administration several new versions of The Debt Adjustment Act were passed expanding the authority of the Commissioner to stop legal proceedings against a debtor, subject to review by a District Court judge where a plaintiff objected. The Debt Adjustment Act, 1931, Statutes of Saskatchewan 1931, cap 59, and subsequent Act in Statutes of Saskatchewan 1932, cap. 51, which required a notice to be given before commencement of action in some matters. Other legislation passed during the Anderson years in an effort to assist the plight of Saskatchewan farmers included The Saskatchewan Loans Act, Statutes of Saskatchewan 1932, cap. 2, and numerous amendments to tax legislation--Amendments to The Arrears of Taxes Act in Statutes of Saskatchewan 1931, cap. 37; 1932, cap. 33; 1933, cap. 32; 1934, cap. 24.

In 1933 the structure of the Debt Adjustment Board was changed from a Board of one person to one of "not less than three" to be appointed by and hold office during the pleasure of the Lieutenant Governor in Council, to perform such duties as were assigned to them by the Lieutenant Governor in Council. Under this legislation the board was a body corporate with further expanded authority. No action respecting contractual obligations of a resident could be taken without permission from the Board and the Board was given the same

powers of moratorium as was conferred on the Lieutenant Governor in Council (sections 21 and 23). It was given discretion to issue permits allowing a legal proceeding to continue in certain cases. The Debt Adjustment Act, 1933, Statutes of Saskatchewan 1933, cap. 82.

In the same year a grasshopper plague, which persisted for several years, in addition to the drought and depression, caused additional hardship.

124. In regard to the minerals rights, when the province was created, the minerals rights were reserved in the crown in right of Canada (The Saskatchewan Act, Statutes of Canada 1905, cap. 42, sections 20 and 21), and these were finally transferred to the province in 1930 (B.N.A. Act, 1930, cap. 26). However, because of the extreme poverty at the time, and the pre-occupation with the struggle to overcome the affects of the drought, depression and grasshopper plague, it was many years before the government was able to direct its attention to developing these newly acquired and long-sought resources.

125. See Appendix.

126. In 1934 the Gardiner government was faced with the continuing debt problem. A revised version of the 1933 Act was passed in the session of 1934-35 under the second Gardiner Administration providing for certain restrictions as to secured debts, for the Board to make orders adjusting debts, and for a mandatory direction to the Board to declare a moratorium to enforce the order of the Board--The Debt Adjustment Act, 1934, Statutes of Saskatchewan 1934-35, cap. 88 and further amendments to The Arrears of Taxes Act, Statutes of Saskatchewan 1934-35, cap. 35; Municipal Relief Acts, legislation dealing with health services in relief areas. Pursuant to The Debt Adjustment Act, an Order in Council was passed designating to the Debt Adjustment Board the "power, in individual cases, to prohibit the commencement or continuance of any specified proceeding against any person provided under the....Act." See O.C. 141/35, dated February 2, 1935, Gazette, February 15, 1935, 4.

127. A new Public Service Act, 1934, Statutes of Saskatchewan 1934-35, cap. 4, provided for tight control, with a commission appointed by cabinet (which could consist of only one person, and which Gardiner indicated was intended to be only one person) who would serve for a term of seven years (to bring the expiry in the mid-term of the government's term of office). This gave the government control over all branches, categories of employment, exams and pay schedules through approval by Order in Council on the recommendation of the commission. See Part III of the Act.

128. The bumper crop could not be sold because of the effects of the second world war on the economy. A possible Russian market was cut off and shipping was scarce--The Leader-Post, February 23, 1942, reporting on the Premier's speech in the legislature.

129. Mr. E. M. Culliton in an interview with the writer on May 4, 1983. Mr. Culliton is a former member of the Patterson cabinet (Provincial Secretary) and former Chief Justice of Saskatchewan (1961 to 1981). What follows through the next few pages on the Patterson cabinet comes from the writer's interview with Mr. Culliton.

130. Statutes of Saskatchewan 1943, cap. 15, repealing The Debt Adjustment Act, 1934, supra, note 126. (It should be noted that the Saskatchewan Debt Adjustment Act, by then R.S.S. 1940, cap. 87, had been ruled ultra vires by Bigelow, J. of the Saskatchewan Court of King's Bench in Turner & Hogg (Executors of Dalrymple Estate) v. McDonald Hills Rural Telephone Company Limited, [1942] W.W.R. 64, following the decision of the Supreme Court of Canada in In the matter of a Reference as to the Validity of the Debt Adjustment Act, 1937, Statutes of Alberta, 1937, Chapter 9, as amended, and as to the operation thereof, [1942] S.C.R. 31, the Saskatchewan legislation being "so similar to the Alberta Act".) See section 4 for quote given.

While passed during the Patterson administration, The Provincial Mediation Board Act was used extensively by the Douglas administration with some amendments to increase the assistance that could be given by the Board. Statutes of Saskatchewan 1944, cap. 20 am.; 1945, cap. 27 am., 1951, cap 10, am.; 1952, cap. 21, am. It would appear the Patterson administration used it mainly for the purposes of undertaking "a Province-wide Agricultural Land Survey" in order to acquire accurate information as to agricultural debt as at Dec. 31, 1943 in comparison with Dec. 31, 1937. "A Survey of Agricultural Land Debt and of Ownership and Tenancy in Saskatchewan as at December 31st, 1943", Provincial Mediation Board, Regina (probably 1944), 2. It also provided, in The Law Amendment (Temporary Provisions) Act, 1943, Statutes of Saskatchewan 1943, cap. 67, (and subsequent extensions) that the Provincial Mediation Board could make certain orders relating to expired leases that would be binding on an occupant of the land in question. (This Act gave the right to a tenant whose lease had expired in 1942 without having been able to cut his crop to go on and remove it.)

131. Statutes of Saskatchewan 1939, cap. 91.

132. Amendment to section 4, Statutes of Saskatchewan 1940, cap. 103, section 2.

133. Statutes of Saskatchewan 1943, cap. 68, section 10.

134. Section 2. The members of the council were F. C. Cronkite, Dean of Law at the University of Saskatchewan, as Chairperson, and W. G. Baker, M.L.A., Moose Jaw, J. G. Cooper, Barrister, Swift Current, Mrs. W. K. Cruikshank, Regina, William Walker, K.C., Canora, J H. Wesson, Regina. Numerous others appear to have been involved, for instance J. F. McKay,

(later Q.C.) was Director of local committees under the council and the committee had the services of a number of experts in agriculture, economics, geological resources and engineering, students to do research and a staff of ten stenographers. F. C. Cronkite, "Introduction" in Report of the Saskatchewan Reconstruction Council, Regina, King's Printer, 1944, 9. This report was submitted to the minister, The Hon. John H. Sturdy, Minister of Reconstruction, Labour and Public Welfare on August 2, 1944.

135. Canada, Royal Commission on Dominion-Provincial Relations, Report: Recommendations, Part I, Book II, pp. 68-71, report issued May 1940 (Commissioners: N. W. Rowell, K. C. and Joseph Sirois, LL.D.).

The above commission was created to examine the financial basis of Confederation and....the distribution of legislative powers in the light of the economic and social development of the last seventy years." Book I, p.9. The commission adopted a proposal put forth by the province of Nova Scotia for regular conferences with a permanent secretariat. Part I, Book II, 71.

As a result of the proposal for regular conferences well-researched material was needed by individual provinces in order to participate in the conferences. Information gathered by the council established by The Saskatchewan Reconstruction Act, 1943, was an early step in establishing a provincial agency for research in Saskatchewan.

136. The association with the Douglas administration is chiefly because of the fact that the main use of the report appears to have been for the preparation by Douglas, on behalf of the Province of Saskatchewan, of the reply to the proposals submitted to the Dominion-Provincial Conference in August of 1945. In the report acknowledgement is made of the work of the Saskatchewan Reconstruction Council in researching the developmental needs of the province, and that its report had been brought up-to-date in 1946 and

forms the basis of a programme of urgently necessary public investment which we believe should be undertaken in this province in the next five years to develop and conserve our natural resources.

See Dominion-Provincial conference on Reconstruction 1945-46: The reply of the Saskatchewan Government to the Proposals submitted to the Conference by the Dominion on August 6, 1945, The Bureau of Publications, Legislative Buildings, 1946, 13.

137. The Vehicles Act, Statutes of Saskatchewan 1939, cap. 83.

Chapter 3

THE DOUGLAS YEARS¹

Preserve the dignity of man
With soul erect
And trust the universal plan
Will all protect.

Robert Burns.

1. The New Leader

The above words of the Scottish bard, a poet often beautifully quoted by T. C. Douglas himself, with appropriate accent, seem to suggest the slogan used by the socialists from the time they first organized in the province--"Humanity First". The new legislature, when the C.C.F. took over in 1944, was made up of twenty-seven farmers (government 26 - opposition 1); eight teachers; six railwaymen; two merchants; one preacher and one former wheat pool man, all on the government side; and three lawyers (government 1 - opposition 2); a trapper and a businessman (both opposition) and one housewife (government).² The membership also represented a great number of different racial origins, identified by the press as Norwegian, Danish, German, Belgian, French, Ukrainian, Dutch, American, Irish, English and Scottish, with those of British origin still dominating.³

Something must immediately be said to introduce this leader of the first socialist government in North America, the

Hon. Thomas Clement Douglas. He was chosen to lead the party in 1941, when George H. Williams resigned as leader. He was born on October 20, 1904 in Falkirk, Scotland, where his father was an iron moulder. His father brought the family to Winnipeg in 1910. They went back to Britain during the years of World War I, and then returned to Winnipeg in 1919 where the young Tommy worked as a printer until 1924. Mr Douglas was educated at Brandon College (B. A. 1930), and received his Master's degree extra-murally from McMaster University in 1933 by virtue of the affiliation of that university with Brandon College. He also took some post-graduate courses from the University of Chicago. He had been ordained as a Baptist minister in 1930 and served in the Baptist Church at Weyburn. In 1944 he resigned from the House of Commons, where he had been sitting as member for Weyburn since 1935, to run in the provincial election.⁴ (It seemed it had become a habit for Saskatchewan political parties to "steal" their leaders from the federal House of Commons.) He is known to Canadians as one of the great orators and brilliant debaters. His jokes are famous, often still being told and retold from his speeches on the hustings.⁵

2. Restructuring

(1) Caucus and the Influence of the Party Legislative Advisory Committee

Not only was the political philosophy of the new C.C.F. government different from that of any government that had preceded it, but it set to work immediately to restructure the

manner of operation. Furthermore, not one member of the new cabinet⁶ had been a member of any previous government and most had no previous experience of sitting in a legislative assembly.⁷ It is therefore necessary to pause to examine the process by which changes in government machinery were accomplished. Because of the strong influence of the party executive on the cabinet it is necessary to touch on that relationship as well.

The C.C.F. caucus differed from that of other governments because it allowed the attendance of members of the party executive who were members of the Legislative Advisory Committee of the C.C.F. party organization.⁸ The C.C.F. Party Constitution provided as follows:

Section 1:

An advisory committee composed of three members appointed by and from the Provincial Council, and two members elected by the M.L.A.'s from their number, shall from time to time assist the C.C.F. Legislative Group in preparing legislation in conformity with C.C.F. policies.

Section 2:

Whenever the C.C.F. House Leader is called upon to form a Government, he shall submit the names of the proposed Cabinet Ministers to this Committee, which shall act in an advisory capacity, realizing that final responsibility for Ministerial appointments must rest with the Premier.⁹

The Legislative Advisory Committee of the party was chaired by Dr. Carlyle King, Provincial Party President, and included Premier T. C. Douglas, the Hon. J. T. Douglas (Highways and Transportation) and the Hon. J. H. Brockelbank (then

Municipal Affairs) as representatives of the cabinet. It met at various times for specific purposes when meetings were called by the chairman.¹⁰

An impression of the attempts of the party president to exert a strong influence on deliberations of the cabinet can be obtained from one letter¹¹ from Dr. King to Mr. Douglas. In that letter, King stated that more regular consultation between the executive and C.C.F. private members in regard to implementing the government program, and fuller participation of private members in the planning of the government activities, were desired. The letter proposed that each cabinet minister periodically draw up a schedule of the main projects he proposed to embark upon within a three to four month period and call together a legislative committee to consider the proposals (principles rather than details of administration). The letter further proposed that a full legislative caucus should be called at three to four month intervals to discuss the plans of all departments as modified after suggestions from the committees. No indication was found that these particular proposals were implemented.

It became established practice for the premier and the C.C.F. president to hold frequent meetings, normally once a week, but oftener if necessary. The Legislative Advisory Committee, of which they were a part, also put forth recommendations for future policy for discussion at caucus meetings.¹² An indication of its influence is a memo from the Cabinet Secretary to all ministers, dated February 8, 1957. That memo reminded them of "the policy which requires all

Ministers to discuss their proposals to appoint persons to fill important and senior government positions with the Legislative Advisory Committee".¹³

The influence mentioned above (at least theoretically) extended even to the choice of ministers to recommend to the Lieutenant Governor. Following the appointment of the Hon. I. C. Nollet as Minister of Agriculture (to replace the Hon. L. H. McIntosh, who became Minister of Municipal Affairs), Premier Douglas stated in a letter to a G. E. Wallace, Nokomis, Secretary of the Nokomis C.C.F. Committee, in regard to Mr. Nollet's appointment:

....there were a number of men, any one of whom would have made an excellent Minister of Agriculture, but after considering every angle of the situation I felt, and the C.C.F. officials with whom I am required, under our Constitution, to consult, also felt that Mr. Nollet could best fill that post.¹⁴

In regard to caucus, each minister had a committee of M.L.A.'s which was revised from time to time.¹⁵ The number of persons, not counting the minister, on each committee varied, but the minimum seemed to be five, including one member, not the minister, who would be designated "chairman". Each M.L.A. served on several committees, and occasionally a member chaired more than one.¹⁶ Minutes were kept of the meetings of the various committees.

A caucus meeting was held just before the annual party conference, and thirty days before each legislative session, as well as during the session.¹⁷ The meetings would last as long as a week, although in the first few years they lasted only a few days.

Departmental committees acted in an advisory capacity to caucus; ministers were expected to answer members' questions relating to their departments, and all questions that an M.L.A. might have concerning a department were to be submitted first to the minister and only raised in caucus if the answer was not forthcoming.¹⁸ The Premier placed a limitation on consultation with members of caucus, directing that "neither estimates nor legislation will be discussed with the caucus until it has first been to cabinet and received endorsement of the Executive Council".¹⁹

Arising out of suggestions at caucus meetings, it was established that when a minister was visiting a constituency his office should, if possible, advise the C.C.F. sitting member in advance; and official appointments affecting a constituency were to be made known to the member in advance. Also, when a reply by a minister was given to a petition relating to matters affecting a constituency, the C.C.F. member was to be advised before the petitioning group was given the reply.²⁰

Another suggestion arising out of a caucus meeting was that the order papers be utilized to get information before members. The chairman, John Wellbelove, proposed that the ministers should make available to members material that would enable them to form a series of questions on important subjects "to enable private members to rub a little salt into old sores".²¹

Each year caucus and the Legislative Advisory Committee went over all resolutions passed at the annual convention and the Legislative Advisory Committee then reported to the Provincial Council of the party.²²

(2) Advisory Commissions and Committees

Several important advisory bodies were established in fairly quick succession following the election of the Douglas administration on June 15, 1944.

(a) The Health Services Survey Commission

The first of the advisory bodies to be established was a Health Services Survey Commission. It was established officially in early September 1944 by Order in Council²³ pursuant to The Public Inquiries Act,²⁴ naming as Commissioner Henry E. Sigerist, Professor of History of Medicine at John Hopkins University in Baltimore, Maryland. Under the Act he had authority to hold hearings and to engage the services of the staff and the expert and technical advisers that he needed to fulfill the purposes of the commission.²⁵ These purposes were set out in the Order in Council in very broad terms. The Order in Council stated that the commission was

for the purpose of having an exhaustive study and inquiry made into and concerning existing health services and schemes of all types in Saskatchewan as well as hospitals, nursing homes, and all equipment or buildings available for the extension of health services, and further, to make a study of existing and potential facilities for training all types of health personnel, and for these purposes to consult with all organizations and individuals interested and to accept for consideration, articles,

submissions, or other representations made by or on behalf of interested persons or organizations, and to include in his considerations any questions which he may hold to be relevant and to recommend to the Government of the Province of Saskatchewan a program which will provide for the extension of the above services and facilities to all parts of the Province in a more integrated and efficient manner and to make any recommendations he considers advisable for a further study which will help in such a plan.

The secretary of the Commission, Dr. Mendel C. Sheps, actually began work on August 14, 1944 and Dr. Sigerist arrived on September 6, 1944, two days before the Order in Council was approved and ordered by the Lieutenant Governor. Hearings were held throughout the province and a report with recommendations was submitted to the Minister of Public Health on October 4, 1944.²⁶

One of the main recommendations arising out of the investigation of the Survey Commission was the immediate establishment of a Saskatchewan Health Services Planning Commission to plan and research costs of establishing an extensive health and hospitalization plan for the province.²⁷

(b) The Economic Advisory Committee

As a new government with no previous experience in office, rather than look to former administrations and their administrative structure, the cabinet apparently decided to find expert advice on how to put together an efficient administration. In fact, emphasis on planning could be called a hallmark of the administration, and set a precedent for subsequent socialist governments. During the first year in office

an Economic Advisory Committee was established by Order in Council appointing Dr. George Britnell (professor), as chairman, with Professor Vernon Fowke, Dean F. C. Cronkite (Dean of the College of Law) and Thomas H. McLeod as members of the committee, the latter designated as secretary.²⁸ This committee was responsible directly to the Premier.²⁹ It had a small staff and was to give the government academic and non-political advice,³⁰ particularly in relation to the departments of Agriculture, Natural Resources, Co-operatives and Reconstruction and Rehabilitation but, in fact, it looked to ways to streamline procedures in order to assist the cabinet to keep informed for the purposes of making decisions relating to government business and policy.

The Order in Council that established the Economic Advisory Committee provided:

that the said Economic Advisory Committee be given the following powers;

- (a) to engage such staff of a clerical or technical nature as may be necessary from time to time;
- (b) to have access to the files of any Department of Government;
- (c) to secure technical advice and assistance from any Department of Government upon obtaining the consent of the minister of the Department concerned.³¹

One of the first, if ~~not~~ the first, report of the Economic Advisory Committee was submitted on February 13, 1945, and it gives an indication of the sort of matters considered by this new committee. It was prepared as a result

of a request of the cabinet for advice:

- (a) "as to specific changes that might be made in the existing tax structure with a view to making it more equitable"; and
- (b) "as to possible sources of additional revenues".

The recommendations made were for an increase in gasoline tax, a reduction in commission paid to vendors for collecting the tax, and an increase in fines for infractions under The Fuel Petroleum Products Act.³²

Subsequent reports of the Economic Advisory Committee followed quickly, suggesting various changes in tax law by amendments to the legislation in regard to education tax³³ and to The Succession Duty Act.³⁴

(c) The Health Services Planning Commission

The Report of the Health Services Survey Commission (discussed in (a) above) was acted upon fairly quickly. The first session of the tenth legislature began on October 10, 1944 and a new Health Services Act became law on November 10, 1944.³⁵ That Act created a Health Services Planning Commission, the members to be appointed by the Lieutenant Governor in Council, and required the commission to undertake all of the recommendations made by the Health Services Survey Commission. Members were to be paid as determined by the Lieutenant Governor in Council. The Order in Council appointing the members of this new commission was approved and ordered by the Administrator on November 14, 1944.³⁶ Two of the three

members appointed, Clarence C. Gibson and Dr. M. C. Sheps, had been members of the Survey Commission. The legislation provided that the minister could appoint an advisory committee to the commission, to meet on the call of the commission.

This commission immediately commenced work on the duties assigned to it by the Act. As a result of its research The Saskatchewan Hospitalization Act, 1946,³⁷ was passed, to be administered by the Health Services Planning Commission. A new Health Services Act was also passed, continuing the commission and providing for health regions, municipal health schemes and a health tax.³⁸ Over the years a number of changes were made in membership on the commission, but it continued its administrative function until the passing of The Saskatchewan Medical Care Insurance Act in 1961,³⁹ when the Saskatchewan Medical Care Insurance Commission was created.

(d) The Economic Advisory and Planning Board

An undated memo from T. H. McLeod, as secretary of the Economic Advisory Committee, to the Premier, which is about co-ordination of government activities and which is found among 1945 correspondence, made a number of suggestions for consideration of the cabinet aimed at achieving greater efficiency in government administration and planning:

- a. the use of inter-departmental committees on various projects;
- b. the development of a cabinet committee responsible in some measure for general policy, co-ordination and planning;

- c. the devotion of certain cabinet meetings to consideration of policy alone.

In July 1945, a report of the Economic Advisory Committee contains suggestions for ways and means of keeping the executive informed. It recommended:

1. that a Planning Board be established, consisting of a chairman and two other members, all of them of outstanding ability; it was suggested that the members be recruited from the ranks of business, economics and engineering;
2. that a Committee of the Executive Council be designated for consultation with the Board, so that scientific facts and political policy may be co-ordinated;
3. that consideration be given to the feasibility of setting up an advisory committee representative of the more important economic and social groups in the community, the function of which would not be to pass upon the decisions of the Planning Board of the Government, but to suggest projects deemed to be in the public interest.⁴⁰

In 1946, in response to its own recommendation, the Economic Advisory Committee was replaced by a new and larger agency named the Economic Advisory and Planning Board.⁴¹ No

doubt the idea was discussed over a period of time before it was formed. While, as mentioned above, the report that included a recommendation for creation of the Board was issued in July 1945, the Order in Council creating the new Board was not passed until early in 1946.⁴² Shortly before that Order in Council was passed, a memo from the Hon. L. F. McIntosh (Minister of Co-operatives) to the Premier, dated January 11, 1946, expressed the view that

all industrial or manufactured production or public utility services to be operated by the Government, regardless of the Department they come under, should first be reviewed by the Board in order that a co-ordinated policy can be decided upon and carried out.

He further stated that

the functions of the Board would be to investigate and make recommendations respecting the enterprise to be undertaken or the service to be provided by (a) Government, (b) Co-operatives, (c) Private Business - all to depend upon what appears to be the most feasible and in the public interest.

He also suggested that ultimately the provision for the Board and its functions be governed by legislation; although in the end it continued to function as a creation by Order in Council until its existence was terminated at the beginning of the Thatcher administration in 1964.

The suggestion by the Advisory Committee for the change to a Planning Board was partially, no doubt, because of an increasing number of topics covering a very wide range of subjects which the cabinet wished to have researched. The Advisory Committee could undertake only one project at a time,

or several small related projects. Another reason was that Britnell and Cronkite were not able to advise on policy because they did not have an interest in planning or the necessary commitment to socialist philosophy. They did continue to advise the government on occasion in areas where adherence to party philosophy was not essential. The cabinet felt a need, however, for a group dedicated to their own political philosophy to carry out research and come up with suggestions and advice with a socialist approach.⁴³

The agenda for the first meeting of the new Board included a proposal for working groups to study objectives of provincial economic policy, to prepare emergency plans for drought years, to study various methods of organizing government-operated enterprises, to prepare an estimate of available capital for investment in the province and to do an inquiry into the relationship between government and co-operative enterprises in the province.⁴⁴ To pursue such an ambitious undertaking, an agency with full time research staff was clearly needed.

The functions of the Economic Advisory and Planning Board, as established by the Order in Council creating it, were:

- (a) to advise the Executive Council through its President upon all economic, industrial and commercial matters affecting the Province;
- (b) to formulate a long-term plan for the development of the economic life of the Province;

- (c) to co-ordinate all existing and future planning and economic study, and research related thereto in all Departments of the Government;
- (d) to receive, for comment and appropriate action, and to make all such comment and subject to the paramount authority of the Executive Council to take all such action as it may deem proper in respect of all plans and proposals relating to the Government's existing or proposed participation in the economic, industrial and commercial fields in or without the Province.⁴⁵

These functions did not include the actual operation of industrial enterprises as envisaged by McIntosh,⁴⁶ but they did establish that the Board was to have a major role to play in investigating, advising and long-term planning of, economic and industrial enterprises.

The Board had a staff which fluctuated in number between ten and thirteen people. Some of the fluctuation may be explained by the fact that staff was lent to other government agencies for periods of time. The personnel also changed with the coming and going of various people hired for specific periods of time because of their expertise in certain fields, depending on the research being undertaken.⁴⁷

The Economic Advisory and Planning Board was described by its first chairman, George Cadbury, as

a marriage of the politician and the technician and was composed partly of ministers, such as those of finance (Provincial Treasurer), and natural resources, and partly of technicians with a chairman who combines business experience with economic training. The Board reported to the Premier and through him to the cabinet.⁴⁸

George Cadbury was an economist originally from England, who was educated at Cambridge while Keynes was there, and later studied at the University of Pennsylvania. Before moving to Saskatchewan, he had been Deputy Director of Material Production of the British Ministry of Aircraft Production in Washington during the war. In that capacity he travelled extensively in Canada and was very familiar with this country.⁴⁹

In September of 1946, by cabinet minute, the board was divided into two sections with the same chairman and secretary, to deal with:

A. general economic considerations;

B. affairs of the Crown Companies and other Government Enterprises;

Section A to be composed of the Provincial Treasurer, the Minister of Municipal Affairs and the Minister of Education;

Section B to be composed of the members of the present Board...Section B was known as the Industrial Advisory and Planning Board.

The ministers serving on the Economic Advisory and Planning Board (E.A.P.B) were, aside from the Treasurer, those of Co-operatives (McIntosh), Natural Resources (Phelps) and Reconstruction (Sturdy)--and later the same year the Ministers of Education (Lloyd) and Municipal Affairs (Brockelbank) were added. The classification of "technicians" mentioned by Cadbury must be intended to apply to the remaining two members, Thomas H. McLeod, economist, and Dr. Morris C. Shumiatcher, barrister.⁵⁰

The chairman of the E.A.P.B., by virtue of the Order in Council creating the Board, was also appointed Chief

Industrial Executive and Co-ordinating Officer for the Province and was an officer of the cabinet. As such he served as liaison between the cabinet and the board. He was to participate actively in "all industrial, commercial and public utility enterprises" in which any government agency had an interest; and was to act as a director of any agency, including crown corporations, that the cabinet might direct.⁵¹ The members of this Board varied over the period of its existence, but it always consisted of high profile cabinet ministers.

The board designated its powers and functions between meetings to the chairman, subject to the right of subsequent review at its meetings held on the second Monday of each month.⁵²

At the first meeting study committees were set up which included members of the legislative assembly and some outside people, e.g. a representative of the Wheat Pool was on a committee to study objectives of provincial economic policy.⁵³ It was decided at that meeting to make an economic survey of the province.

At the time the E.A.P.B. was formed it was perceived by those involved with the day to day operation of government to be

charged with the responsibility of 'over-seeing' the actions of the government in order to determine if all actions were in the best interests of the Province as a whole. The Board ha[d] been staffed with economic analysts of varying capabilities who....attempted in one way or another to relate the functions of government to some attempt to maximize the economic potential of the province...."⁵⁴

This Board did, in fact, carry out the duties assigned to it by the Orders in Council that created it. It acted in a completely advisory capacity to the cabinet. Reports were prepared by the Board on many and various topics relating to the economy. These reports were made at the request of the cabinet or, on occasion, were prepared on the initiative of members of the Board where topics were considered by them to relate to matters that should be brought to the attention of the cabinet. In 1952 some of the reports and studies related to milk production, analysis of revenue and revenue sources (in collaboration with the Industrial Development Office), marketing in the oil, gas and mining industry, health care and farm labor relations.⁵⁵ It also assisted cabinet with the financial aspects involved in federal-provincial discussions.

(3) Cabinet-Planning Board Conferences

After the Planning Board was organized, joint conferences of the Board and the members of the cabinet, generally referred to as Cabinet-Planning Board Conferences, were held fairly frequently. The stated objectives for these meetings were "to secure a broad view of the whole government program in the hope that we might":

- (a) determine where things were lagging;
- (b) determine where it was possible to mark time;
- (c) explore financial resources;
- (d) establish priorities; and
- (e) see that priorities, etc. are strictly observed.⁵⁶

These conferences were used as "a critical mechanism for enabling government and professional advisers to get together in a formal way to discuss policy and ideas".⁵⁷ The idea of holding these conferences is believed to be an innovation of Douglas.⁵⁸

Initially the meetings between the Planning Board and the cabinet were to be the first Monday and Tuesday of each month. The Planning Board, through its research staff, would prepare very detailed, concise papers on assigned topics and these papers would be discussed at the conferences, generally with the party Legislative Advisory Committee in attendance. Questions arising out of the conferences were then discussed by the various committees of the cabinet concerned with the particular items.⁵⁹ These monthly meetings continued for only a very few months in the beginning. Thereafter annual Cabinet-Planning Board Conferences were held each fall when

[t]he whole economy and social situation in the province was reviewed, major proposals for changes or new policies were discussed, and guidelines for the next year's budget suggested...

Crucial to the whole operation of the Planning Board was its members' strict adherence to their advisory function and their refusal to accept any administrative role. This function remained with the departments....As time went on, departments came to use the Board and its staff as their advisers and in many instances Board staff were recruited into departments as part of their departmental establishment and as invaluable links between the two. The deputy ministers were unquestioned as chief advisers to their ministers. The Planning Board advised Cabinet, preferably after consulting, even if not agreeing with, the departmental staff concerned.⁶⁰

These annual conferences were for the purpose of an exchange of information so that the cabinet had the benefit of discussing, with members of the Board, reports prepared by the Board over the previous year, and the Board members received feed-back from the members of the cabinet on what they hoped to accomplish over the next year and their priorities. Cadbury emphasizes that the Board was made up of members committed to the party philosophy and that it acted solely in an advisory capacity with no executive authority.

The foregoing outline of the place and function of the planning board through its reports and its participation in the joint conferences is not intended as exhaustive of its role; rather, it is intended to show that the cabinet perceived a need for expertise in over-all long-range planning and fiscal policy, and the manner in which it found the answer to the need.

(4) Establishment of a Cabinet Secretariat

An offshoot of the Planning Board (it apparently came to be referred to by this shortened version of its name) was the establishment of the cabinet secretariat in 1948. Following the British example of confidentiality of meetings of the cabinet, no records had been kept and no officials were present at its meetings until this time.⁶¹

From its inception the C.C.F. government used the Clerk of the Legislative Council as their formal Cabinet secretary and gave him a small office adjacent to the Premier's office. As planning became

more precise, written records of Cabinet decisions were needed in order to communicate them to deputy ministers.⁶²

While this is taken for granted now, it was a major change at the time.

Following British and Dominion practise more recent to that time, the format adopted for the records was that of brief statements of what was agreed upon at the cabinet meetings. A policy was established of follow-up memoranda from the Cabinet Secretary to each minister, setting out the items agreed upon, for which he was responsible. Each item agreed upon was given a number referred to as the minute number and items in the record were identified by that number.⁶³

The idea for the secretariat came from the federal level in Canada. No discussions were to be recorded and the secretary diarized each matter that required further action and followed it up by memos requesting reports on the action taken. He then placed the matter back on the agenda at the appropriate time.⁶⁴

At a meeting that decided on the establishment of the secretariat,⁶⁵ a memo from Dr. M. C. Shumiatcher, who served as Cabinet Secretary for a while at the beginning of the Douglas years,⁶⁶ outlined the objectives:⁶⁷

(a) to facilitate the work of the Premier in co-ordinating the administrative business of government by providing him with accurate and continuous information concerning decisions made by the government and their execution by government departments;

- (b) to provide an accurate record of policies adopted by the government;
- (c) to provide information concerning cabinet decisions to all ministers;
- (d) to provide follow-up on cabinet decisions;
- (e) to secure services of advisory bodies and make them available to cabinet before decisions were made.⁶⁸

These objectives are also an indication of the reasons that the cabinet had for establishing the secretariat.

(5) Committees of the Cabinet

The minutes of meetings of the cabinet indicate another tool that was beginning to be used a great deal, namely "cabinet committees", which occasionally included persons outside of the cabinet. These committees were adopted from the Dominion government, where they had come to be used extensively during World War II because of the many details relating to defence that the cabinet had to deal with;⁶⁹ which in turn was borrowed from the U. K., which found committees necessary during World War I for the same reason.⁷⁰ Undoubtedly, the Saskatchewan cabinet adopted the use of these committees for the same reason, that is to say, because of the many details that now seemed to be required to be taken care of by the cabinet in the carrying out of its policies and goals. It established, among other committees, a Parity Prices Committee,⁷¹ a Committee on Salaries,⁷² a committee to draft

recommendations for highway routes,⁷³ a Committee to determine policy on Government Representation at a conference on Rehabilitation of Handicapped Persons,⁷⁴ a Committee on Land Policy,⁷⁵ a Committee on Space (office space),⁷⁶ a Special Strategy Committee,⁷⁷ a Committee on the Golden Jubilee,⁷⁸ a Northern Advisory Committee,⁷⁹ and an Advisory Committee on Development.⁸⁰ Some of the committees were standing committees and some were ad hoc, although there does not seem to be any reason for them being one type or the other except, perhaps, expediency at the time.

(6) Procedure of the Cabinet

The cabinet met regularly. Before a session was about to start, it met daily.⁸¹ The minutes show examples of the kinds of things the cabinet dealt with. These matters included what minister was to speak where; who was to get further information on a matter, if needed; who was to represent the government at a function; special leaves for various employees; special holidays; dates for caucus; resignations; whether a reply should be sent to a particular letter that had been published in the Leader Post; radio programs by Crown corporations; policy in advertising; the price to be charged for the Revised Statutes; letterheads for various agencies (e.g. Saskatchewan Archives Board, Land Titles Offices); office space requirements; policy on government cars; and where highways would be built. In addition, of course, the Orders in Council required for running the government were dealt with and decisions were made on various matters to be referred to

the Planning Board: policies, legislation, Treasury Board recommendations, drought problems, opening dates for the legislature and generally all matters involving the running of a province. Their deliberations were similar to what one would expect a board of directors of a large company would be required to do in the operation of the company.⁸²

The agenda for each cabinet meeting was prepared by the Cabinet Secretary upon instructions from the Premier and a notice was forwarded to each minister setting out the matters to be discussed. Each minister gave the Premier notice of intention of matters to be raised by him one week beforehand, in order to allow the secretary time to circulate information. This arrangement also enabled the Premier

- (a) to refer to a department or departments concerned for further information;
- (b) to check with the Planning Board if desired; and
- (c) to check with the Budget Bureau through the Provincial Treasurer.

Bi-monthly reports on all departments were requested to be submitted to the cabinet secretariat for analysis and submission to the Premier. From April 1951 all cabinet notices were on pink sheets of paper so that the ministers could readily identify them from amongst the great volume of other correspondence that crossed their desks.

(7) Establishment of the Budget Bureau

A "need for greater efficiency and use of common methods in all departments....was first recognized by the provincial treasury".⁸³ The Planning Board was consulted, with the result that there was "a further hiving off of Board staff to join with treasury personnel in establishing the 'Budget Bureau'".⁸⁴ Originally the Budget Bureau was part of the Economic Advisory and Planning Board, although before the end of the first year it started reporting directly to the Provincial Treasurer (a member of the Planning Board). Later (about 1950), after T. H. McLeod was appointed Deputy Provincial Treasurer, it was transferred to the Treasury Department as a branch of that department, and still later it was placed directly under the Provincial Treasurer, but was not a part of the Provincial Treasurer's Department, although its budget was to be part of "the Treasury budget".⁸⁵

The concept of a Budget Bureau "was derived largely from the United States and was based on the notion that drawing up a budget involved more than the mere compilation of figures once a year". It was felt that efficiency in planning demanded that "[b]udget making and evaluation should be continuous; it should encompass a longer period than an annual budget, and should be based on work programs from which financial requirements could be derived".⁸⁶ The year to year budgets of the past no longer sufficed, its chief shortcoming being that it was difficult to plan implementation of long-range goals where the system being followed only provided for one year at a time.

It was at a Cabinet-Planning Board Conference on November 4th, 1946 that a document entitled "Directions for Budget Bureau" was decided upon and approved.⁸⁷ The functions of the proposed bureau under Director F. A. Robertson, were outlined in those "Directions" as being:

1. To advise the various departments in the drafting of departmental programs and budgets in the light of the overall policy of the government, [including] holding of conferences, where necessary, between ministers, deputies and other departmental officials with representatives of the Economic Advisory and Planning Board and Budget Bureau in order:

- (a) to designate a responsible official in each department to establish and maintain adequate budget machinery, [and]

- (b) to agree [to] the overall policy directions under which the departmental estimates and budget will be prepared.

2. To scrutinize and advise on all proposed legislation as it relates to expenditure of government funds.

3. To confer with departments and evaluate departmental programs for the purpose of advising the government in the matter of drafting the annual budget.

4. To advise the government on the basis of continual analysis as to the rates at which various expenditures are being made and the effectiveness of such expenditures.

5. To advise the government as to the desirability of certain budgetary techniques such as quarterly allotments, etc.⁸⁸

This outline of functions suggests that the cabinet perceived a need for an agency comprised of persons competent to advise

departments on the preparation of their budgets as they relate to government policy, to monitor proposed legislation for budget implications, and to advise the cabinet on such matters and on matters of budgeting and accounting. As a result, the Budget Bureau took responsibility for the spending plan of the government out of the hands of the Treasury Department, where it had always been, and placed it in the hands of the cabinet.⁸⁹

The proposed functions quoted above indicate that the drafter(s) anticipated that all proposed legislation would be available at the time estimates were reviewed by the Budget Bureau, that joint sessions would be arranged between the officer of each department designated as responsible for the budgetary activities and with the minister or deputy. They also anticipated that the estimates would be completed by December 31st; that the Budget Bureau would then prepare a draft budget based on objectives agreed to by the executive council and that the Budget Bureau would then present the budget devised, with detailed estimates and supporting data, to the Economic Advisory and Planning Board and through them to the Provincial Treasurer by January 31st. All of the above would be necessary in order for the cabinet to discuss the budget proposals before presentation to the legislature in February, the traditional month for the sessions to commence.⁹⁰ These proposed functions also indicate that the cabinet felt the need for tight control of budgeting by people trained in financial planning not only for the purpose of immediate demands, but also to provide for future requirements.

To meet all the deadlines mentioned, constant contact between officers of the Budget Bureau and the person responsible for the budget of each department was necessary. "[D]uring the year the Budget Bureau [would] have the responsibility of reporting to the Provincial Treasurer" where adjustments were "possible or desirable". The responsibility for advising a department whether an adjustment would be made would be left to the Provincial Treasurer.⁹¹

It was planned that allotments would be made quarterly during the fiscal year as a control for bringing expenditures into line with adjustments. No major increases in staff, no alteration in space allocations and no installation of office equipment was to take place without the knowledge of the Budget Bureau.⁹²

Subsequent to the above "Directions" a joint meeting of the members of the cabinet and the Economic Advisory and Planning Board in April 1947 made specific directions in regard to staff that

no new positions, replacements or temporary help were to be appointed without prior approval of the Budget Bureau, and that such approval would not be given unless there was a need for the position and until funds had been provided for the position, but any rejections were to be made known to the Provincial Treasurer and the minister of the department concerned with copies to the deputy minister.⁹³

Objections to the decision of the Budget Bureau were to be made to the cabinet through the minister.⁹⁴ The Budget Bureau was to give the Provincial Treasurer and Premier a

monthly return on the number of requisitions received, the number rejected (with reasons), the number approved and a summary of the totals for the current year to date of each report.

The Director pointed out⁹⁵ that only "a perfunctory check [could] be made of the need for positions" because the time required to do more than that would make it impossible. These arrangements amounted to delegation of considerable authority to the Budget Bureau, but the cabinet through the Provincial Treasurer, received a full report.

In March 1948, the Budget Bureau sent out a Manual of Procedure to all permanent branch heads explaining the procedures. A report entitled "Work Programme 1952-53" outlines the system that had evolved by that time, which basically is a streamlined system covering more or less all of the original directives. It sets out their main functions as:

- (a) Preparation of the Preliminary and Final Budget Document,
- (b) Budgetary Control, and
- (c) Reporting to Treasury Board and Cabinet on expenditure trends and other related Budgetary matters.⁹⁶

It was necessary for departments, therefore, to give the Budget Bureau an outline of each proposed program, stating its objective and estimated cost, together with details of how it would be implemented.

Aids to budget control that had been adopted were the sending of monthly statements of expenditures and encumbrances to each agency, and quarterly meetings with departments for "review of budgetary operations to date and a forecast of

spending for the balance of the year".⁹⁷ The quarterly budget forecasts were reported to the cabinet through the Treasury Board, as were proposals for new programs and any programs that were going beyond what had been approved by the cabinet. The Work Program for the Budget Bureau mentioned a proposal to expand into doing organization and methods surveys of crown corporations. It proposed continuing a program whereby it carried out analyses of the organizational structure and internal procedure in larger departments, and it listed a considerable number of outstanding requests for special assistance. This seems to indicate that the departments appreciated the assistance being given to them in their procedures.

In 1951, under the direction of the Provincial Treasurer as chairman of the Treasury Board, all ministers were informed of a decision of Treasury Board to have the Budget Bureau "do a study of the organization for financial administration in the government, with special attention to accounting procedures".⁹⁸ This was to entail Bureau analysts going to all departments to talk to accounting and clerical personnel.⁹⁹

It would appear that this followed many other administrative surveys which were used extensively by the Treasury Board. A report of the Budget Bureau of February 16, 1951 states that "20 surveys have resulted in speedier procedures or measurable improvements in service".¹⁰⁰ It is not clear whether this report encompasses the results of the 1951

survey. From the date of the report it would appear that it could not be included, however it purports to cover a period to the end of March. No other report made in that time frame was found.

The reason for these surveys is stated to be:

1. To assist in policy co-ordination through creating effective inter-departmental organization and procedures.
2. To improve services to the public, directly and indirectly, through more effective organization and procedures.
3. To reduce or eliminate points of friction between agencies due to poor organization....
4. To instill an awareness in departments of the need for effective organization and procedures....
5. To effect economies in administrative operation.¹⁰¹

Generally speaking, these surveys were part of a policy of on-going review and re-evaluation. Administrative analysis became as important a function of the Bureau as budget control.¹⁰² The policy mentioned above extended to the Budget Bureau itself.¹⁰³

An example of the use put to Budget Bureau reports by the cabinet was an urgent memo sent to all ministers by the Provincial Treasurer in May of 1951, to which was attached a report of the Budget Bureau advising of the projected deficit. The memo notified the members of the cabinet in advance that the matter of the deficit was to be discussed at their next meeting with a view to determining what would be done, and it contained some suggested alternatives.¹⁰⁴

This outline of the concept of the Budget Bureau and its development is necessarily brief. Detailed discussion of its formation and operation is a subject for some other study, but it must be mentioned here as an important tool used by the cabinet in its planning.

3. Crown Corporations and Boards

(1) The First Corporations

A study of the evolution of executive power in Saskatchewan must include an outline of the legislation relating to (and creating) crown corporations following the change of government in 1944. All of the new crown corporations were answerable to the cabinet, or to a minister of the Crown and through him to the cabinet. The first Crown Corporations Act was passed in 1945.¹⁰⁵ This Act delegated a right of expropriation to crown corporations, and included the right to expropriate works and equipment, not just land.

The Crown Corporations Committee was unique in Canada at the time that it was established in Saskatchewan. It was largely the invention of George Stephens, then Clerk of the Legislative Assembly, who also became Clerk of the Crown Corporations Committee. It was an attempt to allow management freedom in terms of day to day decisions, but at the same time provide for the crown corporations to be under the scrutiny of the legislature as to basic policies, mandates and results.¹⁰⁶

Many examples of the widening involvement of government in the lives of the people of the province through crown corporations can be mentioned. Indeed, some of these ventures

were physically visible. In 1946 the government moved into the area of insurance with the introduction of The Automobile Accident Insurance Act¹⁰⁷ and with The Saskatchewan Government Insurance Act,¹⁰⁸ the latter setting up an insurance company "to be presided over by the minister", which was amended in 1947 to provide:

The Lieutenant Governor in Council mayappoint two or more persons, one of whom shall be the minister, to be The Saskatchewan Government Insurance Office, and the persons first appointed and their successors in office shall be a corporation under the name of The Saskatchewan Government Insurance Office with perpetual succession and a common seal.¹⁰⁹

All institutions in Saskatchewan receiving statutory grants authorized by the Lieutenant Governor in Council were required to place their insurance with S.G.I.O. as a condition of receiving a grant.¹¹⁰ The government had bought the architecturally interesting and exceedingly visible Canada Life Building in Regina as a home for S.G.I.O. This building was occupied by that crown corporation until the late 1970's, when a new sky-scraper was built across the street to house what had developed into a very large operation. The government had also bought "a building for the fur agency that it had acquired", and had bought "the Estevan brick plant, the Dominion Electric Company power system, a fish factory and a woollen mill".¹¹¹ The government, through the ministers of the crown, also announced the intention to buy a pulp mill, shoe factory, paint factory, briquetting plant, a wallboard factory, a glucose factory, a flax products factory and was going into the transportation business.¹¹²

By 1946 there were eleven of these agencies operating as crown corporations, but by 1947 they were reduced to eight in order to eliminate unnecessary duplication of directors meetings.¹¹³ Saskatchewan Government Airways was established as a crown corporation in July of 1947¹¹⁴ after the establishment of the Planning Board. In February of 1948 The Leader Post indicated this last company was showing a profit for the few months it had been in operation, but in a memo from Cadbury to Douglas of March 31, 1950, he indicated that it was considered a problem company along with a number of others including, by that time, the Timber Board.¹¹⁵

By 1948, Saskatchewan Minerals (clay products), the printing company, the Fur Marketing Board, Saskatchewan Transportation Company and the Reconstruction Corporation were showing a profit, but the money makers continued to be S.G.I.O. and the Timber Board. The remaining five all showed losses.¹¹⁶

(2) A New Crown Corporations Act

(a) The Government Finance Office

In 1947 the Government Finance Office was formed pursuant to a new Crown Corporations Act.¹¹⁷ A section of the Planning Board that had been dealing with the government industrial enterprises (Section B) split away to become "a holding and planning corporation for all the other Crown corporations and held all their equity." The Government Finance Office acted as the agency of surveillance for crown corporations. "It received all their profits, planned all new investment, and turned over surplus to the provincial treasury",

and "established the priorities for new investment, subject to Cabinet approval".¹¹⁸ This centralized arrangement meant that it was unnecessary for one corporation to hold large seasonal reserves while another corporation was in overdraft.¹¹⁹

The personnel of the Government Finance Office

developed central legal and personnel services in addition to financial advice, and it (Government Finance Office) employed a chief industrial executive who sat as Vice-Chairman on all crown corporation boards, under an appropriate minister as chairman.¹²⁰ The Government Finance Office became, therefore, a planning agency with a co-ordinating function and, by separating from the purely advisory Economic Advisory and Planning Board the relationship between that body and the ministers and civil servants was not disturbed.¹²¹

The first responsibility of the Finance Office was "to advise the government on the investments they have made" and on whether expansion or contraction in size was in the interest of the government. (Read "government" as the cabinet.) The second responsibility was "to appoint the right management and senior staff and keep such appointments under constant review". The practise was for the chairman of a crown corporation, or some other director to be chosen by the directors to act for the board between meetings. The shareholders were the people.¹²² Under this umbrella system, and under the authority granted to the Lieutenant Governor in Council to create a crown corporation by virtue of The Crown Corporations Act, Saskatchewan Government Telephones became a crown corporation in 1947.¹²³

Crown corporations evolved in an attempt to find a better way to provide utilities such as power, telephone service, and to develop resources. The crown corporations were seen as a counterpart of private industry. The idea was borrowed from proprietary corporations in the United States and the crown corporations of the United Kingdom. The Saskatchewan cabinet sought to integrate the idea of crown corporations and democratic government. The chairman of a corporation was a minister of the crown. The Crown Corporations Committee, mentioned earlier, was a committee of the legislature which examined operations as contained in the annual reports of the corporations.¹²⁴

The cabinet found an advantage in converting industrial and commercial enterprises to crown corporations because of the fact that operational details, that is to say the day to day business operations, were no longer subject to scrutiny of the legislature, but policies and results were subject to scrutiny. Although this brought initial resistance from the Opposition, it was established that this committee would discuss only general policy, because to reveal operational details "would handicap the corporations from functioning competitively".¹²⁵ "Allegations of misconduct or failure to provide services were discussed in camera. The report of the committee to the legislature was then the occasion for policy debate from which detail could be excluded."¹²⁶

From the structure described above it is apparent that ultimate control of the crown corporations remained in

the cabinet through having the minister to whom a corporation was responsible act as chairman of its board of directors. It must be remembered that when acting on behalf of a corporation the chairman was acting in his capacity as chairman of the board and not as a minister. The Crown Corporations Act¹²⁷ gave the Lieutenant Governor in Council the authority to appoint one or more persons "to operate any designated industrial, commercial, financial or public utility, enterprise or undertaking, the operation of which on behalf of the Crown in the right of Saskatchewan is deemed advisable for the public good".¹²⁸ The persons appointed were to be a crown corporation,¹²⁹ the head office was to be designated by order in council,¹³⁰ and such a corporation was to have the right to acquire property as approved by the Lieutenant Governor in Council.¹³¹ The Act also gave the Lieutenant Governor in Council the right to authorize a guarantee by the Provincial Treasurer on behalf of the Crown "of the repayment of all moneys borrowed by the [finance] office to the extent from time to time authorized by the Legislature".¹³² As well, the Lieutenant Governor in Council was given the right to authorize advances of sums by way of loans in addition to those sums appropriated by the legislature.¹³³

This structure suggests that another advantage was having established agencies to provide specific services at a cost that nearly everyone could afford, without being totally concerned with profit, and which were seen to be under the control of the government (cabinet) so that the government would get the credit.

The 1950 memo between Cadbury and Douglas mentioned earlier¹³⁴ stated that the philosophy behind the Government Finance Office was that the government believed that it had:

a positive and dynamic policy towards industrial development under government auspices, that [it] did not wish to hamper these businesses with the kind of control that is typical when capitalist governments are forced to enter these fields...[It] did not wish....to set up organizations which would be handicapped from the start by crushing obligations to write-off their capital structure in a period of years less than that which would be imposed on private enterprise in similar circumstances. [It] preferred to get away from the conception of interest and amortization and instead to bring in all surplusses to support provincial revenues. To assist in this process [it] thought it desirable to have a financial control which would enable [it] to use services and other spare cash to meet industrial needs on a long and short term basis without going through the somewhat cumbersome procedure involved in Public Accounts.

This, then, suggests still another advantage, as seen by the cabinet, i.e. a means to provide industrial development.

(b) The Industrial Development Fund

The Industrial Development Fund, established by Part III of The Crown Corporations Act of 1947, provided a way that the Lieutenant Governor in Council could authorize the Provincial Treasurer to raise by way of loan upon the credit of the province "such sum or sums of money as the Lieutenant Governor in Council may deem expedient, and for that purpose issue bonds, debentures, treasury bills or other securities of the province as the Lieutenant Governor in Council deems

advisable"¹³⁵ to a maximum of two million dollars to be used

to encourage establishment of industrial plants and projects, and financial and commercial enterprises and undertakings in Saskatchewan, by co-operative associations and other bodies of a co-operative nature, as well as private persons, firms, corporations and municipalities.¹³⁶

This was giving to the cabinet very substantial authority to authorize borrowing where originally such authority was reserved exclusively for the legislature.¹³⁷

4. Boards and Commissions

During the Douglas years the cabinet began using boards and commissions more frequently than previous cabinets as a means of administering new policies legislated into existence, and to make the view of the cabinet known in areas where the government was involved in funding. Some examples of early legislation establishing commissions or boards to administer programs may be mentioned:

(a) The Saskatchewan Hospitalization Act was introduced in the 1946 session.¹³⁸ It was to be administered by a commission responsible to the minister.¹³⁹ To chair the commission, Dr. Fred Mott was released by the Surgeon General of Public Health in United States. (In 1949 he became Deputy Minister of Health.)¹⁴⁰ The Act provided (and still does) for hospitalization coverage for every person resident in the province for more than six months¹⁴¹ unless exempted by the Lieutenant Governor in Council.¹⁴² The Act was vague in regard to appointment of the commission; presumably it was by the minister.

(b) The Saskatchewan Arts Board Act, 1949 established a board (designated a body corporate by the Act) for the purpose of providing opportunities in drama, visual arts, music, literature, handicrafts and other arts. It had authority to appoint "such professional, technical and other officers as may be required" for its purposes and to determine their salaries. This board consisted of not less than seven persons nor more than fifteen, but all to be appointed by the Lieutenant Governor in Council.¹⁴³

5. Increased Powers of the Cabinet

To discover the extent of the increasing powers of the cabinet and of individual ministers one must examine the legislation. An example may be found in one of the bills of the first session that was severely criticized by the opposition on the basis that it made co-operatives an arm of the C.C.F., namely, The Department of Co-operation and Co-operative Development Act,¹⁴⁴ which gave "unnamed powers to the minister to perform such other duties and provide such other services" as he considered advisable.¹⁴⁵ The point in mentioning this is that this Act gave unlimited powers to a member of the cabinet. The attempt to give such absolute power to a minister did not go unnoticed by the Official Opposition, as Opposition Leader Patterson charged that the legislation of this first session resulted in "great centralization of authority and of increased power in government hands".¹⁴⁶ A subsequent attempt at similar legislation was prevented by the Opposition in 1948.¹⁴⁷

Another example of unlimited authority of the cabinet may be seen in the way the Douglas administration used the Provincial Mediation Board. In the early years of the Douglas administration there were still major debts owed by individual farmers as an aftermath of the depression years, for example, money owed to mortgage companies. "To meet this problem the government guaranteed security of tenure on the farmer's home quarter" and used the Mediation Board to act as a cushion and reduce hardship, but without statutory powers of debt adjustment.¹⁴⁸ This was made possible by an amendment to the original Act by The Provincial Mediation Board Act, 1945¹⁴⁹ which provides that "[t]he board shall perform such duties as may be assigned to it by the Lieutenant Governor in Council". The board had to consent to any foreclosure proceedings and could recommend that cabinet declare a moratorium on foreclosure on a particular piece of land until the farmer was considered able to meet his obligations. The cabinet did declare such moratoriums on occasion.¹⁵⁰

Other examples of legislation passed in 1947 and the spring session of 1948, which increased the powers of the cabinet or of individual ministers are:

1. Amendments were made to The Department of Municipal Affairs Act,¹⁵¹ which provided that the Lieutenant Governor in Council "instead of, or in addition to authorizing revaluation" of municipalities could "divide the province into appraisement districts and authorize the placing of a property valuator in charge of each district to make new valuations and

maintain the standard of assessment". The cost could be paid out of the consolidated fund, then charged back to the municipality benefitting or distributed "among all or any of the municipalities".¹⁵²

2. The Mineral Taxation Act, 1948¹⁵³ set a tax for minerals owned in non-producing areas¹⁵⁴ and gave the minister the authority to prescribe the tax in a producing area, not to exceed ten mills on the dollar, subject to the right of the owners to appeal the assessment.

3. The Northern Administration Act, 1948¹⁵⁵ set up a district under a Northern Administrator who was responsible for administration of the Act under the direction of the minister,¹⁵⁶ with the right of the Lieutenant Governor in Council to make those regulations necessary to carry out the intent and purpose of the Act.¹⁵⁷ The minister had authority to make regulations prescribing duties of persons employed under the Act, the forms of returns and documents to be used and dates and the requirements for completion.¹⁵⁸ The minister was also given authority to authorize expenditure of funds of the district for local improvements in communities within the district;¹⁵⁹ and to grant aid to needy persons,¹⁶⁰ but with the right of recovery against the person for whom funds were expended, or his relatives;¹⁶¹ and to provide for purchase and distribution of seed grain¹⁶² and to take demand notes from the purchaser in payment.¹⁶³

4. The Economic Stabilization Act 1947¹⁶⁴ gave the Lieutenant Governor in council the authority to control rental

and retail prices by Order in Council and to set fines for infringements of regulations made by cabinet under the Act.¹⁶⁵

6. Changes, Fine-tuning and Long-term Planning

(1) Changes

The needs and demands of society influence the actions of government in a democracy. It therefore becomes necessary to relate the activities of the cabinet to the social background of the time. By 1948 the economy was starting to show some imbalance and people were becoming frightened of another depression. The C.C.F. were leaning toward price controls on essential commodities and that issue was being debated.¹⁶⁶ Along with farmers, the war veterans were severely hit by "the rush toward inflation". Allegations were made in the legislature that large department stores were making it impossible for veterans starting out in business to realize a reasonable margin of profit.¹⁶⁷ It was also an election year and, after a hard fought campaign, the standing was:

C.C.F.	31
Liberals	18
Liberal-Progressive Conservatives	1
Deferred	2.

(Later both the deferred seats went to the Liberals, making a total opposition of 21.)¹⁶⁸ Because two cabinet ministers were defeated,¹⁶⁹ changes in the composition of the executive council were necessary.¹⁷⁰

A change was also made in the Economic Advisory and Planning Board in April of 1949 when two M.L.A.'s¹⁷¹ were

appointed to it,¹⁷² and further changes followed shortly as Cadbury resigned in December 1950.¹⁷³ Upon the resignation of Cadbury the Premier agreed to assume the chairmanship, with the secretary (T. K. Shoyama) to assume wider duties as Chief Administrative Officer of the board and to continue as Research Director.¹⁷⁴

A social change to be considered, that has a bearing on the increased involvement of the cabinet in promoting legislation of the type mentioned, is that during the 1940's and into the early 1950's the development of farm machinery resulted in a great population shift. With increased mechanization farms became larger, there was a reduction in the farm population and a noticeable shift to urban centres. This heightened the desire of the government for industrial expansion and, to do that, communications and roads for transporting goods became of great importance.¹⁷⁵

(2) Fine-tuning

The machinery of a socialist government had been established by 1948 and there was little to do in the area of change in the administrative structure except to fine-tune it by amendments to legislation as they were seen to be needed. A comment in the press noted that Premier Douglas had made it clear, when his government was elected in 1948, "that the administration had done most of its socialization in its first four years of office, and that the next four or five years would be years of consolidation".¹⁷⁶ This, in fact, seemed to be the case. Based on the pledge made in the election

campaign, the emphasis over the next four years was on welfare, health and education,¹⁷⁷ and on an attempt to increase the productivity of the province.¹⁷⁸

(3) Long-term Planning

The cabinet was now operating on long-term planning. In November of 1947, the Planning Board presented to the cabinet a report called "A Four-year Plan", setting forth aims and objectives over the next four-year period in relation to budgeting and the various areas of interest to the government, including administration, agriculture, the co-operative movement, mineral development, industry and commerce, northern development, housing, the Industrial Development Fund, regional plans and public relations.¹⁷⁹ On recommendations of the Planning Board during the period from 1949 through the 1950's, several of the crown corporations were closed.¹⁸⁰ This was because of the financial difficulties alluded to previously.

From the late 1940's on we see a very efficiently run executive, with agendas for every meeting planned well ahead, even to cabinet meeting agendas, and particularly in relation to cabinet conferences with the Planning Board.¹⁸¹ By 1952 the Treasury Board had become very involved in budgeting, along with the Budget Bureau¹⁸² and, in 1953, Treasury Board started to hold meetings with ministers and key officials of major programs and agencies "to preview the revisions of longer-term plans from 1954-55 to 1957-58, giving particular attention to capital budget and other major policy changes and their financial implications".¹⁸³ This provided another

means for members of the cabinet to have detailed knowledge of the plans under consideration.

7. Treasury Board

(1) Background

It is necessary now to discuss the Treasury Board. By legislation it had always existed, but only during the Douglas years did it become a powerful group, used extensively.

The Treasury Board is a statutory board, the earliest mention of it being N.W.T. Ordinance 16 of 1897.¹⁸⁴ It provided for a board composed of members of the executive council, appointed by the Lieutenant Governor in Council, the members "to be the treasury board for the time being".¹⁸⁵ This Ordinance provided that the board should keep a regular minute book in which proceedings were to be recorded, and that any member could "bring any question of audit before the board".¹⁸⁶ The board was to report important matters to the treasurer, with a right, specifically mentioned, for any member to submit a dissenting opinion.¹⁸⁷ It had authority to

frame regulations respecting the method of bookkeeping to be used in the several departments of the Government of the Territories; the issuing of warrants; the accounting of public moneys and the auditing of accounts thereof....¹⁸⁸

All regulations were to be submitted to the Lieutenant Governor in Council through the treasurer.¹⁸⁹ The Lieutenant Governor in Council could appoint a member of the executive council to fill a vacancy caused by illness or absence.¹⁹⁰

The board performed an audit service¹⁹¹ with a right to examine any person on oath respecting a matter relating to the accounts,¹⁹² which right could be enforced through the Supreme Court of the Territories.¹⁹³ Failure to comply with an order of the court could result in a fine of \$100 or, on default, imprisonment for up to three months.¹⁹⁴

In 1907¹⁹⁵ the section relating to the composition of the board was changed to state specifically that its membership was to consist of the provincial treasurer, provincial secretary and attorney general--the provincial treasurer to be chairman and "the provincial secretary in virtue of his office", to be the secretary.¹⁹⁶ The 1907 Act was a new Treasury Department Act and it left out the original sections relating to the minute book and reporting through the treasurer, the latter provision becoming unnecessary when the provincial treasurer was a member of the board by statutory provision.

A new Treasury Department Act¹⁹⁷ of 1917 changed the composition of the board slightly to be "the treasurer and such two other members of the Executive Council as may be appointed by the Lieutenant Governor in Council", the treasurer to be chairman, and "the deputy provincial treasurer shall be by virtue of his office secretary of the board".¹⁹⁸ This Act, by section 34, gave the board regulation-making authority without the necessity of submitting the regulations to the Lieutenant Governor in Council. In 1931 an amendment gave additional authority to the "treasury board" to audit all matters relating to the finances of the province and to

appoint auditors for the purpose.¹⁹⁹ Thus it stood until 1957, when the composition of the board was changed to "the treasurer and not less than two nor more than four other members of the Executive Council appointed by the Lieutenant Governor in Council".²⁰⁰ And thus it stands today, except that in the consolidation of statutes of 1920 it acquired capital letters in its designation, i.e. Treasury Board, and in 1972 the department name was changed to the Department of Finance.²⁰¹

(2) A New Role

By the 1950's the Treasury Board "emerged as the critical instrument for rational formulation of policy".²⁰² Dr. T. H. McLeod summarized the stages that had been developed for budget formulation in an address to the Institute of Public Administration of Canada in 1953:

- (a) The departments remain responsible for initiating all budgeting requests...
- (b) The Budget Bureau is a focal point for bringing together the various departmental submissions into a single budgeting document [with authority]to refuse to accept estimates in cases where there is clearly an inadequacy of supporting data....
- (c) The Treasury Board of Saskatchewan is composed of three senior ministers of the Crown with the Deputy Provincial Treasurer acting as Secretary. For purposes of budget formulation the Treasury Board has been named the standing committee of cabinet on the budget. The various departments of government now appear individually before the Treasury Board, to make any further presentations they wish

to make....On the basis of these hearings, the Treasury Board begins the work of producing a final budget. The report of the Budget Bureau is considered. The report from Treasury on the estimated funds available for the year under consideration is brought in.²⁰³

All this is used in "measuring [the] proposed budget against four criteria....":

1. the degree to which the budget reflects the declared policies of the government;
2. the degree to which it indicates effective or ineffective administration;
3. the degree to which it reflects progress in the direction of the longer-term plans of the government;
4. the degree to which it is financially feasible.

...

- (d) The final stage of budget formulation comes when the cabinet forms itself into a general budget committee.²⁰⁴

(One might add that meetings of Treasury Board were held in the office of the Provincial Treasurer and it seems that the only persons not members of the Board who attended meetings were the Director of Budget Bureau, the Deputy Provincial Treasurer and the Secretary of the Economic Advisory and Planning Board.)²⁰⁵

The cabinet considered all reports with the report of the Treasury Board and the information about why certain programs had not been included.

This outline, though necessarily sketchy, indicates that the Treasury Board came to be the agency that sent the final recommendations for budget to cabinet and, as well, was

under the legislation the ultimate "watchdog" of expenditure on behalf of the cabinet.

8. Training Programs

The government survived elections in 1952²⁰⁶ and 1956,²⁰⁷ and new members of the cabinet were appointed following each election, followed by some reshuffling.²⁰⁸ New ideas for improving administration and upgrading the civil service were always being sought and one innovation was the expansion of training programs. In 1956 a Public Administration Training Course, previously designed for analysts in the Budget Bureau, was made available "to senior program people in all departments".²⁰⁹ This was a course relating to administrative practices of government. It consisted of a three-week orientation course, a supervised project, and then formal lectures by senior civil servants and university experts. It was one of the earliest special training courses of its kind in Canada. These training programs were another way of increasing expertise and efficiency in those persons advising the cabinet and those carrying out government policy.

9. Medicare and the End of the Douglas Administration

By 1960 medicare was on the immediate horizon. An Advisory Planning Committee on Medicare was established by the cabinet, chaired by W. P. Thompson, President emeritus of the University of Saskatchewan.²¹⁰ The election in June 1960 was fought on the medicare issue²¹¹ and the government was again returned with a substantial majority.²¹²

Following the election a cabinet shuffle took place, partly because Clarence Fines resigned as Provincial Treasurer to retire. W. S. Lloyd became Provincial Treasurer.²¹³ At the special fall session in 1960 the medicare legislation was introduced, although it was not passed until 1961.²¹⁴ It was subsequently amended²¹⁵ as a result of negotiations with the doctors, to provide for administration by a commission with greater representation of the medical profession, in order to insure no political interference. The Act ultimately provided that the commission was to be

a body corporate consisting of not less than seven nor more than eleven members of whom one shall be the Deputy Minister of Public Health, and, exclusive of the chairman and the Deputy Minister...., three shall be, and two others may be, physicians. (section 3 of amending Act)²¹⁶

After taking part in the medicare debate, Premier Douglas withdrew from the legislature because of his announced intention to seek the national leadership of his party.²¹⁷ After seventeen years of leadership as Premier of Saskatchewan Mr. Douglas went on to a new challenge. Perhaps it is only fair to let him have the final word on his view of his place as leader in relation to his cabinet and in the role of the cabinet, as expressed by him on one occasion:

My job as the conductor is trying to keep you playing on the same score and at the same tempo and in the same key. And if somebody gets out of place I'm going to rap him, not because I don't appreciate his ambition but because you can't make this a solo effort. You can't have a lopsided orchestra. It's got to play in balance.

In that kind of team you need two kinds of people primarily; you need idealists like Woodrow [Lloyd] who say "let's not lose sight of our goals, let's not forget that in all the political adjustments and compromises that are necessary from day to day, there is where we are going". You need on the other hand the pragmatist, the politician, the kind of guy who says, "yes, I agree, but are the public ready for it, and if they're not ready, how do we get them ready for it....If you can't carry the public with you there's no use going."218

Chapter Notes

Chapter 3

1. The Lieutenant Governors who held office during the Douglas administration were McNab, Miller, Parker, Uhrich, Patterson and Bastedo.

2. The Leader Post, October 19, 1944.

3. Ibid., March 4, 1948. See also McLeod, T. H. and I., Tommy Douglas: The Road to Jerusalem, Edmonton, Hurtig Publishers, 1987, 120, wherein it is stated that "Douglas established his own criteria for selection, emphasizing ability, region, occupational group, and religion."

4. Encyclopedia Canadiana, Toronto, Ottawa, Montreal, Grolier of Canada, 1977, Vol. 3, 298; Tyre, Robert, Douglas in Saskatchewan, Vancouver, Mitchell Press, 1962, 66; and McLeod, ibid., 28, 32.

5. He has been described as:

one of the ablest debaters to take the floor of the Saskatchewan legislative chamber....a master of the art of debate....[he] has color, eloquence and vigor. He flings his arms and moves about as much as possible in the cramped space behind the bench. To give himself more room [he] shoves his chair out in the aisle when he starts to speak.

He apparently had a bad habit of constantly making remarks in the assembly directly to his colleagues and turning his back on the Speaker, somewhat to the despair of the Speaker, who continually admonished him. (The Leader Post, October 24, 1944.) ***SPECIAL NOTE: Mr. Douglas died in February 1986 while this thesis was being written.***

6. See Appendix.

7. LaPierre, Laurier, "Forward", in LaPierre, Laurier et al, Essays on the left, Toronto, McClelland & Stewart Limited, 1971, 15.

8. Letter C. King (an English professor at the University of Saskatchewan, Saskatoon, and party president), to Miss Eleanor McKinnon, the Premier's secretary, December 4, 1949, Caucus File, Douglas papers, Saskatchewan Archives, Regina.

9. Constitution with Amendments of the Seventh Annual Convention of the C.C.F. Party, July 15-17, 1941, page 10, Article 17, (File not recorded) Douglas papers, ibid.

10. One instance was a Sunday morning meeting at the Bessborough in Saskatoon to discuss a cabinet appointment--Letters C. King to T. C. Douglas, dated October 13 and 20, 1945. Another was a meeting to work out rules regarding consultation of the Advisory Committee by cabinet ministers--Letter C. King to Hon. T. C. Douglas, March 21, 1946. All from Legislative Advisory Committee File, Douglas papers, supra, note 8.

11. Letter King to Douglas, March 21, 1946, Legislative Advisory Committee File, ibid.

12. For example, implementation of recommendations contained in a report of a Penal Commission; aid to unemployables at the same rate as Old Age pensions; the reviewing of commercial licenses on certain sized trucks; the taking over of rural telephone lines; the sale of government produce; the development of sodium sulphate (from a memo, undated, entitled "Recommendations to the C.C.F. Caucus from the Legislative Advisory Committee"); the establishment of a committee with representatives of the party organization to study and recommend allocation "of provincial expenditure upon the various departments of Govt. (sic)": also the increasing of the wholesale price of beer to vendors, with no increase to the public, but with an attempt to get a reduction from the brewers, and increasing the price of hard liquor; a highway tax on land adjacent to provincial gravelled or paved highways; the delay of closure of further Crown corporations until the provincial council had a chance to discuss it; a proposal that natural resources and minerals, oil and water be developed by government commissions like the Power Commission; the reduction of cabinet representation on the Planning Board and the addition of representation by private M.L.A.'s and people representing the general public, among others. All based on a memo entitled "Legislative Advisory Committee" dated January 13, 1949, Legislative Advisory Committee File, ibid.

13. Legislative Advisory Committee File, ibid.

14. Letter dated February 11, 1946, Executive Council File, Douglas papers, supra, note 8. But see also McLeod, supra, note 3, at 102--"the [party] council rubber-stamped Douglas's cabinet selections, and a party advisory committee looked over the first batch of legislation. However, this 'direct democracy' feature of the CCF faded rapidly in importance."

15. Caucus Committee File, Douglas papers, ibid.

16. Ibid., examination of list of committee members.

17. Memo of caucus committee meeting dated February 9, 1946, Caucus Committee File, ibid.

18. Rules of Caucus, undated, attached to memo to all cabinet members and dated February 14, 1945, Caucus Committee File, ibid.

19. Letter T. C. Douglas to all Ministers, dated December 4, 1945, Caucus Committee File, ibid.

20. Memo of Caucus Committee Meeting, February 9, 1946, Caucus Committee File, ibid.

21. Letter Wellbelove to T. C. Douglas, dated August 20, 1949, Caucus Committee File, ibid.

22. Letter T. C. Douglas to John Wellbelove, dated January 10, 1955, Caucus Committee File, ibid.

23. O.C. 1012/44.

24. R.S.S. 1940, cap.15.

25. Those appointed to the commission were Dr. Mendel C. Sheps, Secretary, Dr. J. Lloyd Brown, representing the medical profession, Mrs. Ann Heffel, representing the nursing profession, Mr. C. C. Gibson, as expert in hospital administration and Dr. J. L. Connell, representing the dental profession.

26. Report of the Health Services Survey Commission (Regina, Thos. H. McConica, King's Printer 1944) (Commission Chair: Henry E. Sigerist, M.D., D. Litt. LL.D.). Some of the recommendations made were:

1. To divide the province into Health Districts which would have a District Health Centre at the seat of the district staffed with Sanitary Officers, Public Health Nurses, Dentists and other specialities if required;

2. Travelling health clinics;

3. District Hospitals;

4. Institutions for tuberculosis and new mental health facilities.

27. Some of the recommendations for research specifically included were:

To determine costs, boundaries of districts;

To work out detailed needs of two sample districts and cost;

To make inventory of areas which had no medical services;

To study a scheme of compulsory health insurance for eight cities;

To assist government in planning "whatever services are being considered at the moment";

To select qualified people to train in the various health fields;

To build "a home for mental defectives"; and generally to lay the framework for a comprehensive plan for medical services and hospitalization.

28. O.C. 1279/44, October 24, 1944, published in Gazette, November 15, 1944, 5. Just before his appointment, George Britnell was on temporary leave from the University of Saskatchewan while serving as Economic Adviser to The Wartime Prices and Trade Board at Ottawa--Autobiographical sketch prepared by Britnell, E.A.P.B. File, Douglas papers, supra, note 8.

29. O.C. 1279/44, ibid. and The Leader Post, October 31, 1944.

30. Cadbury, George W., "Planning in Saskatchewan", Essays on the left, supra, note 7, at 52.

31. O.C. 1279/44, supra, note 23.

32. On March 1st a further suggestion was made for removal of sales tax, in stages, from food and necessities--Letter Britnell to T. C. Douglas, March 1, 1945, E.A.P.B. File, Douglas papers, supra, note 8.

33. "Report and Recommendations on Education Tax", February 26, 1945, E.A.P.B. File, ibid.

34. Report dated March 26, 1946, E.A.P.B. File, ibid.

35. The Health Services Act, 1944, Statutes of Saskatchewan 1944 (2nd sess.), cap. 5.

36. O.C. 1316/44. Those named were Thomas H. M. McLeod (the initial "M" is apparently a typographical error), Clarence C. Gibson and Dr. M. C. Sheps.

37. Statutes of Saskatchewan 1946, cap. 82.

38. The Health Services Act, 1946, Statutes of Saskatchewan 1946, cap. 81.

39. Statutes of Saskatchewan 1961 (2nd sess.), cap. 1, section 3; and see an Act to amend The Health Services Act, Statutes of Saskatchewan 1963, cap. 67, wherein the Planning Commission was again to serve the purpose of advising only; and further amendments in 1965, cap. 59, where the sections relating to the Planning Commission were repealed, leaving only provision for the minister to appoint advisory committees.

40. Report and Recommendations on Industry, July 1, 1945, E.A.P.B. File, Douglas papers, supra, note 8

Other Reports of the Economic Advisory Committee which are found among the Douglas papers and which give some indication of the kinds of matters referred to that committee are:

- Compulsory Automobile Insurance,
- Report and Recommendations on Farm Loan Board Lands, (lands acquired by foreclosure),
- Liquor Board Sales, Costs, Prices (Minutes of E.A.C. meeting, July 10, 1945),
- Wheat Pool Guarantees.

41. Cadbury, supra, note 30, at 52; O.C. 158/46, published in Gazette, February 15, 1946, 3-4. The name was changed because it was to give political advice in regard to the recommendations it made, and would be doing the actual planning (rather than just advising).

42. An autobiographical sketch submitted by Britnell to Premier Douglas found on the E.A.P.B. File, Douglas papers, supra, note 8, shows Britnell as Chairman of the Economic Advisory and Planning Board to June of 1945 and thereafter adviser. This creates some confusion because the Board was not actually in existence until 1946.

43. A report of Cadbury to the E.A.P.B. entitled "Chairman's Report" dated Feb. 23rd, 1946, states that Britnell and Cronkite were invited to be Board members "but didn't find the constitution of the Board acceptable so declined". There is no elaboration on the statement. E.A.P.B. Chairman's Report File, Cadbury papers, Saskatchewan Archives, Regina. A further comment is found in McLeod, supra, note 3, at 168, where it is mentioned that "they [Britnell and Cronkite] did not regard themselves as planners and would not act in that capacity". Cadbury advises that they did not have the political commitment to advise as to policy. George W. Cadbury, telephone interview on January 16th, 1988.

A joint letter from Britnell and Cronkite to Douglas as late as Feb. 13, 1948 sets out the scope of a proposed study of provincial-municipal relations previously proposed to them in individual letters dated Dec. 20, 1947 to each from Premier Douglas. E.A.P.B. File, supra, note 8. The Report of the Commission on Provincial-Municipal Relations was submitted in 1950.

44. Undated Memo of Agenda for first E.A.P.B. meeting, E.A.P.B. File, ibid. This is not the entire list of proposed projects contained in the memo.

45. Apparently because of an error in the form in which the original Order in Council was drafted an amending Order in Council was passed six months later to make the above

functions clear--O.C. 1198/46. An Order in Council has two parts, a reporting part at the beginning which sets out the aims and usually the authority for the order, and a recommending part. The recommending part should set forth exactly what the "Order" is to be, as this is what the Lieutenant Governor is approving when he signs the front of the document after it has been approved at a meeting of the cabinet. The recommending part of the first Order in Council did not repeat the functions outlined in the reporting part of the Order in Council. In more recent times, as a result of the required approval by designated law officers of the Justice department as to form and legality before an Order in Council goes to cabinet, there are standard formats for each type of Order in Council. Consequently they are much more concise and streamlined than the form used in 1946 and this type of error should not happen now. Personal knowledge.

46. Memo submitted to the Premier by L. F. McIntosh with a covering note dated January 11, 1946, and mentioned above at p. 69. E.A.P.B. File, Douglas papers, supra note 8.

47. Memo dated March 18, 1954 prepared for Premier Douglas by T. K. Shoyama, Secretary of the E.A.P.B., gives the number of staff on that date as one secretary (himself, who acted as research director), two senior economists, four junior economists, one geographer, three research assistants and two clerical people. Also a memo from Shoyama prepared for Public Accounts in 1961 shows ten professional people and three clerical and statistical people. E.A.P.B. File. ibid.

48. Cadbury, supra, note 30, at 52.

49. Dr. T. H. McLeod, Interview of July 13, 1987; Thomas, Lewis H. (edited by), The Making of a Socialist, Edmonton, University of Alberta Press, 1982, 390; also Tyre, Robert, Douglas in Saskatchewan, supra, note 4, at 66, and Cadbury, telephone interview, supra, note 43. He was in Saskatchewan a year after the election and had met some of those involved in the Saskatchewan socialist movement at that time. He graduated from the University of Cambridge with an Honours degree in Economics under the personal supervision of Lord Keynes, as one of two students chosen by him for that year. (Each year he chose two.) Subsequently he studied business administration at Wharton School of Business and Finance in Pennsylvania. He had been a socialist from his teens. E.A.P.B. General File, Cadbury papers, supra, note 43; McLeod, supra, note 3, at 168; Cadbury, telephone interview, ibid.

50. O.C. 158/46, supra, note 41; Cabinet Minute of Special Cabinet meeting of Sept. 17, 1946, Cabinet File, Douglas papers, supra, note 8; Minutes of Cabinet-Planning Board meeting of same date, Cabinet-Planning Board File, Cadbury papers, ibid.

51. O.C. 158/46, ibid.

52. Minutes of first meeting, January 21, 1946, E.A.P.B. File, Douglas papers, supra, note 8. This set day each month turned out to be impossible to adhere to and meetings were constantly required to be rescheduled. NOTE: It seems the first meeting of the Board was actually held a few days before the O.C. was passed.

53. Ibid.

54. Letter (undated, unsigned, apparently from H. S. Lee, who later became cabinet secretary) found in 1949 correspondence file; E.A.P.B. File, Douglas papers, supra, note 8.

55. Memo Shoyama to Premier Douglas of March 18, 1954, supra, note 47.

56. Memo, T. K. Shoyama, Secretary Economic Advisory and Planning Board to T. C. Douglas, October 31, 1956, E.A.P.B. File, Douglas papers, supra, note 8.

57. T. H. McLeod, former Director of the Budget Bureau during the Douglas administration, interview July 13, 1987.

58. Ibid.

59. Memo, T. H. McLeod to T. C. Douglas, November 5, 1946, Cabinet Planning Board File, Douglas papers, supra, note 8.

60. Quote above from Cadbury, supra, note 30, at 53; source of information on function of conferences is Cadbury interview, supra, note 43. Cadbury advises that the person on the Board who organized the annual conferences was Marion Bryden, later a member of the Ontario provincial parliament.

61. Cadbury, supra, note 30, at 55. The information in the following paragraph is from this source also.

Until 1944 the only written references to cabinet decisions to be found are rare short notes appearing in Archives files from premiers to cabinet members reminding a cabinet member on occasion of something arising out of cabinet discussions for which that member had responsibility.

62. Ibid. In Cadbury's opinion the change helped to promote settlement of principles and priorities by cabinet as a whole, and to move away from the practise of each minister making the decisions for operating his own department and reporting to cabinet. Cadbury interview, supra, note 43.

63. This is apparent from perusing the Cabinet Files in the Saskatchewan Archives; Douglas papers, supra, note 8.

64. The procedure outlined in this paragraph and the two following paragraphs was based on the recommendations in the Shumiatcher memo (mentioned in the next paragraph of the text, and see note 67), and the fact that the procedures were adopted about 1951 are apparent from perusal of the material relating to cabinet proceedings found in the Douglas papers in the Saskatchewan Archives.

65. A meeting in September 1948, Cabinet File, Douglas papers, supra, note 8.

66. From cabinet minutes it appears that the Hon. W. S. Lloyd acted as cabinet secretary from the fall of 1946 to 1950; followed by J. W. Graham from 1950 to 1951; followed by H. S. Lee, an Executive Assistant to the Premier, from January 1951 through to 1961. Cabinet File, ibid.

67. Memo dated September 10, 1948, Cabinet File, ibid.

68. The establishment of the secretariat is confirmed and mentioned by Eager, Evelyn, Saskatchewan Government: Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 135. According to Dr. Eager, and to a 1956 memo among the Lloyd papers at the Saskatchewan Archives entitled "The Role of the Cabinet Secretariat", it appears that Dr. Shumiatcher did not attend cabinet meetings, but organized minutes under instruction of the Premier.

69. Heeney, A. D. P., "Cabinet Government in Canada", (1946) 12 Canadian Journal of Economics and Political Science, 282 at 287.

70. Ibid.

71. Referred to January 28, 1949, Cabinet minute 27/49, Cabinet Minute File--Apr.'48 - Nov. '49, Douglas papers, supra, note 8.

72. Referred to December 16, 1949, Cabinet Minute 487/49, Cabinet Minute File--Dec. '49 - Mar.'50, ibid.

73. Established February 12, 1949, Cabinet Minute 52/49, Cabinet Minute File, ibid--Messrs. J. T. Douglas, Brockelbank, Nollet, Lloyd.

74. Established March 13, 1950, Cabinet Minute 638/50, Cabinet Minute File, ibid--Messrs. Sturdy (Welfare) and Ministers of Education and Health.

75. Referred to January 19, 1950, Cabinet Minute 557/50, Cabinet Minute File, ibid.

76. Referred to April 6, 1951, Cabinet Minute 2246/51, Cabinet Minute File--Apr. - June '51, Douglas papers, ibid.

77. Referred to September 4, 1951, Cabinet Minute 2523/51, Cabinet Minute File--July - Oct '51, Douglas papers, ibid., the Premier and Provincial Treasurer appointed to it.

78. Referred to January 27, 1953, Cabinet Minute 3538/53, Cabinet Minute File--Jan. - Mar.'53, Douglas papers, ibid.

79. Referred to December 13, 1957, Cabinet Minute 8130/57, Cabinet Minute File--Oct.'57 - Jan. '58, Douglas papers, ibid.

80. Referred to August 15, 1960, Cabinet Minute 166/60, Cabinet Minute File--July - Sept.'60, Douglas papers, ibid.

81. Thomas, The Making of a Socialist, supra, note 49, at 337-38.

82. This is apparent from Executive Council File, Douglas papers, supra, note 8

83. Cadbury, supra, note 30, at 56.

84. Ibid.

85. Minute of Special Cabinet Meeting of Sept. 17, 1946, supra, note 50; Minute of Cabinet-Planning Board Meeting, same date, from Cabinet-Planning Board File, Cadbury papers, supra, notes 43 & 49; Letter Cadbury to Paul Byers, Director of Budget Bureau, Feb. 3, 1948, E.A.P.B. File, Cadbury papers, ibid.

86. Cadbury, supra, note 30, at 56.

87. Memo, T. H. McLeod (Board Secretary) to T. C. Douglas, Budget Bureau Files, Douglas papers, supra, note 8.

88. Budget Bureau Files, ibid.

89. T. H. McLeod, supra, note 49.

90. Budget Bureau Files, Douglas papers, supra, note 8.

91. Ibid.

92. Ibid.

93. Memo, F. A. Robertson, Director of Budget Bureau to C. S. Edy, Public Service Commissioner, dated April 30, 1947, Budget Bureau Files, ibid.

94. Ibid.

95. Ibid.

96. Budget Bureau Files, Douglas papers, supra, note 8.

97. Work Program of Budget Bureau 1951-53, ibid.

98. Memo, Hon. C. M. Fines to All Ministers, dated February, 23, 1951, Budget Bureau Files, ibid.

99. Budget Bureau Files, ibid. It is noted that in July 1951 T. H. McLeod became Director of the Budget Bureau.

100. Report on the Activities of the Administrative Management Division, The Budget Bureau, for the Period November 1946 - March 31, 1951, Fines papers, Saskatchewan Archives, Regina. Examples given were a speedier messenger service at no extra cost, changes in Purchasing Department procedures that "reduced time of processing orders by 1/2 a day, as well as cutting out much clerical work", and improvement in a number of filing systems "so as to reduce the time in clerical operations".

101. Report of February 16, 1951, Miscellaneous (Budget Bureau) File, Fines papers, ibid.

102. T. H. McLeod, supra, note 49.

103. Memo of April 25, 1960, D. D. Tansley, Director to A.W. Johnson, Deputy Provincial Treasurer, recommending changes in organization of the Budget Bureau, Budget Bureau Files, Douglas papers, supra, note 8

104. Memo, Fines to the Premier and all cabinet ministers, May 18, 1951, Budget Bureau Files, ibid.

105. The Crown Corporations Act, Statutes of Saskatchewan 1945, cap.17.

106. T. H. McLeod, supra, note 49.

107. The Automobile Accident Insurance Act, 1946, Statutes of Saskatchewan 1946, cap. 11.

108. The Saskatchewan Government Insurance Act, 1946, Statutes of Saskatchewan, cap. 10, section 4.

109. Statutes of Saskatchewan 1947, cap. 14, section 3.

110. The Saskatchewan Government Insurance Act, 1946, supra, note 105, section 15; The Leader Post, March 5, 1946.

111. The Leader Post, February 2, 1945.

112. The Speech from the Throne, Legislative Assembly Journals 1945, 9 et seq., and various news reports.

113. These were Saskatchewan Minerals (a brick plant at Estevan and a sodium sulphate mine), Saskatchewan Fur Marketing Service, Saskatchewan Government Printing Company, Saskatchewan Industries (producing and selling wool, shoes and leather hides), Saskatchewan Lake and Forest Products Corporation (timber and timber products and processing and selling fish

products), Prince Albert Box Factory (the box factory had "been taken on because the owner had refused to comply with the new labour laws." Cadbury, supra, note 30, at 53; O.C. 1612/45--the expropriation order), Saskatchewan Reconstruction and Housing Corporation (distribution of surplus war assets, operation of a government garage), and Saskatchewan Transportation Company. In addition, as mentioned, S.G.I.O. had been added. Those reporting a profit were S.G.I.O., the Timber Board part of Saskatchewan Lake and Forest Products, Saskatchewan Transportation Company, the Printing Company, the Reconstruction Corporation and the Fur Marketing Service. Saskatchewan Wool Products and Saskatchewan Leather Products had become part of Saskatchewan Industries. Saskatchewan Timber Board and Saskatchewan Fish Products were taken over by Saskatchewan Lake and Forest Products, and Saskatchewan Reconstruction Corporation and Saskatchewan Reconstruction Housing Corporation became one corporation.--The Leader Post, February 8, 1945, reporting on a reply tabled by C. M. Fines in the assembly, and further report February 13, 1947; Report--Crown Corporations--Profits and Losses 1948", Cabinet and Planning Board Conference File, Douglas papers, supra, note 8; "Chairman's Report" of Apr. 1946, Cabinet-Planning Board Conference File 1946-54, Cadbury papers, supra, note 43.

114. O.C. 1200/47.

115. Cabinet and Planning Board Conference File, Douglas papers, supra, note 8.

116. The Leader Post, editorial February 12, 1948; minutes of joint Cabinet-Planning Board meeting of September 13-17, 1948, Cabinet and Planning Board Conference File, ibid.

117. The Crown Corporations Act, 1947, Statutes of Saskatchewan 1947, cap. 13, Part II. (In 1947 this Act was passed replacing 1945, cap. 17, supra, note 105.) The O.C. establishing the G.F.O. was 535/47 dated Apr. 2, 1947, published in Gazette, April 19, 1947, 7.

118. Text in quotes from Cadbury, supra, note 30, at 54. "On April 1, 1947 the staff of the Industrial Executive became employees of Government Finance Office..." Government Finance Report for the Period April 1 to March 31, 1948. Cabinet-Planning Board Conference File, Cadbury papers, supra, note 43. This report further stated that the Government Finance Office was "set up" on April 1, 1947 by O.C. 535/47, under Part II of The Crown Corporations Act, 1947, which also set out the corporations to which the new Act applied. This would appear to be the legal transfer. There is a reference to the actual transfer of authority from Section B (the Industrial Advisory and Planning Board) being May 12, 1947--Cabinet-Planning Board File, ibid.

119. A statement entitled "How Our Crown Corporations are Run", author unknown, which is in the Crown Corporations File with the 1949 correspondence, Douglas papers, supra, note 8.

120. The board of directors of each corporation was established by the Lieutenant governor in Council.

121. Cadbury, supra, note 30, at 54.

122. "How Our Crown Corporations are Run", supra, note 119.

123. The Crown Corporations Act, 1947, supra, note 117, at section 5. In regard to the telephone company, The Telegraph and Telephone Act was amended (1947, cap. 10, sec. 5) to provide that by O.C. three persons (one to be the minister) could be appointed a corporation under The Crown Corporations Act, 1947, to take over the public telephone system and also that by O.C. all property of the telephone system could be declared the property of the corporation. The necessary O.C. under The Crown Corporations Act was then issued to effect the incorporation of Saskatchewan Government Telephones--O.C. 751/47, dated May 9, 1947.

124. T. H. McLeod, supra, note 49.

125. Cadbury, supra, note 30, at 55.

126. Ibid.

127. The Crown Corporations Act, 1947, supra, note 117.

128. Ibid., section 2.

129. Ibid., section 3.

130. Ibid., section 4.

131. Ibid., section 7.

132. Ibid., section 25.

133. Ibid., section 26.

134. Cadbury to Douglas of March 31, 1950, supra, p. 90.

135. The Crown Corporations Act, 1947, supra, note 117, at section 30.

136. Ibid. It should be noted that in 1963 The Industrial Development Act, Statutes of Saskatchewan 1963, cap. 51 was passed, creating the Saskatchewan Economic and Development Corporation (SEDCO). That Act gave this new corporation an aggregate borrowing power, subject to the approval of the Lieutenant Governor in Council, of \$15 million. By Statutes of Saskatchewan 1966, cap. 5, the powers and properties relating to industrial development that the Government Finance Office had under Part III of The Crown Corporations Act was repealed. Also, the Government Finance Office became the Crown Investments Corporation by a new Crown Corporations Act, 1978, Statutes of Saskatchewan 1978, cap. 10. Over the years, the amount of the aggregate borrowing powers had been increased by

a number of amendments to stand at \$500 million at the end of the Blakeney administration; and in Statutes of Saskatchewan 1983-84, cap. 41 it was increased to \$500 million. Some changes in restrictions in individual loans had been made over the years also.

137. See The Saskatchewan Loans Act, R. S. S. 1909, cap. 33, sec. 11.

138. The Saskatchewan Hospitalization Act, 1946, Statutes of Saskatchewan 1946, Cap. 82; The Leader Post, March 16, 1946.

139. The Saskatchewan Hospitalization Act, 1946, ibid. section 3.

140. Thomas, The Making of a Socialist, supra, note 49, at 230.

141. The Saskatchewan Hospitalization Act, 1946, supra, note 138, at section 4.

142. Emphasis added. The premium was initially five dollars per person with a maximum of \$30 per family. Also ibid., section 5.

143. Statutes of Saskatchewan 1949, cap. 63, Sections 3, 10 and 11.

144. Statutes of Saskatchewan 1944 (Second Session), cap. 6.

145. The Leader Post, October 27, 1944, referring to section 5 of this Act.

146. The Leader Post, February 21, 1945.

147. In the 1948 session a bill to amend The Department of Reconstruction and Rehabilitation Act, 1944, gave authority to the Provincial Treasurer to "advance, upon requisition of the minister, such sums out of the consolidated fund as are required to pay for supplies and services in connection with any plan of reconstruction or rehabilitation". On objection by Procter, former Minister of Highways in the Patterson cabinet, the bill remained in committee until amended to state what the monies could be advanced for, and limiting the amount to "an amount decided upon from time to time by the Lieutenant Governor in Council". Statutes of Saskatchewan 1948, cap. 11 and section 8c as amended by section 2 of the amending Act.

148. Cadbury, supra, note 30, at 56.

149. Statutes of Saskatchewan 1943, cap. 15: amendment 1945, cap. 27.

150. Thomas, The Making of a Socialist, supra, note 49, at 172.

Other examples of the extended use made of the Provincial Mediation Board by the Douglas administration are

found in amendments to legislation:

1944 - The Farm Security Act, 1944, (Statutes of Saskatchewan 1944, 2nd sess., cap. 30) provided for postponement of crop payments under agreements for sale, mortgages or leases by order of the P.M.B. in the event of crop failure. In 1951 this authority was expanded. The P.M.B. could determine whether there was a crop failure and could exclude any mortgage or agreement for sale from the provisions.

1947 - The Land Titles Act was amended (Statutes of Saskatchewan 1947, cap. 37) to require consent of the P.M.B. before a mortgagee could enter into a lease agreement of the mortgaged land with a person other than the owner.

1950 - The Leasehold Regulations Act, 1950, (Statutes of Saskatchewan 1950, cap. 85) provided that the P.M.B. could adjudicate in cases of misrepresentation or dispute; on demand for possession, a tenant could seek a prohibition order from the board in cases of hardship.

1957 - The Land Contracts (Actions) Act was amended (Statutes of Saskatchewan 1957, cap. 34) to require that 30 days' notice of intention be given to the P.M.B. before commencement of proceeding for cancellation of an agreement for sale, etc.

1957 - The Landlord and Tenant Act was amended (Statutes of Saskatchewan 1957, cap. 87) to require the Demand for Possession form to give notice to the tenant that if he objects to repossession by the landlord he may apply to the P.M.B. for an order of prohibition.

The Douglas administration also continued the practice of legislating Law Amendment (Temporary Provisions) Acts giving authority to the P.M.B. to issue orders granting access to land by former tenants for removal of crops and stored grain--See Statutes of Saskatchewan indexes.

151. Statutes of Saskatchewan 1948, cap. 9.

152. Section 8b as enacted by section 4 of the amending Act, ibid. The Act, before being amended, related to the minister's power to audit records of municipalities. The amending Act extended his authority to supervision and, at the request of a council, authorized the minister to order revaluation of assessments. The importance of the amendment quoted is that it gives the Lieutenant Governor in Council authority to charge costs of revaluation ordered by him, not just against

the municipality concerned, but against "all or any municipality" that would benefit.

153. Statutes of Saskatchewan 1948, cap. 24.

154. Section 3--three cents per acre; minimum tax \$1.

155. Statutes of Saskatchewan 1948, cap. 19.

156. Section 6.

157. Section 7.

158. Sections 8 and 10.

159. Section 88.

160. Sections 91, 92, 93.

161. Section 94.

162. Section 100.

163. Section 103.

164. Statutes of Saskatchewan 1947, cap. 91.

165. There was other legislation in 1947 that also provided for considerable control by order in council:

(1) The Public Service Act, 1947, Statutes of Saskatchewan 1947, cap. 4, established a commission of three members (as opposed to "one or more members" under the former Act), appointed by the Lieutenant Governor in Council, one to hold office for a term of two years, one for a term of four years and one for a term of six years and thereafter each replacement to be for a term of six years unless appointed to fill a vacancy. (The previous commission was appointed for seven years.) The commission was to administer the public service and establish regulations (section 8). A special section (section 54) dealt with political activities establishing that an employee could not be required "to take part in any political undertaking or to make any contribution to any political party". An employee was not to "engage in any form of political activity during his hours of duty" and a member of the public service was to be entitled to 30 days leave of absence if he desired to become a candidate for public office..

(2) The Telephone and Telegraph Act was amended as outlined at supra, note 123.

(3) The Power Commission Act was amended (Statutes of Saskatchewan 1947, cap. 11) to allow changing the membership on the commission from a ten year term to holding office "during

pleasure of the Lieutenant Governor in Council" and authorizing similar amendments to those provided in the Act amending The Telephone and Telegraph Act mentioned above, so that the commission could be turned into a corporation by Order in Council.

(4) Changes were made in the legislation respecting Saskatchewan Government Insurance Office (Statutes of Saskatchewan 1947, cap. 14) to provide that it consist of two or more persons appointed by the Lieutenant Governor in Council, one to be the minister; the corporation to choose a manager subject to approval of the Lieutenant Governor in Council. This was a change from the initial structure whereby it was presided over by the minister only, with a manager approved by cabinet. All necessary regulations for the carrying on of the business were to continue to be established by the Lieutenant Governor in Council.

(5) An Act to amend The Fire Prevention Act, Statutes of Saskatchewan 1947, cap. 85, section 10, gave the Lieutenant Governor in Council new powers for regulating installation of natural gas systems, establishment and operation of dry cleaning businesses and other businesses using flammable liquids, and for governing distribution, installation, maintenance and sale of fire fighting and prevention equipment and all burners, and other like matters pertaining to fire prevention.

(6) An amendment to The Health Services Act, 1946, cap. 81, gave absolute regulatory powers to the Lieutenant Governor in Council (section 48), and gave further powers for total regulation of any Municipal Health Services Board that was set up to govern a municipal health scheme. (Amended 1947, cap. 88 section 5).

(7) Additional regulatory powers were granted under The Steam Boilers Act, Statutes of Saskatchewan 1947, cap. 92, section 17, relating to welding procedures, and regulation of firms employing welders of boilers or pressure vessels. The amendments required recording of welding procedures, and prescribed qualification tests to be passed by welders, with penalties for violation.

(8) A new Hours of Work Act, 1947, Statutes of Saskatchewan 1947, cap. 103, provided for the Lieutenant Governor in Council to exclude any class of employees on recommendation of any municipal council at particular times and in regard to particular trades and businesses (section 8) and gave general powers of regulation to the Lieutenant Governor in Council.

(9) The Minimum Wage Act, R. S. S. 1940, cap. 310, was amended to make orders previously within the powers of the board to be subject to the approval of the Lieutenant Governor in Council. (Statutes of Saskatchewan 1947, cap. 104, section 3.)

(10) The Research Council Act, 1947, Statutes of Saskatchewan 1947, cap. 114, set up The Saskatchewan Research Council of eleven members appointed by the Lieutenant Governor in Council (section 2) to consider "matters pertaining to research and investigation in physical sciences as they affect the economy" and other matters referred to it by the Lieutenant Governor in Council to be laid before the assembly (section 11).

166. The Leader Post, February 12, 1948.

167. Ibid., February 13, 1948--reporting a speech by Valteau (armed forces representative) in the throne speech debate. The previous quote is also from Valteau's speech as reported in the issue of the newspaper mentioned.

168. The Leader Post, October 26, 1948.

169. Namely Hon. J. L. Phelps and Hon. O. W. Valteau. The defeated J. L. Phelps accused the party of "losing sight of its 'agrarian origin'", and of becoming "the political arm of organized left wing labor in Canada". The Leader Post, editorial July 28, 1948.

170. The Hon. J. H. Brockelbank became Minister of Natural Resources; the Hon. J. H. Sturdy assumed responsibility for Social Services; the Hon. L. F. McIntosh took on Municipal Affairs, while retaining Co-operatives; the Hon. C. C. Williams retained Labour, but became Provincial Secretary as well; Public Works and Telephones went to the Hon. J. A. Darling. The former Department of Reconstruction was now under Public Works.

171. J. Walter Erb and Tom Johnson.

172. Letter, cabinet secretary to each of the two M.L.A.'s dated April 16, 1949, E.A.P.D. File, Douglas papers, supra, note 8. T. H. McLeod continued as Secretary, but it seems it was understood at that time that he would assume the position of Deputy Provincial Treasurer whenever that position became vacant, while remaining on the board. (Memo, Cadbury to T. C. Douglas, June 21, 1949, E.A.P.D. File, ibid.) This was accomplished in March of 1950 and consequently Cadbury found it necessary, because of a heavier load to request that he no longer act on the boards of directors of the various crown corporations as he no longer had time to attend their meetings. (Memo, Cadbury to T. C. Douglas, March 18, 1950., E.A.P.D. File, ibid.) T. K. Shoyama succeeded McLeod as secretary.

173. He resigned to take up a position as Director of Missions in the Technical Assistance Administration of the United Nations, but made an offer to the government to continue as special consultant. The U.N. organization was one set up to organize programs of economic development in the "backward countries".--Press Release, Jan. 1951, E.A.P.D. File, ibid.

174. Economic Advisory and Planning Board Minute 13, January 11, 1951, E.A.P.D. File, ibid.

175. Thomas, The Making of a Socialist, supra, note 49, at 282, 283. The need for legislation relating to hours of work, research and expansion of services such as telephones and power, etc., supra, note 165, was becoming greater.

176. McLintock, Peter, "The Government plays it safe", The Leader Post, April 1, 1950.

177. Thomas, The Making of a Socialist, supra, note 49, at 248.

178. Ibid., 250.

179. Cabinet and Planning Board Conference File, Douglas papers, supra, note 8.

180. The shoe factory and tannery closed in 1949, the woollen mills in 1953, the box factory in 1957 and the assets of the Fish Marketing Board were sold in 1959--Cabinet and Planning Board Conference File, ibid.

181. Memo T. C. Douglas to all cabinet ministers of September 6, 1950 re agenda for special November meeting with the Planning Board, Cabinet and Planning Board Conference minutes, and the many reports and agendas on the Cabinet and Planning Board Conference File, ibid.

182. Apparent from the Treasury Board and Budget Bureau File and the Planning Board File, Douglas papers, ibid.

183. Report of Treasury Board to Cabinet and Planning Board Conference, November 1953, Cabinet and Planning Board Conference File, Douglas papers, ibid.

184. The Treasury Department Ordinance. This was carried forward in the 1898 consolidation as cap. 10.

185. Ibid., section 31.

186. Ibid., section 33.

187. Ibid., section 34.

188. Ibid., section 36.

189. Ibid.

190. Ibid., section 32.

191. Ibid., section 36.

192. Ibid., section 37.

193. Ibid., section 38.

194. Ibid., section 40.

195. The Treasury Department Act, Statutes of Saskatchewan 1907, cap. 6.

196. Ibid., section 27.

197. Statutes of Saskatchewan 1917, cap. 6.

198. Ibid., section 32.

199. Statutes of Saskatchewan 1931, cap. 7, section 5, amending section 34.

200. Statutes of Saskatchewan 1957, cap. 12, section 2.

201. Statutes of Saskatchewan 1972, cap. 138. While the minister then officially became Minister of Finance, he was still referred to as "treasurer" in many places in the 1978 Act (The Department of Finance Act, 1978, D-15), but a definition section made the two terms of "treasurer" and "Minister of Finance" synonymous. Another new Act, The Department of Finance Act, 1983, has changed all references to "minister" and now that all the provincial statutes are on computer such transition problems will no longer exist as all references can be found and made consistent.

202. Chandler, Marsha A. and William D., Public Policy and Provincial Politics, Toronto, McGraw-Hill Ryerson Limited, 1979, 107.

203. The title of the address is "Budgeting Provincial Expenditures", found in Proceedings of the Fifth Annual Conference of the Institute of Public Administration in Canada, 1953, pages 11 - 19, at pages 15-18.

204. Ibid., 18.

205. The writer's general impression from Budget Bureau Files, Douglas papers, supra, note 8, and from discussion with T. H. McLeod, supra, note 49.

206. Saskatchewan Executive and Legislative Directory 1905-1970, Saskatchewan Archives Board, Regina and Saskatoon, Queen's Printer, 1971, 59, and personal knowledge.

207. Ibid., 61.

208. See Appendix.

209. Memo - Tansley to "All participants in the Public Administration Training Course, 1956", dated February 17, 1956, Budget Bureau File, Douglas papers, supra, note 8.

210. Thomas, The Making of a Socialist, supra, note 49, at 371, and personal recollection.

211. Ibid, and personal recollection.

212. With 38 seats to the Liberals 17 seats; Ibid., 371.

213. At that time the Hon. Olaf Alex Turnbull became Minister of Co-operative Development, the Hon. Alex M. Nicholson replaced Bentley as Minister of Social Welfare, the Hon. William Gwynne Davies became Minister of Public Works and the Hon. Clarence G. Willis moved to Highways and Transportation, while the Hon. Allan Blakeney took over the Education portfolio. The Hon. Russell Brown, who had become Minister of Travel and Information when that department was formed in 1957, became Minister of Industry and Information when the name of the department was changed in 1960. Saskatchewan Executive and Legislative Directory 1905-1970, supra, note 206, at 15.

214. The Saskatchewan Medical Care Insurance Act, 1961, Statutes of Saskatchewan 1961, Second Session, cap. 1.

The events causing the delay, which were mainly the bitter struggle with the Saskatchewan College of Physicians & Surgeons are too detailed for discussion here. For such a detailed study see E. A. Tollefson, Bitter Medicine: The Saskatchewan Medicare Dispute, Saskatoon, Modern Press, 1964, especially pages 45-65 and 88-113.

215. Statutes of Saskatchewan 1962, (Second Session), cap 1. For the negotiations and result see Tollefson ibid, 114, 115.

216. The Act further provided that three of the physicians were to be agreed upon between the College of Physicians and Surgeons of the province and the Lieutenant Governor in Council, one to be a specialist, one a general practitioner and one employed full time at the College of Medicine.

217. Thomas, The Making of a Socialist, supra, note 49, at 373. Douglas was elected national leader at the founding convention of the New Democratic Party. In July 1960, at a provincial C.C.F. convention, the Saskatchewan party voted for affiliation with the new party.

218. This quote is taken from Woodrow; a Biography of W. S. Lloyd, Dianne Lloyd, Published by The Woodrow Lloyd Memorial Fund, 1979. The author is the daughter of Woodrow S. Lloyd.

CHAPTER 4

THE LLOYD ADMINISTRATION

Two roads diverged in a wood, and I,
I took the one less travelled by
And that has made all the difference.¹

Robert Frost.

1. A Profile of Woodrow S. Lloyd

Upon the resignation of Douglas and his cabinet, a letter dated November 6, 1961, was directed by Lieutenant Governor Bastedo to Woodrow S. Lloyd. The letter called upon Mr. Lloyd, as the chosen leader of the party holding the majority of the seats in the legislature, and upon the recommendation of Mr. Douglas, to form a government. The letter requested him to submit the names for a new cabinet and offered congratulations to Mr. Lloyd as the new premier.² The new premier had been Minister of Education for sixteen years and Provincial Treasurer for just over a year before succeeding to the position of premier.

Premier Lloyd was born at Webb, Saskatchewan, in a two-room shack, on July 16, 1913, to Myrtle Belle (Davis) Lloyd and Allan Edward Lloyd, who were farmers who originally came from the United States. He attended public school in the Lloyd School District (named after his parents); then entered high school at the age of eleven at Webb, Saskatchewan. Only

the first two years of high school were offered at Webb, so it was necessary for him to board in Regina and take his final two years there at Scott Collegiate.³

It was from the Biggar constituency that Mr. Lloyd was elected to the legislature in 1944. He was immediately appointed to the cabinet as Minister of Education for which, with his background as teacher and former president of the Saskatchewan Teachers' Federation, he was eminently suited and an obvious choice. The youngest minister at the time of his appointment, he was re-elected in each subsequent election until he retired from politics in May of 1964.

A man who was just over six feet tall, Woodrow S. Lloyd has been described as "a man of moderation, firm and unflappable, an instinctive leader able to hold together a party badly frightened and seriously split by a torrent of criticism"⁴, and as

a reflective, scholarly man whose supporters sometimes suggest is too much of an egghead, but who delivered temperate and solid statements of government policy during the Medicare imbroglio....He couches his statements in moderate language and delivers his radio and TV addresses in deliberate tones of careful exposition. His talks were lucid and dignified. When passions were at their peak, Lloyd never once lost his temper....a leader whose image is that of a careful, moderate man of rugged character and quiet competence.⁵

He was known as sensitive and intellectual; a supporter of debate within the party as a means of keeping it a democratic organization attuned to current needs. He even supported the Waffle group, at least to the extent of encouraging them to

state their point of view, and moved some "younger and more energetic men" onto front benches.⁶

2. The Lloyd Cabinet - Fine-tuning Rather than Change

Unlike Premier Douglas, Premier Lloyd stepped in to follow a leader of the same party. As a result, the same party ties continued and no restructuring was necessary for his cabinet to operate; the structure that was in place was one within which Premier Lloyd had worked for seventeen years. Those in government with him were now experienced and, as a colleague of theirs for many years, he had come to know them well; thus he was in a position to assess their abilities. It was, then, no surprise that when Premier Lloyd announced the names of those in the new cabinet, there were initially only a few changes.⁷ However, a shuffle followed a few weeks later,⁸ and still further changes were made a year later,⁹ although most of the names in the reshuffled cabinet were well-known.

The changes in the cabinet in 1962¹⁰ were made after advance notice to M. L. A.'s and certain members of the party executive by an informal, but confidential memo giving reasons.¹¹ Advance notice to senior officials of imminent changes in the cabinet came to be a practise of Premier Lloyd, who believed in keeping in touch on a personal basis with senior officials of government and with organizations. He sent personal letters to persons or organizations who would be affected by a change, advising of the changes in advance. For example, on September 1, 1962, he sent a memo to the chairman

of the Public Service Commission advising of a new minister to be appointed to be responsible for the commission. The change was publicly announced on September 7th.¹²

The decisions facing the cabinet of the Lloyd administration were not so much involved with setting up a structure within which to work and devising new procedures, as they were with dealing with problems of a continuing nature by a government structured as it was before. Continuing within that structure, fine-tuning in procedure was done as appeared necessary for the changing demands of government administration. The goals established by the previous administration (particularly implementation of medicare) were carried forward. The following are examples of the types of decisions cabinet was dealing with during the Lloyd administration:

1. It was agreed that there was a need for a "press liaison officer" to see that news coverage and publicity for the Premier and members of the cabinet were improved, to keep the Premier "informed about news and editorial opinions and to advise [him] when some action or statement [was] required".¹³

2. A recommendation of Treasury Board that "electronic data processing" be introduced was adopted, taking the provincial government into the computer age.¹⁴

3. It was agreed that there was an understanding in the party that contributions to

the C.C.F.--N.D.P. by the ministers should be 10% of their indemnity and "may be any amount in excess of that as determined by each Minister", and further, that the provincial party secretary was to be advised of this.

4. It was agreed that, as a matter of policy, no appointments should be made to the positions of Deputy Minister, General Manager of a Crown Corporation or Chairman of any Boards and Commissions until:

(a) such appointments had been approved by cabinet, and

(b) the Minister concerned had consulted with members of the Provincial C.C.F.

-- N.D.P. Executive.¹⁵

3. Medicare and the Beginning of the Lloyd Administration

The greater part of the year 1962 was taken up with the medicare issue that Premier Lloyd and his cabinet inherited, which resulted in the cabinet becoming a negotiator with a major professional organization whose goodwill was necessary to make the plan work;¹⁶ a plan which was an integral part of the whole philosophy of the administration: one which they had been building toward ever since 1944.¹⁷ The person who had thrust upon him the major responsibility was, of course, Premier Lloyd, backed up by the Minister of Public Health, the Hon. William G. Davies. Premier Lloyd, in a statement made on

June 21, 1962, outlined the problem he encountered and the solution devised:

It must be recognized that it is exceedingly difficult for two relatively large bodies of persons such as the Council of the College of Physicians & Surgeons and the provincial cabinet to negotiate on a continuous basis.¹⁸

Premier Lloyd proposed, and later appointed, a skilled negotiator to devote full time to the problem on behalf of the cabinet.¹⁹ While the medicare issue was the major political concern of the Lloyd administration, the important development that arose out of it insofar as evolution of executive power is concerned, is the move from negotiation by the cabinet on its own behalf, to the appointment of an outside negotiator to bargain on its behalf. This was an innovative approach that was not used previously in Saskatchewan to solve a major political issue.

4. Cabinet Procedure Streamlined and Further Innovations

The most efficient manner of dealing with orders in council seemed to be a problem under frequent consideration by the cabinet. In a memo of February 2, 1962 from Mr. Lee (Cabinet Secretary) to Allan E. Blakeney, then Provincial Treasurer, a recommendation was made that a solicitor from the Attorney General's Department be attached to the Executive Council Office to check Orders in Council for errors and draftsmanship, and to advise on matters that might affect civil liberties. This was followed up on October 23, 1963, in a memo from the Deputy Attorney General to all departments,

indicating that cabinet had instructed the Clerk of the Executive Council to forward all Orders in Council to the Attorney General's Department for review, with directions to return all those for which no statutory authority existed or which were unnecessary, and to approve the wording.²⁰

By early 1962 it appears that some concern existed about the secrecy of cabinet proceedings, since a memo from the cabinet secretary to all ministers was sent out on February 8th reminding them that cabinet minutes were for their offices only, and advising that instructions to staff arising out of them were to be given verbally or by memorandum paraphrasing the minutes, but not quoting them. A memo a few days later made an exception in regard to minutes with budget implications or those related to Treasury Board recommendations. These would still go to the Deputy Provincial Treasurer and the Director of the Budget Bureau.²¹

Despite his relatively short time as premier, Premier Lloyd and the other members of the cabinet during his administration had considerable impact on the evolution of executive power,²² especially in the further streamlining of cabinet procedures. Perhaps this was because of the major demands on the Premier's time, rather than "in spite of" them. He took over from T. C. Douglas half-way through the fall session of 1961; handled the 1962 spring session and was then, as has been mentioned,²³ plunged into the medicare issue and a special medicare session in August 1962.

A memo of March 18th, 1963, from the cabinet secretary (who was also serving as secretary to the Committee on Cabinet Procedure),²⁴ calling a meeting of the committee, sets out the problems and gives some insight into the procedures at that time. It reads in part as follows:

1. Orders in Council

At the present time consideration of Orders in Council take up the first 15-20 minutes of each Cabinet meeting. The adoption of a new procedure might reduce this time to an average of 10 minutes and might avoid entirely the occasions when the consideration of Orders in Council take a full hour.

2. Cabinet Agenda Items

The preparation and circulation of one or two page documents which summarize and support the items the ministers wish to raise and discuss has speeded up the process of considering Cabinet Agenda Items. However, the use of this technique is declining. It might be worthwhile to consider for example, giving a higher priority on the agenda to those items that are accompanied by a summary document. Unfortunately this discriminates against those items that do not lend themselves to this procedure. Many agenda items are simple and straightforward, yet often these are held up because lengthier and more controversial items are considered first. It has been suggested that a fairly large number of "minor" items might be dealt with in, say a 15-20 minute period (10:10 a.m. - 10:30 a.m.) by having the Cabinet consider draft cabinet Minutes on those items. These draft minutes would be supported by the Ministers in consultation with the Cabinet Secretary and would be either circulated to the Ministers prior to the meeting or made available at the meeting.

3. Legislation

This is an area of Cabinet work that is difficult to comment on constructively.

The problems seem to be somewhat as follows:

1. a great deal of time has been required;
2. no systematic method of presenting legislation has been devised;
3. no records are kept of decisions made relative to details of legislation;
4. legislation invariably arrives late requiring the expenditure of time that could better be devoted to the budget, strategy in the Legislature, preparation of speeches, etc.

At that time regular cabinet meetings were at 10:00 a. m. each Tuesday and Friday, with all ministers to be present at the Tuesday meeting.

A few months later, in May 1963, following a recommendation in April²⁵ of the Cabinet Procedure Committee, a policy was established by the cabinet in regard to its agenda items that:

1. matters relating to entertainment be referred to the Provincial Treasurer and once authorization for the luncheon or banquet is obtained the minister concerned is to contact the Department of Industry and Information for their services in handling the matter, with the understanding that the Provincial Treasurer could refer requests to cabinet at his discretion;
2. Orders in Council be raised as such and not as individual agenda items;

3. all agenda items supplied to the cabinet secretary be accompanied by a supporting summary of the item and a draft cabinet minute;

4. agenda items be arranged having regard to:

- (a) availability of supporting documents;
- (b) availability of draft cabinet minute;
- (c) inter-relationship of items;
- (d) sponsoring minister;

5. "no item called for discussion but passed by the minister is to remain on the agenda for more than two meetings";

6. "the cabinet secretary....is to discuss with ministers proposed agenda items not supported by the agreed documents, or items which should be routed through Treasury Board or other committees".²⁶

In addition to the above rules, a cabinet committee on Orders in Council was set up consisting of the Hon. R. A. Walker, (Attorney General), the Hon. W. G. Davies (Public Works) and the Hon. F. Meakes (Co-operatives and Co-operative Development), which could be expanded to include any minister available who wished to discuss Orders in Council. This committee was given the authority "to approve on behalf of the cabinet all the orders which are submitted", but if any cabinet member questioned any Order in Council it would be submitted to the whole cabinet. The committee was to report in

general terms, usually through the Attorney General, to the cabinet as a whole on actions taken by it.²⁷

Recommendations for a policy in regard to legislation that were submitted as a draft minute in May 1963, and subsequently adopted were that:

1. each department review and present to its minister by November 30th its requirements, indicating whether they were routine, consolidations, etc;
2. the minister raise only the principle involved in cabinet;
3. the principles affirmed by cabinet be submitted to the Attorney General's Department and Legislative Counsel to draft details;
4. draft legislation then be submitted to the cabinet committee on legislation for report to cabinet on its conformity with the principles approved and on its civil rights implications.²⁸

Still another innovation of the Lloyd administration was the organization of cabinet meetings at places outside of Regina in order to increase communication with the public.²⁹ The sites for the meetings were chosen to correspond with a major event in the community, or in the area in which the community was located; for example, a meeting held at Tisdale on the occasion of the official opening of Squaw Rapids Dam and a

meeting at Weyburn on the occasion of the 50th Anniversary of that community.³⁰ Careful planning went into these meetings and, following the announcement of the meeting sites, advertisements were placed in area newspapers inviting delegations from the area to meet with cabinet and express their concerns. Following these excursions, personal letters from the Premier were sent to the local officials responsible for the organization of the delegations, to the newspapers, etc., expressing appreciation for hospitality and arrangements made for their convenience. Ministers also wrote thank you letters to any members of their department who contributed to these events.³¹ Complaints received from delegations were followed up.³²

One further innovation introduced by Premier Lloyd, in order to keep close contact between cabinet ministers and the constituencies, was to divide the province on an east and west basis:

Russ Brown [was] allocated the eastern part for "supervisory" purposes--Ole Turnbull the western part. In turn each cabinet minister [was] allocated three or four constituenciesEach group [to]....include one or more M. L. A.'s in addition to the cabinet minister. Together they [would] form a team for that area. The ministers [were to] report to Russ or Ole. Brock, Russ, Ole and [the premier were to] meet regularly to study the reports and....discuss needed action.³³

Each cabinet minister was to meet with the constituency executives in his area before the meeting of caucus and the provincial party executive in February 1963. At the meeting the items to be discussed were problems of organization and finance,

1963 conventions, nomination of candidates, and publicity within the constituency.³⁴

5. Economic Advisory and Planning Board Update

The Economic Advisory and Planning Board that had evolved during the Douglas years out of the original Economic Advisory Committee, the development of which has been mentioned, continued to function actively. The 1963-64 "Work Programme"³⁵ of the Executive Council, which accompanied departmental budget submissions, indicates the functions of the Economic Advisory and Planning Board at that time, and their vital importance to the administration of government. The Board did an

annual assessment of the economic outlook; periodic reviews of the farm income situation and the condition of agriculture generally; participat[ed] in the development of such programs as pension portability, crop insurance, programs under The Agricultural Rehabilitation and Development Act and manpower training programs; assessment of particular questions that [were] referred to it....., such as industrial townsite location problems and possible co-operative housing activity for the government; relationship of labour law and industrial development studies of shared-cost programs and possible areas for joint federal-provincial action and for national and regional economic development.

The Board had close liaison with "the Cabinet, the Legislature, the Treasury Board and Treasury Department, and the main program agencies, including crown corporations",³⁶ and the Director still sat on the Board of Directors of the Government Finance Office and various crown corporations.

6. The Premier's Control of Cabinet

In February of 1963 a rule was laid down that not more than two ministers should be absent from the legislature, when in session, at any one time; all ministers were to check with the cabinet secretary before making commitments preventing their attendance and, "except in unavoidable circumstances", to give one week's notice.³⁷ Strategy in the legislature was that each minister speak on matters which affected his department.³⁸

Premier Lloyd was capable of giving a gentle rap on the knuckles to a minister who failed to exercise caution in his remarks. In a personal letter to one minister³⁹ he referred to a statement that, at least by implication, was attributed to the minister following a press account of a particular event, on what the next development would be. He pointed out to the minister that not only had the matter suggested not been discussed by cabinet, but that he recalled an earlier announcement attributed to the same cabinet minister having reference to a development not fully approved by cabinet, and he pointed out that

statements which have a tendency to commit the government before they have been approved can only produce difficulties and problems for everybody and for yourself most of all. As a result I must urge you to exercise a greater degree of caution with regard to such commitments.⁴⁰

It seems that the incident which prompted the letter was a misinterpretation by the press, and the previous incident alluded to was an error in issuing a press release by the

Department of Industry and Information without proper authorization, but the incident shows the tight rein the Premier kept on his cabinet colleagues. The minister's reply indicates an appreciation of the Premier's concern and guidance.⁴¹

Leaking of proposals before adoption which later resulted in unfair comment in the press when they were not proceeded with, was a problem which arose on several occasions during the Lloyd administration, causing a general memo, dated January 29th, 1964,⁴² from the Premier to all cabinet ministers on the matter.

7. Premier Lloyd's Philosophy of Government

Some of Premier Lloyd's philosophy of government was expressed by him in an address to the Institute of Public Administration of Canada on September 5, 1962. He said he believed "government is a means whereby people collectively do for themselves those things they cannot do--or cannot do well individually".⁴³

One prime function of a government is to ensure that people may fully enjoy maximum rights....Governments consequently should conscientiously and constantly try to remove those barriers, man made or natural, physical or mental, that stand in the way of greater realizable rights for all people.

He defined rights (in a definition credited to Laski) as "those conditions of social life without which no man can seek, in general, to be himself at his best". He warned that government programs arising out of government departments must not be based on the idea that people are departmentalized so that "undue emphasis on a particular program or powerful

personalities pushing a program" result in an "imbalance".⁴⁴

Something of a summary of what he felt had been accomplished during the years between 1944 and 1963 is suggested in a radio broadcast in March, 1963. In the course of the broadcast Premier Lloyd reviewed some of the recommendations of the federal Royal Commission on Government Organization⁴⁵ which had been implemented in Saskatchewan before the report was made public:

Recommendation:

1. a central purchasing agency--⁴⁶

Saskatchewan had established one 15 years before;

2. a continuous review of administration--⁴⁷

Saskatchewan had been doing that through its Budget Bureau since 1944;

3. need for high quality responsible staff--⁴⁸

Saskatchewan was the first province to embark on a nationwide recruitment for university graduates and to develop staff training programs;

4. specialists to do economic research with central agency to control the work--⁴⁹

Saskatchewan's Economic Advisory and Planning Board;

5. more emphasis on public information--⁵⁰

Saskatchewan's Department of Industry
and Information.

8. Defeat

Premier Lloyd was not able to survive the turmoil of the medicare issue at the polls in May of 1964, and following the election he tendered his resignation to Lieutenant Governor R. L. Hanbidge verbally, followed up by a letter dated May 21st.⁵¹

Chapter Notes

CHAPTER 4

1. This was a favorite poem of Mr. Lloyd and is mentioned by his daughter Dianne Lloyd, in her book, Woodrow; a Biography of W. S. Lloyd, The Woodrow Lloyd Memorial Fund, 1979, 78, and it is found on several occasions among his papers at the Saskatchewan Archives.

2. Biography File and Biographical Material File, Lloyd papers, Saskatchewan Archives, Regina. Except where indicated, the biographical information on this page and the next page is taken from the Lloyd papers.

3. Ibid. Webb is 14 miles from where his parents lived so, at the age of 11, he had to board there to continue his education. Lloyd, supra, note 1, at 15-16.

4. Stewart, Walter, "Sask: The Tory Vote is the Key", Canadian Weekly, April 11, 1964.

5. McLeod, J. T., "Woodrow Lloyd: Temperate Premier", (1963) 43 Canadian Forum (February), 249.

6. Norton, Diane, "The Last Days of W. S. Lloyd", NeWest Review, November 1976--Legislative Library Biography clippings file.

7. Allan E. Blakeney took the Premier's previous portfolio of Provincial Treasurer and Hon. Olaf Turnbull took the Education portfolio that had been held by Mr. Blakeney.

8. See Appendix.

9. See Appendix.

10. Except for the replacement of Mr. Erb, who resigned in what appeared to the Lloyd cabinet to be an attempt to embarrass the government over the medicare issue in May of 1962.

11. President of Executive Council File, Lloyd papers, supra, note 2.

12. Examples are personal letters which were sent to the President of Federated Co-operatives and to other co-operative agencies advising of a change in the Minister of Co-operation and Co-operative Development. (Letter, W. S. Lloyd to H. L. Fowler, Pres. Federated Co-operatives Limited, November 20, 1961.) The letters are dated the day before the public announcement and they explain the reason for the change--ibid.

13. Cabinet Minute 1255, January 15, 1962, President of Executive Council File, ibid., and quotes are from Letter W. S. Lloyd to prospective press liaison officer of February 9, 1962--the position was filled in March 1962--ibid., and see Press Liaison Officer File, Lloyd papers, ibid.
14. Cabinet Minute 1251 (b), January 15, 1962, Computer System File, Lloyd papers, ibid.
15. Item 3 - Cabinet Minute No. 1350, February 8, 1962, Provincial Secretary File, Lloyd papers, ibid.; Item 4 - Cabinet Minute 1371, February 19, 1962, Cabinet Minute File, Lloyd papers, ibid.
16. See E. A. Tollefson, Bitter Medicine: The Saskatchewan Medicare Dispute, Saskatoon, Modern Press, 1964, 45-65 and 88-113.
17. Ibid., 32-52.
18. Lloyd, W. S., "Premier Lloyd's Statement", (1962) 42 Canadian Forum (July), 79-80.
19. The person was Lord Taylor of the United Kingdom. See Tollefson, supra, note 16, at 113-124.
20. Cabinet Decisions File, Lloyd papers, supra, note 2.
21. Original instructions--Cabinet Minute 1339, February 9, 1962, Executive Council File, Lloyd papers, ibid.; re copies of minutes to Deputy Provincial Treasurer and Director of Budget Bureau (Mr. A. Wakabayashi)--memo cabinet secretary to A. W. Johnson, Deputy Provincial Treasurer, February 13, 1962, Cabinet Decisions File, Lloyd papers, ibid.
22. Particularly in the historic public issue of Medicare mentioned above.
23. Supra, at p. 93.
24. Made up of Brockelbank, Blakeney, Walker, A. W. Johnson (referred to at note 21), T. K. Shoyama (referred to at p.100 and note 56 of Chapter 3), W. G. Bolstad (Premier Lloyd's Executive Assistant--see Note 32, below), President of Executive Council File, Lloyd papers, supra, note 2.
25. A recommendation of the Cabinet Procedure Committee was made in April of 1963 after considering the memo from the Cabinet Secretary of March 18, 1963, mentioned supra, at p. 136, Executive Council Office File, ibid. Confirmed by Cabinet Minute 2299, May 3, 1963, Executive Council File, ibid.
26. Cabinet Minute 2299, May 3, 1963, Miscellaneous Correspondence File, Lloyd papers, ibid.

27. Cabinet Minute 2298, May 3, 1963, Miscellaneous Correspondence File, ibid.
28. Draft Minute, May 3, 1963, author unknown, President of Executive Council File, Lloyd papers, ibid.
29. Eager, Evelyn, Saskatchewan Government: Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 140.
30. Cabinet Agenda Item Summary by W. S. Lloyd of May 14, 1963, President of Executive Council File, Lloyd papers, supra, note 2.
31. Memo, W. G. Davies, Public Works, to Director of Maintenance & Operations Branch thanking him for accommodation in the Provincial Office Building in North Battleford, and asking him to convey the thanks to the various officials responsible, dated May 29, 1963, is an example. President of Executive Council File, ibid.
32. Example: Memo from Wes Bolstad, Executive Assistant to Premier Lloyd, to the Minister of Industry and Information, July 16, 1963, --"Mr. Lloyd is anxious that some follow up or evidence of follow up take place with regard to the briefs presented to Cabinet at Tisdale". President of Executive Council File, ibid.
33. Letter Premier to C.C.F. M.L.A.'s, Council Members, constituency Presidents and provincial party executive, December 31, 1961, file not recorded, Lloyd papers, supra, note 2.
34. Lloyd papers, ibid.
35. Executive Council File, Lloyd papers, ibid.
36. 1963-64 Work Program, ibid.
37. Cabinet Minute 2147, February 16, 1963, Miscellaneous Correspondence File, Lloyd papers, ibid.
38. Memo, Premier to all cabinet ministers, February 27, 1963, Miscellaneous Correspondence File, ibid.
39. Letter to Eiling Kramer, December 5, 1963, Miscellaneous Correspondence File, ibid.
40. Ibid.
41. Kramer to the Premier, December 9, 1963, Miscellaneous Correspondence File, ibid.
42. Miscellaneous Correspondence File, ibid.
43. Lloyd, W. S., "The Positive Role of Government", (1962) 5 Canadian Public Administration (December), 402.

44. Ibid., 407.

45. Radio Broadcast No. 11, March 15 and 16, 1963, Speeches File, Lloyd papers, supra, note 2.

See Canada, Report of The Royal Commission on Government Organization, 1961-62, (Chairman: J. Grant Glassco). This was a commission appointed on September 16, 1960 "to inquire into and report upon the organization and methods of the departments and agencies of the Government of Canada and to make recommendations concerning the matters set forth in the Order in Council [creating it]." The report was submitted on July 18, 1962.

46. Ibid., (Glassco Report Part 2, 98).

47. Ibid., (Glassco Report Part 1, 516).

48. Ibid., (Glassco Report Part 5, Summary, 102-3).

49. Ibid., (Glassco Report Part 3, 34).

50. Ibid., (Glassco Report Part 2, 301).

51. Some idea of the relationship between the Premier and his cabinet and the Lieutenant Governor is given in exchanges of correspondence between the Premier and the Lieutenant Governor. In his resignation letter he expressed his great appreciation "for the pleasant association which I and my colleagues have enjoyed with you since you assumed the office of Lieutenant Governor of the Province of Saskatchewan". President of Executive Council File, Lloyd papers, supra, note 2. At about the same time the Lieutenant Governor, in a letter to the Hon. E. Davie Fulton, Q. C. of May 19th, 1964, stated:

Since March 1st, last year, I have had a wonderful co-operation from Premier Lloyd and all the members of his Cabinet and his staff. I have not found it difficult at all to get along with them.

(Miscellaneous Correspondence File, Hanbidge papers, Saskatchewan Archives, Regina.)

And also, later on, in a letter from Mr. Lloyd to the Lieutenant Governor congratulating him on his extension in office, the former Premier indicated his great pleasure in extending his congratulations, and mentioned that all discussions between them had been pleasant. (Miscellaneous Correspondence File, Hanbidge papers, ibid.) A reply which followed from the Lieutenant Governor stated:

I enjoyed very much our work together when you were Premier. There was not one incident to mar the very pleasant relationship during the time that you were head of the government. Ibid.

CHAPTER 5

THE THATCHER YEARS

If you have forty problems and one of them is that wheat isn't selling, the other thirty-nine don't count.

W. Ross Thatcher.¹

1. The Thatcher Personality

The result of the election of 1964 was a legislative assembly made up of 33 Liberals, 24 C.C.F. and one Conservative.² The Liberals then lost one seat to the C.C.F. at a by-election, resulting in the standing in the assembly being Liberals 32; C.C.F. 25; Conservatives one.³ The leader of the Liberal party, W. Ross Thatcher was now Premier elect.

Premier W. Ross Thatcher was a colorful personality with a flamboyant style.⁴ "As opposition leader he was twice ejected from the Legislative Assembly in 1963 for his scathing attacks on the government."⁵ A native of Saskatchewan, he was born on May 24, 1917 to Marjorie and Wilbert Thatcher. He was educated at Moose Jaw and at Queen's University, Kingston, Ontario. An exceptionally bright student, he received his Bachelor of Commerce degree from that university in 1938 at the age of 21. He then returned to Moose Jaw to operate a hardware store, later going into ranching. Originally a Liberal, he served as secretary for the provincial party in the 1930's, but during the depression he became a

C.C.F. supporter and was elected to the House of Commons as the C.C.F. member for Moose Jaw in 1945 at the age of twenty eight years.⁶ Ten years later (1956) he walked across the floor to rejoin the Liberals and become the C.C.F.'s "most vociferous critic".⁷ After crossing the floor, Thatcher was unsuccessful in attempts in 1957 and 1958 to be re-elected.⁸

Those who knew Ross Thatcher affirm that he was straightforward and fair with anyone doing his job;⁹ that he was kind-hearted;¹⁰ that he really cared about the poor living conditions of the Indian and Metis; that he put on a tough exterior, but was sympathetic where a real social need existed;¹¹ and that he was a hard worker.¹²

Perhaps some of his style and character can be inferred from the unusual action taken by Mr. Thatcher, as soon as the results of the election were known on May 20, 1964, of sending the following notice from the office of The Leader of the Opposition:

To all Deputy Ministers, Heads of Departments, the General Manager, Saskatchewan Power Corporation, the General Manager, Saskatchewan Government Telephones, Heads of Boards and Commissions, Heads of Government Agencies and Managers of Crown Corporations:

Upon receipt of this notice, or as of midnight May 20, 1964, whichever is the earlier time, there will be a complete freeze of all positions in the public service and all positions in the service of any board, commission, crown corporation or agency of the government and all positions in the service of the Saskatchewan Government Telephones and Saskatchewan Power Corporation.

No appointments (including promotions) temporary or permanent are to be made to

the above mentioned positions except-

(1) casual appointments and hourly day labour

(2) individual specified positions to which appointments are authorized in writing by the new government.

The new government will take steps to cancel any appointments or promotions made contrary to the above instructions. This freeze will continue until further notice.

W. R. Thatcher

Premier-Elect¹³

2. Criteria for Choosing a Cabinet and Cabinet Appointments

Premier Thatcher was very conscientious in trying to achieve a balance in his cabinet.¹⁴ One of the problems in appointing a new cabinet are the necessary political payoffs to people who are sometimes, perhaps, somewhat less qualified than others to fill a cabinet post, but for whom a place must be found. Mr. Thatcher looked for a balance of representation of business, the professions, farmers, industry, religions and regions. Occasionally people of great ability did not get appointed because there were just too many from that particular stratum of society; whereas by the same token, for lack of choice in certain areas a person with lesser qualifications might be appointed. With all those considerations to contend with, it is the general observation of Michael Wood, one of Premier Thatcher's close associates, that "Ross did have some very sharp people in this cabinet".

Wood also noted how amazingly well the system worked. He often heard the pros and cons of a matter hotly argued out

in cabinet; heard the same points strenuously debated in caucus; and then when it got to the floor of the legislature the Opposition would raise the same arguments against the matter that he had already heard raised in cabinet and in caucus. In the course of this procedure ideas did get "hammered out" and the bad ideas generally got tossed out without going any further than caucus.

With the criteria mentioned above as a guide, a new cabinet was duly sworn in on May 22nd.¹⁵ In a letter written on June 1, 1964, to his friend E. Davie Fulton, shortly after the swearing-in ceremony, Lieutenant Governor Hanbidge was to comment:

I am getting along very nicely--so far--with the new Govt.,--got them sworn in alright. Mr. Thatcher has some very nice chaps in his cabinet.¹⁶

There were several changes in the cabinet membership in 1965, and still further changes were made in 1966.¹⁷

In 1967 excellent crops and potash development brought signs of prosperity. With things looking good, an election was called for October because of a desire for a working majority. The death of a cabinet minister (Cuele-naere) and the fact that the Speaker was a government member, left the government with a real majority of only three. It was an election fought in a spirit of optimism.¹⁸ Although the Liberals increased their majority, the result was disappointing for them because the seats won by the government were not won with great margins of victory.¹⁹ The standing in the assembly now was Liberals 35; N.D.P. 24; Conservatives 0.²⁰

Not a great many changes were made in the cabinet following the 1967 election, but those few made were announced in December, the important change being that the Premier relinquished the Provincial Treasurer's portfolio to the Hon. David G. Steuart.²¹

3. A New Approach

After settling-in, following the election in May of 1964, the Thatcher administration started out in a much different manner to that of the two previous administrations. The Premier and the other members of cabinet, shortly after taking office, set out across the country "to tell business that they are now welcome" in Saskatchewan. They made promises of tax concessions, competitive power rates and competitive royalties and tax rates. Suggestions of intentions to sell some crown corporations were also made.²² The Thatcher cabinet was also advocating encouragement of decentralization of industry and of enlarging the technical school program.²³

With the philosophy that government should operate on the same basis as a business, with business techniques, the cabinet set out with the objective of minimizing the civil service.²⁴ In the course of doing so, David Cass-Beggs, head of Saskatchewan Power Corporation, was dismissed by the new cabinet and more than sixty other civil servants left their jobs; allegedly twelve were dismissed and fifty resigned.²⁵ As far as hiring practices were concerned, Premier Thatcher's influence extended to the hiring of the civil service at much lower echelons than had been the case

under the C.C.F. administration,²⁶ occasionally affecting the certification of applications. Political affiliation was not always the criterion however; it was often a matter of the personal connections of the applicant.²⁷

4. Review of Administration: Object Restructuring

(1) The Johnson Commission

The Thatcher cabinet seems to have attempted to use royal commissions to investigate areas where improvement was needed, as three were appointed during its administration. The first of these was the Johnson Commission, followed by the Prairie Provinces Commission (which will be mentioned later) and a commission entitled the Public Accountancy Commission, which apparently was never put to any particular use.²⁸

As the fulfillment of an election promise, Fred W. Johnson, then a Regina lawyer, later Chief Justice of the Court of Queen's Bench for Saskatchewan, then Lieutenant Governor of Saskatchewan, now retired, was commissioned by the Lieutenant Governor in Council to do a study into the efficiency of the civil service. The report of this commission recommended that a capital investment of \$800,000 per year be used over the next five years to convert machines and systems to modern equipment and methods, in order to save administrative expenses in the long run.²⁹ It seems, however, that this commission did not accomplish what the Premier had intended. His intention was that the Johnson Commission would look at the departments to see what programs were working, where improvements could be made, which departments should be

abolished, what staff was needed and what staff was superfluous. Something got lost in the translation between the intent and the terms of reference written by the Premier's advisers. As a result, the commission did a study of government efficiency. The Premier was unhappy about it and attempted to close it down by cutting off money. In the end very little came of the commission's report during the Thatcher years, except for the establishment of the Central Vehicle Agency, which was one of the recommendations.⁵⁰ The report was used more by the next administration. Because it was little-used this attempt can hardly be compared to the boards and committees of experts relied on by the Douglas cabinet. While the intended result was not achieved however, the attempt to use a royal commission to make recommendations which would be used by cabinet to restructure the operation of its administration for greater efficiency was new in Saskatchewan.

(2) The Economic Development Board

The Economic Advisory and Planning Board suffered an early demise following the Liberal takeover, largely because of the philosophy of the new cabinet that the civil service was primarily to carry out political decisions rather than to examine the rationale of the proposed programs. It is uncertain whether it was officially terminated by Order in Council, or just starved to death.³¹ Certainly it ceased to exist at the end of the government's fiscal year of 1964-65 as there is nothing shown in the public accounts for this board for the year 1965-66.³² It was replaced on April 1, 1965 by the

Economic Development Board, the duties of which were stated to be:

- (a) to advise the Executive Council through its President upon all economic, industrial and commercial matters affecting the Province;
- (b) to ensure the expedient processing of applications by industry to government for assistance under those government programs designed to promote industrial and resource development;
- (c) to co-ordinate and integrate programs of assistance to industry by government agencies and crown corporations;
- (d) to undertake economic studies and research as directed by the Council;
- (e) to recommend to the Executive Council the desirable courses of action and the disposition of applications by industry for government assistance.³³

The members of this new board never met as a board. It functioned as a board with a membership of one person. Dr. Moore--the only member on it who was not a member of the executive council--was left to operate on his own without official input from the executive council. Moore was, however, in daily communication with the Premier.

The Economic Development Board was never successful in carrying out the objectives assigned to it, but it did do some work in studying ways of integrating native people into the economic development of the province. In the latter years of the board's existence this was a large part of its work, and the irony of this, according to Dr. Moore, was that responsibilities in that area had been mentioned in the first draft of the Order in Council creating the board and had been

deleted by the Premier from the final draft. In the name of this board some work was also done relating to transportation in connection with branch-line development and development at the port at Churchill. It had very little to do with the development of the pulp and paper mill,³⁴ problems with the potash industry or urban planning, all of which are matters one might have thought would be within the objectives contained in the Order in Council. Instead, such matters were handled directly by the members of cabinet.

The Economic Development Board staff varied somewhat in numbers over the period of its existence, but generally had a staff of about eight people, including two statistical clerks and one transportation economist. In the summer a few graduate students were hired to do statistical reviews, but generally Statistics Canada was relied on for statistics.³⁵ The board was terminated by Order in Council in May of 1969,³⁶ on the occasion of Moore's departure from Saskatchewan.

5. Treasury Board and Budget Bureau

The Treasury Board played a more restricted role during the Thatcher years. While it controlled spending, policy and planning remained entirely with the cabinet, instead of with professional planners such as were relied on by the previous administration. For the time that the Premier was Provincial Treasurer³⁷ he more or less performed the function of the Board himself. While the Budget Bureau was retained, there was a shift in its function to that of an agency to

reduce estimates and "as an extension of the cabinet secretariat".³⁸ In that way the Premier made use of this inherited agency as a means of control, thereby fitting it into the philosophy of the members of cabinet in general, and of himself in particular, that expenses be kept to a minimum.

The Budget Bureau went into departments to do sampling. It would consider adequacy of equipment and staffing in relation to function. Mr. Thatcher as Premier and Treasurer, would consider the overall picture, having regard to the revenue forecast, and decide the percentage of increase he considered that the cabinet could allow. The others on the cabinet would then be advised of the limit and would discuss in general what programs would be emphasized. The departments then presented their budgets to Treasury Board.³⁹

The staff of the Budget Bureau would go over each departmental submission. Each department was called in to present information to support its request and a decision about the request would be made very quickly. Meetings of Treasury Board were held on an on-going basis to deal with changes after the budget was settled. The final decision on a submission was a Treasury Board decision, subject to approval by the cabinet. When the Premier was Provincial Treasurer, he made the decision, although he might discuss a matter with Mr. Steuart or some other cabinet colleague on occasion. "Cabinet generally approved the Treasury Board recommendation."

6. Budget Control

The general consensus is that "Ross" kept track of what was going on, even to the extent, according to Senator Steuart, of keeping an eye on ministers' spending on trips. If he thought expense accounts were getting out of line for any particular minister, the Premier would speak to that minister about it.⁴⁰

Former Cabinet Secretary Mr. Michael de Rosenroll⁴¹ confirms that all assistants and cabinet ministers reported directly to the Premier, and that the Premier kept in touch with officials in the Treasury Department even after he gave up the Treasury portfolio.

Dr. Moore also mentioned the Premier's "compulsive sense of responsibility for spending the taxpayer's money". He stated that he recently came across a memo from Premier Thatcher to him that criticized him severely for spending \$47 in five days in northern Saskatchewan which had been a "jaunt" through the north that was financed by a federal agency (ARDA) and for which the total cost to the province was his expense account of \$47 for items not covered by the federal agency. He remarked that "he [Ross] had a good old fashioned Methodist approach; that he treated government money as if it were his own".

The Thatcher administration kept salaries down to the extent that when the government was defeated in 1971, meetings were held with the Cabinet Secretary of the new administration and a number of branch heads to discuss salary adjustments

necessary to bring salaries of out-of-scope employees into line with what counterparts were paid in other jurisdictions.⁴²

Many stories exist about Premier Thatcher's zeal for cutting the budgets presented to him, and about his philosophy that the minister would come back and try again if he could not live with the cut. When this happened the additional funds would likely be granted,⁴³ but usually a minister did not come back.⁴⁴ A minister who was displeased with a cut of a particular program could always make a final pitch to the cabinet when it considered the recommendations of Treasury Board, and if he convinced his colleagues that the program should continue, it would be included in the budget.⁴⁵

When cuts in a budget were necessary, an attempt was made to get the department concerned to make the decision about where the cut would be, but the cabinet had to watch what the department did as some departments, if particularly unhappy about a cut, would start to cut in politically unacceptable ways.⁴⁶

When Mr. Steuart was Treasurer, the Premier did occasionally attend Treasury Board meetings. Mr. Steuart made an attempt to have ministers stand aside and allow the Budget Bureau to deal with departmental staff when working on departmental budgets. If a minister took the side of his staff advisers he would put the Budget Bureau people in the awkward position of arguing with a minister of the crown. Steuart succeeded with many of the ministers in this regard, but not

with all of them. As Provincial Treasurer he also made most of the budget decisions, but if a minister felt very strongly about a matter, Mr. Steuart would sometimes discuss the matter at cabinet meetings, or sometimes just with the Premier. Sometimes the minister might win his point. None of the ministers ever knew the actual estimated revenue except the Premier and Mr. Steuart until it was announced, and when the Premier was Treasurer no one else knew.

7. Crown Corporations

At the time that the Thatcher administration took over the government of the province, the crown corporations in existence (those filing annual reports) were the Government Finance Office, the Industrial Development Fund, Saskatchewan Forest Products, Saskair, Saskatchewan Government Printing Company, Saskatchewan Government Telephones, Saskatchewan Fur Marketing Service, Saskatchewan Minerals (Estevan Clay Products), Saskatchewan Power Corporation, Saskatchewan Transportation Company, Saskatchewan Government Insurance Office, Saskatchewan Guarantee & Fidelity Company and Saskatchewan Economic and Development Corporation.⁴⁷ In interviews, Premier Thatcher specifically stated that such companies as Saskatchewan Government Telephones and Saskatchewan Transportation Company would not be sold.⁴⁸ Insofar as the writer can recall, or has been able to determine, the Thatcher administration sold three crown corporations.

The first two were sold relatively soon after the change of government occurred. The Minister responsible for Saskair (Cameron, Mineral Resources) announced in the legislative assembly March 22, 1965 that Saskair had been sold by direct negotiation between the government and North Canadian Air Limited. The Saskatchewan Guarantee and Fidelity Company Limited, a reinsurance company that operated in the State of Montana as well as in Saskatchewan, was sold in July of 1965. Later, in 1969, Estevan Clay Products was sold.⁴⁹

In addition, the Thatcher administration established some new crown corporations, so that in the 1970 annual reports of the crown corporations there appears the Saskatchewan Water Supply Board, Saskatchewan Pulpwood Limited and the Municipal Finance Corporation, as well as the remaining inherited companies.⁵⁰ One is tempted to borrow and turn around the clever phraseology of the famous Mossbank debate and say "three companies down; three companies up."⁵¹

In so far as the government holding company for the crown corporations was concerned, Government Finance Office, the board of directors continued to evaluate the monthly statements of the crown corporations. However, as people who had worked as support staff for the board of Government Finance Office left they were not replaced. By 1969 there was only one analyst and a secretary on the staff. They continued to do the evaluation of the capital budgets of the crown corporations for the board (except Power, Telephones and Insurance, which were done by the Treasury Department), but not in as

much detail as previously. In order to avoid the necessity of a full set of payroll records for the two people remaining on staff, they were transferred to the payroll of the Treasury Department. This meant that the work of the Government Finance Office was done through the Treasury Department in a more abbreviated fashion. The structure of the Government Finance Office remained, but it had no operating budget.⁵²

8. Cabinet Procedure

(1) General Procedure and Orders in Council

It is not clear exactly how the day-to-day details of cabinet business was handled or how the Premier's office operated in the early years of the Thatcher administration.⁵³ While serving on the Economic Development Board, Dr. Moore worked closely with Premier Thatcher and did some speech writing for him. The Premier, however, wrote most of his political speeches himself.⁵⁴ The staff in the Premier's office in the early years of the administration consisted of the Cabinet Secretary,⁵⁵ a private secretary and two or three stenographers. There was also a unit that fulfilled the function of a press office which was "about a one and a half man show",⁵⁶ through which press inquiries were channelled.

Premier Thatcher maintained personal scrutiny over areas of interest to him and decisions were arrived at "as a result of personal communication or of reminders sent to ministers from notes made by him or the secretary at cabinet meetings".⁵⁷ There was no particular separation of duties

in his office and

[p]art of the time, for example, the positions of secretary of the cabinet and clerk of the executive council were separate in name rather than in fact. The respective incumbents worked together without appreciable distinction of powers, with either of them preparing the cabinet agenda. At other times the jobs were combined, and perhaps other duties would be added, such as those of assistant to the clerk of the legislature. An administrative innovation was to give the clerk of the executive council the status of a permanent head. He was to act in effect as a deputy minister for the agencies which reported directly to the premier, and during Mr. Thatcher's administration such agencies became numerous.⁵⁸

Those numerous agencies included the Economic Development Board, the Government Finance Office, the Purchasing Agency, the Liquor Board and the Liquor Licensing Commission.

When Michael Wood arrived to join the Executive Council staff in 1967 it was initially as an executive assistant, but shortly thereafter he became Clerk of the Executive Council and Cabinet Secretary.⁵⁹ It is, therefore, definite that at that point those two positions were labelled as distinct, although handled by one person. As Clerk of the Executive Council he prepared the cabinet agenda, made sure that necessary information for agenda items was received from the ministers, and circulated the agenda and material supporting the various items. He also attended to the Orders in Council, putting them in order, numbering them, obtaining the Lieutenant Governor's signature on them once they were approved by cabinet and filing them.⁶⁰

It would appear that procedures of the Thatcher cabinet in general were not too different from the procedure of the cabinet of the immediately preceding administration, aside from a lack of official minutes. If a matter was to go on the cabinet agenda it was submitted by the minister to the Executive Council Office.⁶¹ Before the agenda was circulated the Premier always saw it to approve it.⁶² If a minister wanted cabinet to deal with some major new project, he had a brief prepared and circulated it to his colleagues several weeks in advance of having it put on the agenda, and more often than not would discuss it with a few of his colleagues before it came up on the agenda. If it came up on the agenda and an insufficient number of ministers had had a chance to study the brief, it would be adjourned.⁶³ Programs were initiated by a minister within his department. When a minister saw something that needed doing he checked it out through his department officials, came up with a proposal and submitted it to cabinet.⁶⁴

As Cabinet Secretary Mr. Wood attended cabinet meetings and took notes. After the meetings he checked his notes with the Premier to see that the Premier agreed with his impressions of conclusions and summaries and then typed them out personally. After he typed the minutes he would leave a note with the Premier setting out what he saw as the required follow-up. These minutes were for Wood's own use in doing any follow-up work requested by the Premier to see that undertakings were carried out, and to get any reports back on matters discussed where the Premier had requested reports. Part of his duties

as Cabinet Secretary also included distilling briefs for the Premier from organizations and delegations. He confirms that the Premier, with the help of his assistants, kept track of things that were to be done. At the time Mr. Wood arrived on the scene, the Premier had one Executive Assistant, two Special Assistants and about five others on his immediate staff.⁶⁵

When Mr. Wood left in 1969 his duties were taken over by Michael de Rosenroll, a young man who had started working as a Special Assistant to the Premier in May of 1969. On the departure of Mr. Wood, Mr. de Rosenroll served as Cabinet Secretary, Clerk of the Executive Council, Registrar of Regulations and Clerk Assistant in the Legislative Assembly. When the Thatcher government was defeated in 1971, Mr. de Rosenroll continued as Clerk of the Executive Council until about September of that year and as part of his official duties swore in the Blakeney cabinet.⁶⁶

Mr. de Rosenroll recalls that there were, at the time he worked for the Thatcher government, three or four secretaries in the Premier's office in addition to the Premier's secretary, and three or four other Assistants. As Cabinet Secretary he attended cabinet meetings, and he recalls taking notes when he felt further action by way of "follow-up" would be required, or where he thought the matter discussed was something that the Premier would expect to be reminded about later.⁶⁷

The routine he describes and the duties for which he was responsible as Clerk of the Executive Council are similar to those of Mr. Wood. He does recall that the Orders in Council

were received via the Department of the Attorney General, where they were checked before going to cabinet, so this procedure, at least, was carried over from the Lloyd administration. At that time the Attorney General's Department was located in the legislative building, making it convenient to have the Orders in Council go there first.⁶⁸ At cabinet meetings the stack of Orders in Council was put at the Premier's place and they were dealt with one at a time, but there were never a great many.⁶⁹ Mr. Cameron advises that routine Orders in Council were disposed of without discussion. Only those involving major decisions were discussed in cabinet.

It was rare for anyone other than ministers and the Cabinet Secretary to attend cabinet meetings,⁷⁰ although occasionally it might happen when special information was required.⁷¹ The Premier seemed generally to have the agenda in his head. The meetings were relatively short; they would usually be over by late morning. It is Mr. de Rosenroll's impression that a lot of business was conducted outside of the meetings, as that seems the only explanation for such short agendas, although just before a session there were usually a number of extra meetings to discuss new ideas for legislation.

According to de Rosenroll, pressing Orders in Council were "walked around". The term "walked around" refers to a method of dealing with Orders in Council (commonly referred to as O.C.'s) whereby the Premier circulated or "walked around" O.C.'s to members of cabinet. The members of cabinet would signify approval by signing in a designated place. An Order in

Council with the signatures of a quorum of cabinet was considered passed and would go to the Lieutenant Governor for his signature. According to Professor Schindler, this system was used extensively in Ontario in the 1930's.⁷² The members of the Ontario cabinet at the time signed on the "jacket" of the order in a space usually used at that time to indicate those present at a meeting where an O.C. was passed. In this way the Ontario cabinet for a while got along with very few cabinet meetings.

(2) Legislation

As with Premier Lloyd (and later Premier Blakeney), Premier Thatcher "kept on top of legislation presented to the legislature".⁷³ An idea of how legislation was handled is obtained from a memo of June 14th, 1965, which went out from the Premier to Cabinet Ministers and Permanent Heads. It states that:

1. Each department is to have an official in charge of its legislative program;
2. Legislation is to be on the agenda for every cabinet meeting and as soon as a department agrees on a proposal for a new Act or an amendment of an existing Act it is to be submitted to cabinet even if further amendments to the same Act would be forthcoming later. As soon as any legislation is approved by cabinet the legislative officer for the department is to give instructions to Legislative Counsel;
3. Instructions for lengthy or complicated bills are to go to Legislative Counsel not later than July 15th preceding the session at which it is to be introduced;

4. Other legislation is to be given to Legislative Counsel by November 15th unless a later time is approved by the Premier--which will be given only for a compelling reason.⁷⁴

Most of the new legislation from 1964 through the session of 1967 was in the area of consumer protection.⁷⁵ During the years of the Thatcher administration new controls were placed on various areas of commerce through statutory requirement for licensing and bonding of persons engaged in various types of selling. This illustrates the use of an old method of control in new areas.⁷⁶

9. The Premier's Control of Cabinet

It has been written that Premier Thatcher imposed his ideas on the party,⁷⁷ and on the government.⁷⁸ Dr. Eager states that he "dominated his cabinet"; that "he was little inclined to share responsibility"; that he ruled from the top; that "cabinet ministers feared confrontation with him" and that they "gradually [came] to the view" that this was the right way for things to be.⁷⁹ It does seem that he was aggressive and quick, with a forceful personality, but tempered with a great sense of humor. According to Senator Steuart, Thatcher probably enjoyed his image of being "the boss" and would not do anything to dispel it because it appealed to his sense of humor. Mr. Alex C. Cameron, a former Minister of Mineral Resources and of Telephones, advised the writer he had read Dr. Eager's book and that in his opinion the book does not give a proper portrait of the man.

Mr. Cameron comments on such allegations by saying that there was no doubt that Premier Thatcher controlled cabinet, but he did so as chairman at meetings, by his forceful personality, and through the loyalty that members of cabinet felt towards him, yet he can see some reasons why the impression exists of domination. He suggests that one reason for this impression might be that Mr. Thatcher was very quick to understand the complications of a problem and, on occasion, because he would be "light years" ahead of some of the "slower" members of cabinet, would become impatient with them when they took a little longer to do so. Another reason could be because the Premier liked to make all the announcements of major policy personally; he liked to keep his name before the public. Occasionally a minister would get around this, if there was something he particularly wanted credit for, by making an announcement in the House. The Premier never took objection to that. Matters were discussed thoroughly in cabinet, decisions were made by majority support of the ministers and the Premier would yield on a matter if the majority of the members of the cabinet felt a proposal that the Premier was not too keen about ought to proceed. Mr. Cameron can remember only one occasion when the Premier felt so strongly about an issue that he presented it as something that must be done, or he would submit his resignation as Premier.⁸⁰

On the other hand, Mr. Garnet Holtzman, Q.C. recounts an incident which illustrates Premier Thatcher's brusqueness as well as the manner in which the Premier took it for granted

that, in so far as the other members of cabinet were concerned, a decision by him would be accepted without question. When rumor had it that the House would prorogue at the end of the week, as Chief Legislative Counsel, Mr. Holtzman became concerned about all of the legislation still on hand to be drafted. He therefore went to the Premier to advise him that he had heard the rumor, that he could not possibly draft all of the bills he had instructions for by Friday, and that he would appreciate it if the Premier would set priorities. The Premier took the list, crossed out a good number of the bills on the list and then handed it back, stating that those not crossed out were the ones that were to be done before prorogation. Mr. Holtzman then remarked to the Premier that he knew some of the ministers would be unhappy about the priorities and would be coming to his office to complain. He asked how he was to deal with them. The look he received from the Premier suggested that as he had just indicated the priorities that settled the matter for all concerned. There were no complaints from any of the ministers, so obviously the Premier had talked to them and his decision was accepted without question.⁸¹

10. Trouble Shooting--Direct Involvement

(1) Solved by the Minister

Members of the Thatcher cabinet got their advice by going to the parties involved rather than using the advisory committee approach of the C.C.F. In considering the denturists request for legislation, for example, the minister

concerned met with their organization and with the dentists. For municipal legislation, members of the cabinet would have meetings with municipal officials; education problems were dealt with by meetings with school boards and trustees.⁸²

(2) Solved by Cabinet Committees

In some instances problems were solved by cabinet committees.⁸³ An example is the problem municipalities claimed to be having with Hutterites buying up land in an area by using an agent so that the community did not know who the purchaser was until the land was bought. The Premier personally took an interest in the Hutterites, perhaps their common bond being their interest in efficient farming operations, and he formed a cabinet committee of Messrs. Cameron, McFarlane and Estey, who had discussions with the Hutterites proposing that the Hutterites change their ways. The members of the committee offered to be a go-between, asking the Hutterites to keep the government informed about their intentions, and when they were considering establishing a new colony, the Premier would arrange to have the municipal officials approached to see whether they were favorably disposed to the idea. If they were, the colony could go ahead; if not, they would be advised to consider an alternate location. In Cameron's opinion, this worked very well and during the years of the Thatcher administration there were no problems with Hutterite land purchases. The cabinet arranged an annual dinner with Hutterite representatives and developed a good understanding with them. Confrontation with the municipalities was avoided through keeping

the lines of communication open, with cabinet as the intermediary.

Another example of this direct approach was in regard to the Indian and Metis situation.⁸⁴ The cabinet decided to go out and find jobs for them. Premier Thatcher asked Mr. Steuart to chair a committee to follow through on this approach. The committee went to the contractors, found the jobs, then arranged for the training of the number of persons needed to fill those jobs. On completion of the training of the number of Indian and Metis workers found to be needed, the contractors hired them. While the scheme worked well, the idea did not get the support of the Indian and Metis leaders because the committee did not do things by going through the leaders or by giving them the money, so the program was short-lived. Until this program was undertaken by the cabinet, the contractors refused to hire Indians and Metis because they were inexperienced and untrained.

Cabinet committees were used sparingly, but, in the opinion of Senator Steuart, they were used when occasion seemed to require it. Besides the committees mentioned above, there was also a committee on education consisting of three cabinet ministers, Hon. Alex Cameron, the Hon. George Trapp and the Hon. Allan Guy.⁸⁵

(3) Solved by legislation

A problem arose in regard to cemeteries in 1967 which demanded response from the cabinet to alleviate hardship. In that year, when two cemetery companies were unable to fulfill

their financial obligation, The Cemeteries Act was amended to authorize the Provincial Secretary to "appoint a managing administrator to act in the stead of the owner" and "carry out all obligations of the former owner relating to perpetual care, pre-arranged cemetery contracts, cemetery services and cemetery supplies". The Act also provided for a fund for the purpose of carrying out obligations of the owner. This fund was to be appropriated by the legislature or taken from "moneys derived by the managing administrator from the operation of the cemetery business of the owner".⁸⁶ This, then, is an example of the cabinet directly intervening to protect consumers when a crisis seemed imminent through introducing amending legislation to give authority to deal with specific situations.

(4) Solved by Commission

In December 1966, then District Court Judge Mary J. Batten (now Chief Justice of the Court of Queen's Bench) was appointed by the Lieutenant Governor in Council⁸⁷ to a Prairie Provinces Commission under The Public Inquiries Act, along with representatives from Manitoba and Alberta. This commission was to inquire into price increases and the general rise in the cost of living, which indicated this to be an area of great concern of the cabinet at that time. (A Prairie Provinces Economic Council had been established that arranged annual conferences which the premiers of the provinces attended, taking with them those ministers who would be helpful to them, having regard to the agenda, and this commission arose out of

discussions at their meetings.)⁸⁸ This appears to be unusual in the sense that, as The Leader-Post of March 4, 1968, points out, it was "one of the first times so many separate parliaments have joined forces to sponsor a study of a specific area". However, despite the fact that the Thatcher cabinet was involved with the setting up of the commission as a joint participant with the cabinets of the other prairie provinces, it did not seem to make much use of the report. The matters investigated by the commission were topical, however, because at issue were the high prices paid by consumers for necessities, and this subject was receiving a lot of coverage in the media at the time. As a result, the report received a lot of news coverage.⁸⁹

11. Legislative Secretaries

One of the new ideas introduced by Premier Thatcher was that of having legislative secretaries to assist ministers. Saskatchewan followed Quebec as the second provincial government to adopt this idea,⁹⁰ and it was a personal idea of Mr. Thatcher's. He envisaged it as training for future cabinet posts.⁹¹ Legislation was passed in 1965⁹² to provide for six to serve a term of one year, with the claim made by the government that economy would result as they would "make a smaller cabinet possible".⁹³ They were to "work part-time in departmental duties" and were initially to receive \$2000 over and above their legislative indemnity. It now seems legislative secretaries are here to stay as subsequent cabinets have retained them, although whether they do save money is

open to question. It is doubtful they have any effect on the size of the cabinet, judging by the fact that the number of legislative secretaries authorized has increased since the elimination of the statutory restriction on numbers. The number appointed is now left entirely to the discretion of the cabinet, and the size of the cabinets has also increased.

12. Cabinet Concerns

In the late fall of 1967 an austerity program was announced⁹⁴ and limitations were placed on salary increases and equipment purchases. By 1968 the "economy had begun to slide just as equalization payments were phased out".⁹⁵ Wheat sales fell off, along with the price; the potash market was glutted.⁹⁶ Austerity measures adopted by the cabinet "included the closing of small community hospitals, larger pupil-teacher ratios, rigid adherence of the 6 per cent ruleand 'utilization' fees to reduce the demand for hospital and medical services".⁹⁷ Attempts were made by the cabinet to circumvent the shortage of cash by authorizing the bartering of wheat for such things as university tuition and for electrical generators.⁹⁸ Attempts were also made to generate money through development of natural resources by entering into development agreements with American investors in circumstances which left little room for haggling about terms.⁹⁹

According to Senator Steuart, Premier Thatcher always believed another depression was on the way. This was the basis for his constant concern, during the seven more or less "plenteous years" that he was premier, about cutting expenses

and building up resources for the "years of famine" ahead. This is not exactly an original idea as one recalls Joseph's advice to Pharoah.¹⁰⁰ Still, it is not often actually attempted with as much determination as was exhibited by Mr. Thatcher when the economy was relatively healthy. It did not seem to be appreciated at the time, although he apparently convinced his colleagues in the cabinet that restraint was necessary as they gave him their support in the matter. The Thatcher austerity program (for so it was colloquially termed), incorporated the Premier's "fixation on reducing the size of government"¹⁰¹ in Saskatchewan. Coupled with the utilization fees mentioned above, it had a good deal to do with the defeat of the government in the next election.¹⁰²

13. Retrospect

To portray Ross Thatcher in writing in a way that will enable a reader who did not know him and who never heard him speak to form a picture of him is indeed a difficult task. He was a man with a many-sided character. Each Premier has put the stamp of his own personality on the government of his administration, but none more so than Thatcher. Both Dr. Moore¹⁰³ and Allan Blakeney¹⁰⁴ remarked on his inability to delegate authority, and when he did make the attempt he tried to continue to keep track personally of how the matter delegated was being handled. It appears he kept on top of things by keeping an eye on the purse strings. With cabinet doing its own planning, it was not possible for control to be as tight as it was under the central planning system of the previous two administrations.

Another factor, mentioned by Dr. Moore and Mr. Justice Heald¹⁰⁵ as affecting the public impression of Premier Thatcher because of its effect on his personality, was his constant battle with diabetes. The diabetes affected his moods and at times made him very erratic. It was of sufficient severity that from time to time he was hospitalized for a week or so to get his condition stabilized.

14. Defeat

The tough economic restraints continued through to the election of 1971, when federal Liberal policies on taxation¹⁰⁶ had to be fought as well as the N.D.P. under the leadership of Allan E. Blakeney. For the first time in the history of the province the urban population exceeded the rural population.¹⁰⁷ The N.D.P. were promising a land bank and better pollution control; they blamed the Thatcher administration for a decline in population and accused it of a sell-out of natural resources.¹⁰⁸

The victory went to the N.D.P., which prompted Ross Thatcher to make the observation quoted at the beginning of this discussion of his administration. The results were N.D.P. 45; Liberals 15. Six of the Liberal cabinet had been defeated.¹⁰⁹ Mr. Thatcher accepted all the blame.¹¹⁰ Despite the energy and vitality he had projected during the campaign, he had gone into the election fight in extremely poor health; a fact known only to his closest associates, who were genuinely worried about him.¹¹¹ One month after his

defeat the province was shocked by his sudden death at the young age of fifty-four years.

In December of that year the Liberals elected David G. Steuart as leader.

Chapter Notes

CHAPTER 5

1. Eager, Evelyn, Saskatchewan Government; Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 11, quoting Premier Thatcher.
2. The one Conservative was Martin Pedersen, the leader.
3. Chief Electoral Officer, Provincial Elections in Saskatchewan 1905-79, Regina, published by the Chief Electoral Officer.
4. Personal recollection.
5. Johnstone, Bruce, "The Premier of Saskatchewan", The Weekender, January 5, 1980, 5, (an insert in the Leader Post), and personal recollection.
6. Johnstone, ibid. and Encyclopedia Canadiana, Toronto, Ottawa, Montreal, Grolier of Canada, 1977, Vol. 10, 60.
7. Johnstone, ibid.
8. Smith, David E., Prairie Liberalism, Toronto, University of Toronto Press, 1975, 273, and personal recollection.
9. Alex C. Cameron, former cabinet minister in the Thatcher cabinet, personal communication, interview March 16, 1983.
10. Ibid.
11. Senator David G. Steuart, personal communication, interview July 12, 1983.
12. Mr. Cameron, supra, note 9; Mr. Justice Heald, former Attorney General, personal communication, interview, spring of 1980; Michael de Rosenroll, former cabinet secretary, personal communication, interview August 31, 1983; virtually everyone the writer interviewed agreed on these points.
13. Ward, Norman, "Changing the Guard at Regina", (1964) 44 Canadian Forum (September), 127-28.
14. Michael Wood, personal communication, interview August 17, 1983. A former Executive Assistant to Premier Thatcher, Mr. Wood later served as Clerk of the Executive Council and Cabinet Secretary. He joined the Executive Council staff in 1967. Mr. Wood had worked with many politicians in the course

of his career in public relations, but this was the first time he ever worked for a government. Mr. Wood was the source of the information contained in this paragraph and the following paragraph and, where quotations appear, of the statements quoted.

15. Saskatchewan Executive and Legislative Directory 1905-1970, Saskatchewan Archives Board, Regina and Saskatoon, Queen's Printer, 1971, and see Appendix.

16. Miscellaneous Correspondence File, Hanbidge papers, Saskatchewan Archives Board, Regina.

17. See Appendix.

18. Smith, supra, note 8, at 302.

19. Ibid.

20. Report of the Chief Electoral Office, 1982. The Saskatchewan Branch of the C.C.F. party adopted the name N.D.P. in 1967, having retained the C.C.F. name until then.

21. Other changes were: Hon. James R. Barrie became Minister of Natural Resources; Hon. J. Clifford McIsaac became Minister of Education; Hon. Clarence L. B. Estey became Minister of Municipal Affairs; Hon. Allan R. Guy replaced defeated Minister of Public Works, Hon. James Wilfrid Gardiner and the Premier assumed responsibility for Industry and Commerce. Hon. George J. Trapp had also been defeated. Saskatchewan Executive and Legislative Directory 1905 - 1970, supra, note 15, at 18.

22. Peck, Douglas C., "Private Enterprise Takes Over", (1964) 37 Western Business and Industry (October), 33. (There is no name on the title page, but a brief introduction that appears in italics at the top of the article is followed by the initials "D.C.P.", and Douglas C. Peck is shown as the editor of the journal.) This approach is identical to that of present Premier Devine and his cabinet in the spring of 1982 with their "Saskatchewan is open for business" slogan.

23. Ibid.

24. Brownstone, Meyer, "Another View on Saskatchewan", (1964) 44 Canadian Forum (December), 199, and Mr. Cameron, supra, note 9.

Mr. Cameron stated that while placing an emphasis on operating the government with business techniques, it was recognized that a government cannot operate on the strictly profit basis of business--the public good always had to be a factor. An example given by him was that it was not economical to put in some telephone lines, but it was felt that everyone should have telephone service available.

25. Dafoe, John, "The Boss of Saskatchewan", The Globe Magazine, April 17, 1965.

26. Personal knowledge.

27. Eager, supra, note 1, at 165-66.

28. No mention can be found of the Public Accountancy Commission in a search of the Leader Post subjects index for the period.

29. Saskatchewan, Report of the Royal Commission on Government Administration in Saskatchewan, 1965, 138, (the Johnson Commission--Commissioner: F. W. Johnson).

30. Senator Steuart, supra, note 11. All the information on this page came from Senator Steuart.

31. The writer did not find an Order in Council terminating the board, but the index of Orders in Council is imperfect, and the search may have been imperfect also.

32. James J. Moore, Personal Communication, telephone interview of December 29, 1983, stated that it is his recollection that Premier Thatcher did not want formally to terminate the Economic Advisory and Planning Board by Order in Council and it may very well be hanging in legal limbo, long forgotten.

Dr. Moore has a doctorate in Economics from the University of Paris and had worked with McLaren's Advertising Company of Toronto, which had done public relations for the national Liberal party. As a result of the work that it did for the national party, McLaren's was hired to assist the Liberals in Saskatchewan with their campaign in the 1964 election, and the person who did this for the agency was Moore. After returning briefly to Toronto following the election, Dr. Moore accepted an appointment as secretary of the Economic Development Board and came back to Saskatchewan to fill that position in the summer of 1964. In that position he was special adviser to the provincial government. Leader Post, July 2, 1964, 3. He became a close friend and confidant of Premier Thatcher.

33. O.C. 535/65; and see Saskatchewan Public Accounts 1965-66, 154, 155. This Order in Council was discovered after some considerable searching for information about this board. It was a surprise to the writer to discover there were others on it besides Moore. Having regard to what she had been told about it, it had seemed it was a one-man board consisting of Dr. Moore. It was sometime after finding the O.C. that Dr. Moore was located. The membership of this new board, as stated in the Order in Council, consisted of Hon. W. Ross Thatcher, Chairman, Hon. John Marcel Cuelenaere, Hon. Alexander C. Cameron, Hon. Gordon Burton Grant, Vice-Chairman, and Dr. James Joseph Moore, Secretary.

34. The Prince Albert Pulp Company Ltd. Assistance Act, 1966, Statutes of Saskatchewan 1966, cap. 62 allowed the provincial government to guarantee a loan of \$45,000,000 by the company and gave the province 30% ownership in it.

35. Dr. Moore, supra, note 32.

36. O.C. 729/69.

37. Until December 1967--Saskatchewan Executive and Legislative Directory 1905-1970, supra, note 15, at 18.

38. Eager, supra note 1, at 180. Presumably Dr. Eager refers to the support staff for the Executive Council. The cabinet secretariat was not created by statute until 1972; Statutes of Saskatchewan 1972, cap. 40.

39. Senator Steuart, supra, note 11. The information about the Budget Bureau in the following paragraph was also obtained from Mr. Steuart.

40. Ibid.

41. Supra, note 12.

42. Ibid.

43. Senator Steuart, supra, note 11, and Alex Cameron, supra, note 9.

44. Senator Steuart, ibid.

45. Mr. Cameron, supra, note 9.

46. Senator Steuart, supra, note 11--no examples were given. Senator Steuart was also the source of the information through to the next heading.

47. Annual Reports 1964 Crown Corporations. The annual reports of crown corporations are bound together in a hard cover each year for reference purposes.

48. Peck, supra, note 22. A former analyst told the writer that Premier Thatcher "liked 'Crowns' that made a profit".

49. North Canadian Air Limited was a company owned by Prince Albert and La Ronge businessmen. Saskair was sold for the sum of \$947,000. Cameron indicated that the government had decided shortly after taking office that "in view of the history of successive losses of the corporation it would be desirable to sell it". Cameron, Minister of Mineral Resources, Speech March 22, 1965, Saskatchewan Legislative Assembly, 1965 First Session, Debates and Proceedings Official Report, Regina, 1965, Part 2, 1255; Thatcher, Premier, Speech March 22, 1965, ibid., 1258, .

The Montana assets of The Saskatchewan Guarantee and Fidelity Company were sold for \$250,000, and the Saskatchewan assets were transferred to Saskatchewan Government Insurance Office at a net book value and earned surplus of \$315,886. Annual Reports 1965 Crown Corporations. The Annual Report of

The Saskatchewan Guarantee and Fidelity Company, 1965 (period ending July 31, 1965), signed by W. Ross Thatcher, Past President.

Estevan Clay Products was established in 1911. It was purchased by the government of the day in 1945. The Thatcher administration sold it in 1969 to PeBen Industries of Edmonton. It was resold by that company to Thunderbrick Ltd. of Thunder Bay, Ontario in 1977. It is still in business with branches in Regina, Saskatoon, Calgary and Edmonton. See "Estevan brick has long history", The Leader Post, November 19, 1987, B4.

50. Saskatchewan Water Supply Board was established by Order in Council under The Saskatchewan Water Resources Commission Act, 1964, Statutes of Saskatchewan 1964, cap. 52--O.C. 630, O.C. 755/66, O.C. 928 (rescinding O.C. 755/66) and O.C. 1002/66 (amending O.C. 928/66); The Municipal Finance Corporation was established by statute--The Municipal Financing Corporation, 1969, Statutes of Saskatchewan 1969, cap. 38.

51. The Mossbank debate was a debate still remembered by many. It was held at Mossbank, Saskatchewan on May 20, 1957, between Premier T. C. Douglas and W. Ross Thatcher. Hundreds of people travelled to the town for the occasion and many had to sit in their cars and listen from loudspeakers. It was also broadcast, and probably most of Saskatchewan listened. Thatcher's performance in that debate is believed to be the reason the Liberal party offered him the leadership a few years later. The play on words used in the text changes the context slightly. Mr. Thatcher was referring to specific companies created and then dissolved. He actually said throughout the speech, as he dealt with each company, "one company up, one company down", two company's up, etc. The writer is counting those disposed of against new ones created. For full report on the Mossbank debate see Tyre, Robert, Douglas in Saskatchewan, Vancouver, 1962, Mitchell Press, 194.

52. The writer located and spoke to the one analyst who remained in 1969.

53. There are no Thatcher papers known to be in existence; certainly none are available to researchers, so that information in this area is only available through interviews with persons involved at the time. After 18 years or so memory of such details is sometimes hazy. People are inclined to remember only the specific things they themselves were responsible for.

54. Dr. Moore, supra, note 32.

55. This was Ed Odishaw, a lawyer; later Ron Perratt, another lawyer, held the position of Cabinet Secretary. Ibid.

56. Dr. Moore, supra, note 32.

57. Eager, supra, note 1, 137.

58. Ibid.

59. Mr. Wood, supra, note 14.

60. Ibid.

61. Mr. Cameron, supra, note 9.

62. Messrs. Cameron, ibid., and Wood, supra, note 14.

63. Mr. Cameron, ibid.

64. Ibid.

65. Mr. Wood, supra, note 14.

66. Mr. de Rosenroll, supra, note 12. Mr. de Rosenroll was not then a lawyer. He subsequently obtained a law degree, was Executive Assistant to the Minister of Justice in the present Devine administration for a period of time and is now with the federal government in Ottawa.

67. This fits with Mr. Wood's statement that the notes he took were for his personal use.

68. This is confirmed by Mr. Cameron, supra, note 9. The Department is now located in the central part of Regina.

69. Mr. de Rosenroll, supra, note 12.

70. Senator Steuart, supra, note 11.

71. Ibid.

72. Schindler, Fred, "The Organization and Functions of the Executive Branch of Government in Ontario", (1966) 9 Can. Pub. Admin. (December), 412, 414

73. Garnet Holtzman, Q. C., personal communication, interview, November 1983. Mr. Holtzman, who left the position of Chief Legislative Counsel for a position as a senior crown counsel with the Civil Law Branch of the Department of Justice (Saskatchewan), became Chief Legislative Crown Counsel in charge of legislative drafting again in the fall of 1985, when the office was re-organized and placed under the Minister of Justice as a Branch of the Justice Department. Before the re-organization the minister responsible for the Legislative Counsel Office was the Premier and, as a result, the Chief Legislative Counsel, who was the equivalent of a Branch Head, worked very closely with the Premier. Holtzman has just recently (1988) stepped down from heading the drafting section, but still works in that section.

74. Executive Council File, Heald papers, Saskatchewan Archives, Regina.

75. The Direct Sellers Act, 1965, Statutes of Saskatchewan 1965, cap. 71 requiring licensing of house-to-house sellers and provisions for bonding;

The Motor Dealers Act, 1966, Statutes of Saskatchewan 1966, cap. 65, licensing and bonding of motor dealers;

The Mortgage Brokers Act, 1967, Statutes of Saskatchewan 1967, cap. 76, licensing of mortgage brokers; and

The Unconscionable Transactions Relief Act, 1967, ibid., cap. 86, authorizing the courts to set aside loans when the costs were excessive.

Other new legislation included The Air Pollution Control Act, 1965, Statutes of Saskatchewan 1965, cap. 65; The Homeowner Grants Act, 1966, Statutes of Saskatchewan 1966, cap. 84; The Criminal Injuries Compensation Act, 1967, Statutes of Saskatchewan 1967, cap. 84.

76. Examples:

The Cemeteries Act, 1965, Statutes of Saskatchewan 1965, cap. 70, and subsequent amendments.

The Agricultural Implements Act, 1968, Statutes of Saskatchewan 1968, cap. 1, updating and consolidating previous legislation;

The Collection Agents Act, 1968, Statutes of Saskatchewan 1968, cap. 11;

The Real Estate Brokers Act, 1968, Statutes of Saskatchewan 1968, cap. 58, updating and consolidating previous legislation.

77. Smith, supra, note 8, at 279.

78. Ibid., 309.

79. All from Eager, supra, note 1, at 144.

80. It is not possible for Mr. Cameron to elaborate on this because of cabinet secrecy.

81. Mr. Holtzman, supra, note 73.

82. Mr. Cameron, supra, note 9. Mr. Cameron is the authority for the statements in this paragraph.

83. Ibid. Mr. Cameron is the authority for all of the information in this paragraph.

84. Senator Steuart, supra, note 11. Mr. Steuart is the authority for all of the information in this paragraph.

85. Ibid.

86. Heald, Attorney General, Speech March 27 1967, Saskatchewan

Legislative Assembly, 1967 Session, Debates and Proceedings Official Report, Regina, 1967, 1469; and An Act to amend The Cemeteries Act, Statutes of Saskatchewan 1967, cap. 90. See new sections 56A and 56C

Note: Before 1965 there were no licensing requirements under The Cemeteries Act and despite some warnings before 1965 about possible difficulties, nothing was done about the situation until a new Act was passed in 1965, whereby 25% of the amount received by the owner of the cemetery was required to be set aside. Premier Thatcher announced in the House during the spring session of 1967 that two cemetery companies, one in Moose Jaw and one in North Battleford, that had been in business before the 1965 Act was passed, "are no longer in a position to fulfill their financial obligations". He at that time informed the House of his government's intention to introduce legislation to enable the Provincial Secretary (the Hon. D. V. Heald) to deal with the situation. On March 27, 1967 Mr. Heald introduced a bill to amend The Cemeteries Act.

87. O.C. 2394/66

88. Ibid., Dr. Moore, supra, note 32, and Chief Justice Batten (Personal communication) confirms that the commission arose out of the meetings of the Prairie Provinces Economic Council.

89. According to Chief Justice Batten it was also used by the Department of Education in high school courses. She confirms that it was referred to the federal government for study because the recommendations would have required federal legislation for implementation. The Leader-Post of March 20, 1968, p. 46, also reports that the then federal Minister of Consumer and Corporate Affairs, John Turner, said "[his] department would be following up the Batten Report".

Chief Justice Batten and Mr. Justice Clarence L. B. Estey (formerly a member of the Thatcher cabinet) both are under the impression that a Consumer Affairs Branch was set up in one of the government departments, but no evidence of this can be found. During speeches in the legislature in March 1968, the month the report was released, the Attorney General said a special agency for consumer affairs would be premature and that consumer matters were handled by the department of the Provincial Secretary. An examination of the Public Accounts for the years of the Thatcher administration in connection with both the Attorney General's Department and the Provincial Secretary's department does not indicate any special branch or division for consumer matters. It is believed that the Provincial Secretary's office did have some general responsibility during those years, but no special branch was created.

90. "The Pace in the West: Special Aides for Saskatchewan", (1965) 39 Western Business and Industry (May), 57--No author given.

91. Eager, supra, note 1, at 137.
92. The Legislative Secretaries Act, 1965, Statutes of Saskatchewan 1965, cap. 89.
93. Eager, supra, note 1, at 134. The limit on the number stood until the 1982-83 session (Statutes of Saskatchewan 1982-83, cap. 5) when the subsection creating the limitation was repealed. In February 1988 there were eleven legislative secretaries.
94. Smith, supra, note 8, at 312, and personal recollection.
95. Smith, ibid.
96. Ibid., 313, and personal recollection.
97. Smith, ibid., 314, and personal recollection. Spending was to be held to a 6% increase over the previous year.
98. Ibid.
99. Smith, ibid., 315.
100. Genesis 41.
101. Senator Steuart, supra, note 11.
102. Ibid.
103. Moore, supra, note 32.
104. Former Premier of Saskatchewan, personal communication, interview December 20th, 1983.
105. Moore, supra, note 32 and in a discussion with Mr. Justice Heald in the spring of 1980, date not recorded.
106. Smith, supra, note 8, at 316-17. The federal government's white paper on taxation had been released late in 1969 and was not popular in Saskatchewan. Premier Thatcher spent a good deal of time in his speeches disassociating the provincial party with the white paper and with the economic programs of the federal party in general. Ibid. 477. It was generally known that there was division between the federal and provincial party. Ibid., and personal recollection.
107. Smith, ibid, 318-319
108. Ibid.
109. Canadian Parliamentary Guide 1972, Ottawa, P. G. Normandin.
110. Smith, supra, note 8, at 318-319.
111. Mr. Justice Heald, Mr. Cameron and Senator Steuart confirm, supra, notes 9 and 11.

CHAPTER 6

THE BLAKENEY CABINET¹

The creation of institutions by which free men and women can govern themselves is one of the greatest achievements of human history. Parliamentary democracy is one way that men and women have devised to do this and it is perhaps as good a way as now exists.²

1. Blakeney Biography

The new Premier, Allan Emrys Blakeney, was born in Bridgewater, Nova Scotia to Bertha May (Davies) and John Cline Blakeney. He received his B.A. and LL.B. degrees from Dalhousie University. In 1947 he was awarded a Rhodes scholarship allowing him to take his B.A. at Oxford, where he studied philosophy, political science and economics. He first moved to Regina in 1950 to act as secretary and legal counsel to the province's crown corporations. In 1955 he became chairman of the Securities Commission; and then in 1958 he went into private practise until 1960. He became active in the co-operative movement in Regina and before his first election to office in 1960 for the constituency of Regina City he was a director of Sherwood Co-op. Upon election to office in 1960 he became the youngest member of the cabinet.

During Mr. Blakeney's years as a member of the cabinet he acted at various times as Minister of Education, Provincial Treasurer and Minister of Health. In this last

portfolio he guided North America's first medical care plan through its formative years.³ He returned to private practise from 1964 to 1970. Upon the retirement of Woodrow S. Lloyd in 1970, Mr. Blakeney was chosen as party leader. The following year, after winning the election of June 23, 1971, he was called on to form the government, and remained Premier until his defeat nearly eleven years later, on April 26, 1982.⁴

2. Choosing a Cabinet

(1) Criteria

The choosing of the members of his party in the government to recommend to the Lieutenant Governor for appointment to the executive council is one of the first duties of a new Premier. The factors considered by Mr. Blakeney in his order of priority were:

- (1) geography--the strongest single factor;
- (2) personal competence and skills.
- (3) ethnic origin;
- (4) religious affiliation;
- (5) age balance--a low priority;
- (6) (initially) groups within the party,
in an endeavor to see that there is
representation of any "wings";
- (7) previous experience.⁵

(2) Changes

The new cabinet was sworn in on June 30, 1971. It consisted of nine men filling 15 portfolios.⁶

The first session of the seventeenth legislature commenced on July 28, 1971 (almost immediately after the election), and prorogued on February 24th, 1972. It was followed by a second session which commenced the same day that the first session was prorogued, ending on May 5th, 1972.⁷

In addition to a new Executive Council Act (mentioned later), there was legislation in 1972 which directly affected cabinet by adding a number of new departments, or changing the names and varying responsibilities of former departments. The new departments were established by The Department of Consumer Affairs Act, 1972⁸ The Department of Continuing Education Act, 1972⁹ The Department of Culture and Youth Act, 1972¹⁰ The Department of the Environment Act, 1972¹¹ The Department of Government Services Act,¹² The Department of Northern Saskatchewan Act, 1972¹³ The Department of Social Services Act, 1972.¹⁴ This new legislation resulted in the appointment of a number of new ministers.

From 1972 through 1979, during which period two elections (in 1975 and 1978) were fought and won with substantial majorities¹⁵ by the Blakeney administration, numerous changes were made in the cabinet.¹⁶

Following the 1978 election there was no fall session. The first session of this nineteenth legislature convened in the spring of 1979 and lasted until early May. During that session there was some legislation directly relating to the cabinet. A new Department of Intergovernmental Affairs was created¹⁷ and a new Legislative Assembly and Executive Council Act¹⁸ was passed which combined three previous Acts

(The Legislative Assembly Act, The Executive Council Act and The Legislative Secretaries Act) into one Act, consolidating the provisions and making some changes in the cabinet which will be mentioned later, and also providing for salaries of the members of the cabinet. This Act, with some further amendments, is the present Act governing the cabinet.¹⁹

The second session convened in November 1979 and prorogued in June 1980. An Act was passed purporting to create a new Department of Economic Development.²⁰ It was to come into force by proclamation, but it has never been so proclaimed,²¹ although a Minister of Economic Development had been designated in 1979.

The third session (1980-81), which commenced in November of 1980, saw three Acts passed affecting the cabinet,²² the most important being The Department of Consumer and Commercial Affairs Consequential Amendment Act. This Act transferred most of the duties then handled by the Provincial Secretary to the Department of Consumer and Commercial Affairs. The exceptions were protocol, which was placed under the jurisdiction of the new Department of Intergovernmental Affairs, and the responsibility for the flower, the flag, the tartan, the coat of arms, the Great Seal, the issuing of Proclamations, Letters Patent, Commissions, and any certificates or documents requiring the Great Seal and signature of the Lieutenant Governor, the Provincial Inquiry Centre and the traditional role the Provincial Secretary had acquired by that time as liaison between the Lieutenant Governor and the

legislative assembly (the Secretary of state functions). The Provincial Secretary also retained responsibility for the filing of returns in the legislature. The monitoring of the use of the flag, the flower, the tartan and the coat of arms was then delegated to the Visual Aids Branch that had been established in the Executive Council Office.²³ As will be noted from later discussion, these changes represent the partial adoption of one of the recommendations made at the 1978 Cabinet Planning Conference.²⁴ It appears to be the only recommendation that was followed up.

As a result of the 1980-81 legislative changes mentioned above there was another cabinet shuffle in December 1980.²⁵

The final cabinet of the Blakeney administration was one of the best-educated the province has had. Of the twenty men appointed, eleven had university degrees, and of those eleven at least four had master's degrees and one had a doctorate. It included three lawyers, one economist, two teachers, one history professor, one guidance counsellor, one insurance claims executive, one union representative, one locomotive engineman, one policy planning consultant, six farmers (at least one of whom had a degree), one secretary manager, and a former Mayor and auto dealer.²⁶

3. A Modern View of a Minister's Role

A memo from Premier Blakeney "to All Cabinet Ministers" dated September 17, 1971, on the matter of the relationship of

Minister to Deputy, sets out his views in that respect:

The minister is not part of the Administrative team of the Department. I feel he is unwise to get involved in dealing with many of the problems of the Department before the Deputy has considered them and formulated a definite recommendation....there is a tendency for Ministers who become involved in the problem-solving processes of the Department to become captives of the Department....unable to review, evaluate, assess and challenge recommendations made by the officials....Most of [a minister's] decisions should be of the kind:

"Yes I agree" or: "No I think that will get us into trouble for the following reasons (detail). Mr. Deputy, can you come up with another recommendation that takes this point into account."²⁷

In a speech delivered on September 9th of the previous year to The Institute of Public Administrators of Canada (before he became premier), Mr. Blakeney had also stated that the Minister should "interpret and explain policies of the department to the public" and "interpret to his departmental officials public reactions to the department's policies and the degree of public acceptance which they are receiving".²⁸

4. Restructuring

(1) A Task Force and Its Proposals

By 1971, twenty-seven years had passed since the critical analysis done by the Economic Advisory Committee in 1946 to determine what was needed to run a government efficiently. Premier Blakeney decided that a thorough review was warranted and, immediately after settling into office, he followed the precedent set by Douglas and formed a Task Force on Planning Organization, which consisted of three people. He

requested them to:

- (a) assess the existing level of general economic and social planning capability in departments and agencies of the Government of Saskatchewan;
- (b) examine and advise on the need for an agency to carry out, direct, and co-ordinate policy and program planning within the government and to provide a vehicle for evaluation of planning alternatives presented to Cabinet;
- (c) advise on the organization of Cabinet Committees in the general areas of planning and management;
- (d) advise on future requirements for qualified personnel in the policy, planning, research and management areas; and
- (e) subject to the approval of Council, to hire qualified personnel for future deployment in the public service.²⁹

This Task Force had "full access to all files, records, documents and information with every department, board, commission and crown corporation"; the power "to secure such technical advice and assistance from any department of government as may be necessary"; and "the right to enter into discussions and negotiations with other governments, persons, corporations and agencies" as required, and to engage needed staff.³⁰

The Task Force produced a report, one section of which was entitled "Framework for Planning and Management Organization". This report set out the responsibilities of cabinet in relation to planning as being that of:

- (a) providing the will to plan and the inspiration and the basic philosophy behind planning activity;

- (b) providing broad but clearly defined policy objectives and program directives;
- (c) development and communication of the guidelines and directives which are to be the policy basis of executive action;
- (d) making ultimate choices between alternative programs and activity choices offered to it through the planning process;
- (e)maintain[ing] a constant overview of the total government operation; and
- (f)review[ing] regularly and systematically both the policy framework and the programs of action that ha[d] been developed within that framework.⁵¹

The Task Force recommended that a cabinet planning committee, aided by a permanent planning committee secretariat, was needed to assist cabinet effectively in its role. The report stated that "a government will be measured by the quality of its policies, not the efficiency of its management. The latter is important but not crucial." It recommended that:

1. the Cabinet Planning Committee consist of five or six persons including M.L.A.'s as well as ministers, the Cabinet Secretary and Deputy Treasurer;

2. the recommended Planning Committee be chaired by the Premier, and that the Chief Officer of the secretariat be allowed to participate actively in the discussions; and

3. the secretariat have a research branch with two divisions--one to provide basic information and analysis of long term economic and social trends, while the other concentrated on policy research in the broad areas of agriculture

and rural life, social policy, non-renewable resources and the like--to "be staffed with 'generalists' capable of maintaining the broad overview or perspective required for strategy as opposed to detailed program planning", with the detailed planning to be done in the agencies.³²

The purpose of the secretariat generally was to bridge "the gap between the technical and political processes". An intergovernmental affairs division was to be considered later.³³

The Task Force also proposed a Management Committee of cabinet chaired by the Provincial Treasurer with two or three other members of cabinet, and the restructuring of the Budget Bureau into a Management Secretariat headed by the Deputy Provincial Treasurer, who would be involved in committee discussions along with the Chief Planning Officer. The secretariat, it was proposed, should be in four branches--"budgeting (including fiscal policy and program analysis and control); management training (and central personnel administration); organization and methods; and computer (computer use co-ordination as a minimum and perhaps the whole computer center responsibility)".

This report was submitted to cabinet for consideration and in the interim it was agreed that all future requests to Treasury Board respecting research staff be circulated through this advisory committee.³⁴

In regard to the proposed Management Committee of cabinet, this idea came from the Manitoba system, and it was

later decided that in Saskatchewan the Treasury Board was performing this function which, combined with the services the Budget Bureau was providing, made such an agency here unnecessary.³⁵

(2) Implementation of Task Force Proposals

(a) Cabinet Planning Committee

The idea of a Planning Committee of cabinet was approved by the Premier. Staff were sought and hired in early 1972 and the new structure was subsequently confirmed in the new Executive Council Act of that same year.³⁶

The Executive Council Act of 1972 mentioned above, which gave legislative authority for a planning Committee to the Executive Council, provided that the Planning Committee consist of the President of the Executive Council, "or such other member of the Executive Council as the Lieutenant Governor in Council may designate", as the presiding officer, "and such other persons, not exceeding six in number as the Lieutenant Governor in Council may appoint", with a staff presided over by a Chief Planning Officer (section 5). The purpose of the Planning Committee was stated to be "to study and advise the Executive Council on the planning of government programs, projects and their priorities". (section 6).

The Cabinet Planning Committee that was set up consisted of the Premier as Chairman, the Attorney General as Vice-Chairman, and the ministers of Industry and Commerce, Public Health and Social Services.³⁷

The first meeting of the Cabinet Planning Committee was held on September 14th, 1972. It was decided that membership would be rotated every two years, and that meetings would be held every Wednesday afternoon. Over a period of time the Committee examined reports on oil and gas policy, railway line abandonment, industrial development, the forest industry, manpower policy, northern communications, a potash task force report, to mention just a few of the topics discussed during the weekly deliberations. Minutes of this committee were circulated amongst cabinet members and specific recommendations arising out of the meetings were presented to cabinet in summary form by way of cabinet agenda items to which would be annexed a full report.³⁸

The Planning Committee was never as effective as had been anticipated.³⁹ There was an inclination on the part of public servants "to use it to explain rationale";⁴⁰ or for recommendations for changes in relatively narrow projects, rather than for isolating major policy decisions for cabinet. Some reports were "a juiced up review" of budget submissions instead of a major review of policies, and Ministers sometimes used it for "departmental campaigning". It improved in the last year or two of its existence because Mr. Blakeney finally decreed that no meeting would be scheduled until he had screened the material. The effect of this decree was that the Premier became the screening mechanism, which was an extra demand on his time. He decided this action was necessary, however, because otherwise, two weeks before a scheduled meeting

he would get the proposed material and upon looking it over would find too frequently that it did not relate to matters he thought ministers should be spending time on. An alternative would have been to have had the Minister of Finance, or other strong minister, do the screening. It required a strong minister who was willing to take the responsibility. The former Premier remarked that none of his Ministers of Finance wanted the job. All of these growing pains and problems with the Committee notwithstanding, Mr. Blakeney indicated that he still felt the concept was a good one, and with some further experimentation and refinement could be useful.⁴¹

(b) Cabinet Planning Committee Secretariat

The Planning Committee Secretariat recommended by the Task Force was also established and by September 1, 1972, its Planning and Research Division included eight professional people, two statistical people, three stenographers and four others in temporary positions on the staff.⁴²

In order to sort out procedures for matters to be dealt with through Treasury Board and the Planning and Research Committee of the executive council, "the secretariat", many meetings and discussions were held between the Chief Planning Officer, Deputy Minister of Finance and the Cabinet Secretary, who in turn communicated with the Premier and Minister of Finance (at that time still Provincial Treasurer).

On the recommendation of the Planning and Research Committee, the cabinet established a committee of deputy ministers (Agriculture, Labour, Northern Saskatchewan, Education,

Industry and Commerce, Social Services) under the Chairmanship of Policy and Research⁴³ to:

1. document existing manpower programs, policies and priorities;
2. suggest specific program areas for development that would be in keeping with the government's generally stated objectives concerning manpower policies and programs;
3. present recommendations to the Planning Committee of Cabinet relating to manpower policies and programs.⁴⁴

(3) Planning Committee Secretariat's Proposals

(a) The Premier's Office

Part of setting up the new administration was a review of the staff requirements of the Premier's office by the Planning Committee Secretariat. The staff of six that was established in the Premier's Office consisted of an Executive Assistant, who planned his itinerary, handled appointments and who also was the Cabinet Secretary responsible for cabinet minutes and follow-up; a Caucus Liaison Officer who was responsible for liaison between the Premier, M.L.A.'s and the party, and with the agencies for which the Premier was from time to time responsible, such as the Liquor Board; a personal secretary; a Cabinet Press Officer; an Assistant Cabinet Secretary who acted as secretary to delegations meeting with cabinet and who assisted the Executive Assistant; a special

assistant who handled the Premier's correspondence and also acted as assistant to the Clerk of Executive Council on planning out-of-town cabinet meetings; and a second special assistant who handled protocol and special projects assigned by the Premier and who, for a short time, acted as assistant Clerk of the Legislative Assembly.⁴⁵

The staff of the Planning Committee secretariat and of the Premier's Office included some brilliant young students, who, in most cases, had post-graduate degrees in such varied disciplines as English, Political Economics, Economics or Law.⁴⁶ Most of them had ties with Saskatchewan, though they came from universities across the nation. It appeared that the Premier attracted young assistants with high academic qualifications who ultimately went on to higher positions or left to go on in the academic world. It is noteworthy that a considerable number were women, as more women were going into these areas of study. This brought a new outlook to the offices of the Executive Council and did not go unnoticed by those who followed the political scene.

From the outset the Premier made it plain to the assistants that he expected reports in plain English, stating to the Chief Planning Officer that it was their duty to communicate with him in his language, not his duty to become familiar with their jargon; that memos should explain things simply, briefly and in short sentences so that all members of cabinet could understand them without special training in economics and administration.⁴⁷

By 1973 a system to keep the Premier informed on the volume of correspondence was devised, whereby a weekly report of mail was prepared with names and topic. The Premier then looked it over checking for his special attention topics of particular interest to him or names he recognized. This gave him an opportunity not only to know the concerns being expressed, but to give special directions for replies, and to request the originals for his own perusal when he wished to do so. This became necessary because of the many demands on his time.⁴⁸

From 1975 the organization of the Premier's office was looked at with a view to reducing the number of staff the Premier was required to see on a daily basis in order to reduce further the demands on his time. The organization chart prepared at the time showed an Executive Officer and an Executive Assistant reporting directly to the Premier; the cabinet Press Officer and Information Services reported through the Executive Officer, who was also responsible for speeches, statement preparation and intergovernmental liaison. The special assistants and clerical staff reported through the Executive Assistant. The Executive Assistant also acted as assistant to the Premier in his relations with the Legislative Assembly, Legislative Library, Ombudsman and Electoral Officer and organized the bus tours.⁴⁹

(b) A Cabinet Secretariat

The Planning Committee's Report also recommended a cabinet secretariat and stated that "Cabinet as a whole is and must remain the single group responsible for all planning and

policy decisions", but that a Cabinet Secretariat was responsible for:

- (a) the general organization of meetings;
- (b) the formation of the agenda of items to be considered;
- (c) the prior distribution of Cabinet documents containing information in summary form and appropriate recommendations relating to items on the agenda;
- (d) the methods used to obtain additional information quickly if required;
- (e) the recording of decisions;
- (f) the distribution of Cabinet Minutes; and
- (g) the actions taken to implement Cabinet decisions.⁵⁰

The Executive Council Act of 1972, among other things, further provided for an Executive Council secretariat which was headed by the Secretary of the Executive Council and included the Clerk of the Executive Council and other necessary employees.⁵¹

5. Cabinet Procedures and Devices

(1) Procedures

Material for cabinet members went through the Cabinet Secretary's office and he rerouted matters not requiring cabinet attention, "or those which needed prior consideration by the Treasury Board or some other cabinet committee".⁵² The Premier had final determination of the order of agenda items, but generally items from cabinet committees came before items submitted by individual ministers.⁵³

Initially the Blakeney cabinet dealt with Orders in Council individually, but when the members of cabinet gained experience they came to realize that certain types of Orders in Council were routine; that they were taking up too much time and that individual attention was not necessary. They then adopted the procedure initiated by the Douglas administration (and followed by subsequent administrations) of having a cabinet committee check over all Orders in Council fifteen minutes or so before a cabinet meeting convened, and then dealt individually only with those requiring policy or political decisions. Those that were routine were accepted as passed once approved by the cabinet committee. This reduced cabinet meeting time considerably so that cabinet was able to get through committee reports and other matters in the course of a few hours.⁵⁴

A change directly related to the administrative support of the cabinet took place in 1976. A Deputy Minister to the Premier was appointed. Until this time that function had more or less fallen to the Cabinet Secretary, although it was unofficial. At this time the then Cabinet Secretary was appointed to the new position and a new Cabinet Secretary, John Scratch, was appointed.⁵⁵ The duties of the Deputy Minister to the Premier were to include handling information, news releases and photographic services. The Legislative Librarian, Legislative Counsel and Law Clerk and the Public Inquiry Centre reported to him. Until the new position was created, the Cabinet Secretary had, along with his other duties, been very

much involved with finding senior staff, including Deputy Ministers. That responsibility now went to the Deputy to the Premier.⁵⁶

The position of Deputy Minister to the Premier, actually established informally in 1976,⁵⁷ was recognized in The Legislative Assembly and Executive Council Act of 1979 (section 74).⁵⁸ This Act established the Executive Council as a department to be presided over by the President of the Executive Council (section 73). There were provisions similar to those in the previous Act for a Secretary of the Executive Council, Clerk of Executive Council and staff. This new department replaced the old Planning Committee and secretariat. The Act stated that the Executive Council Office (the department) was to act as a secretariat to the Executive Council.

The duties of the Cabinet Secretary continued to be what had become the traditional ones of preparing the agendas for cabinet and following up on matters arising out of cabinet decisions where required. Preparing the agenda included the previously-mentioned duty of checking an item to be certain it should properly be on the agenda, rather than going some other route such as to Treasury Board. This required an intimate knowledge of procedures, and of responsibilities of various persons and committees. While this was one of the more interesting aspects of the job, it was sometimes "tricky", as a great deal of diplomacy was needed to tell a minister that an item should not be on the agenda and to explain the procedure that should be taken. While the Premier could be consulted,

the object was to keep as much of the minor routine as possible from intruding into his schedule, and one did not want to go to him unless a matter was of major importance and seemed to require his special attention for a decision.⁵⁹

During the time that the Cabinet Secretary was a lawyer, he found that because of his training he spent more time on legislation than other cabinet secretaries had. He spent some considerable time on amendments to The Election Act and on conflict of interest legislation in particular.⁶⁰ There was always some variation in the duties of the Deputy to the Premier, the Cabinet Secretary and the other close executive assistants to the Premier, depending on the areas of expertise and the interests of the incumbent.⁶¹

As far as Orders in Council were concerned, by this time (1976) they were divided into categories of A and B, one category being for those considered routine and the other for those that were not,⁶² and although a cabinet minister could always inquire about any Order in Council on the agenda, generally speaking, those in the routine category were considered as passed if approved by the cabinet committee that reviewed them.

A memo from the Cabinet Secretary in January 1977⁶³ indicates that the cabinet agenda was still a problem. It alludes to a category of agenda item called "State of the Nation Items". When an item was in this category it was an indication that it was a matter "too political to put in writing". The memo suggested that all items other than those in that

category were to be submitted ahead of time in the manner previously established. The memo further stated that in regard to "walk-ins",⁶⁴ they would only be allowed if the Minister presenting the walk-in could convince cabinet that "for some reason beyond his control he was unable to put the Item on the Agenda and the Item is of an emergency nature--something that needs to be decided before next week".

(2) Devices

Mr. Blakeney used various ways to emphasize to ministers that a government had a policy, but an individual department did not. An exercise that he used for this purpose on occasion was to have a discussion of a policy proposal without allowing the particular minister involved to take part. This also fulfilled the additional function of making all ministers feel that they had input into major decisions, and that they had some information about the decisions made, the options available, the alternatives that existed and why a particular decision was made.⁶⁵

Mr. Blakeney also found that when two ministers could not agree, there was a tendency for them to look to him as the arbitrator. He avoided this by advising them to instruct their respective deputies to do a joint memo setting out the points on which they agreed, and those on which they disagreed. This took the ministers out of the picture so that they were not fighting with each other.⁶⁶ (This method is in line with the philosophy he originally imparted to them in 1971⁶⁷ concerning the relationship between minister and

deputy.) Usually the exercise by the deputies resulted in agreement.⁶⁸

It should perhaps be noted here that during the Blakeney years, out-of-town cabinet meetings continued to be used as a means of contact with various areas of the province, and refinement of the original format developed. The original practise was to have local groups from the area where the meeting was held appear and present briefs. The cabinet decided it was more effective to hold its meeting in the morning, have lunch (usually closed) with members of municipal councils of the area in attendance, at which the councillors could present their concerns, and then in the afternoon the ministers went out into the communities in the constituency. In the evening big coffee parties would be held in a number of the communities, always with a question and answer period. This was an attempt to give any person in the constituency a chance to approach cabinet, or an individual minister, either formally or informally with any question or concern that he might have. In the age of computer technology, when both the relaying of information by mechanical means and the heavy demands on the time of ministers created a distance between them and the general public, this was devised as a means of helping them to keep in touch with the voters.⁶⁹

In the spring of 1973 a proposal for opening a cabinet office in Saskatoon was considered.⁷⁰ It had been ascertained that the idea of a cabinet office outside the capital had been adopted in Alberta, where an office had been

established in Calgary. The Clerk of the Executive Council visited Calgary to review its operations. (In return Alberta asked for information about Saskatchewan's Provincial Inquiry Centre.) It was decided to adopt the idea of the Saskatoon office. The arrangement was to be that:

- (a) a cabinet minister be in attendance two days each week on a rotation basis so that each minister would have a turn once every three months;
- (b) regular cabinet meetings be held there on a quarterly basis;
- (c) it be used for:
 - (i) booking appointments for cabinet ministers,
 - (ii) arranging regular press conferences on a direct link hookup with Regina press conferences,
 - (iii) information releases simultaneously with Regina, and
 - (iv) assisting Saskatoon area residents with arranging appointments with government offices and ministers in Regina.

The estimated annual operating costs were \$30,000, to include one officer, one clerk-steno, with an outer office waiting room, one private office and one small conference room.⁷¹

On May 7, 1973 a press release announced the opening of the cabinet office in Saskatoon. It was officially opened on November 5, 1973 with the minister responsible to be the Attorney General Roy Romanow as Deputy Premier (and also as a member from Saskatoon). It was to be supervised by the Cabinet Secretary and the Clerk of the Executive Council. Mr. Romanow or Mr. Brockelbank (another minister from Saskatoon), or sometimes both of them, were there for part of the time every month, and one other cabinet minister was present every Friday on a rotation basis.⁷² By January of 1974 it appeared that the idea was well received and the office was kept very busy.⁷³

Cabinet retreats for planning conferences were used as a method of raising problems and suggesting solutions. The first annual cabinet retreat was held in October of 1971 and was used by the premier to explain "the planning process"; the "role of Ministers as Members of the Cabinet and of Department Heads in the planning process and the role of Cabinet, Department and Central Agencies, the Party and others".⁷⁴ The retreats were also used by the Premier, in addition to his briefings at cabinet meetings, as an opportunity to update the ministers on important issues.⁷⁵ Specific mention will be made of some of the later retreats to illustrate the types of problems that were dealt with at these retreats, which in turn illustrate the types of problems that must be dealt with by a modern cabinet.

As a planning device, expenditure guidelines were still projected ahead four years, showing past year, present year and three future fiscal years.⁷⁶

In a speech in 1980⁷⁷ Mr. Blakeney described the Cabinet Planning conference as a "device" borrowed from "the Douglas-Lloyd government". It was held yearly and used particularly as an early stage of budget planning. He stated:

This particular forum enables Cabinet and senior managers to sit down collectively and indulge in a bit of talk on the art of the possible, to examine our options, re-cobble our broad plan and broadly allocate our resources. In this yearly exercise we are aided by a concept we developed, that of "long-term fiscal accounting", a method which reconciles the necessity of occasional yearly deficits with the attainment of broad programs over a longer time span.

In this speech he also mentioned that it was important "to squirrel away" surpluses and to plan for less plentiful years. At these conferences cabinet looked at the projected cost of its programs, the losses or profits produced and the funds needed for new programs. Blakeney stated that the policy of cabinet was that if it needed to cut, it tried "to eliminate a program rather than hack and pare each one", because after a year or two of being short of funds and without further funds being allocated a "defensive atrophy begins to form in the minds of senior officials in program departments". However, he emphasized, as he always does when touching on the subject, that "policy direction from cabinet is the first step" in directing a government.⁷⁸ To do this, as he had pointed out in a previous speech, "the minister must be attuned to the

views of the public and he must inject this element into the final determination of the departmental policy".⁷⁹

Some of the other agenda items at the Cabinet Planning Conferences, which help to indicate the scope of the matters discussed, were Industrial, Agricultural and Rural Development Programming; Job Creation and Employment; Northern Development Strategy; Social Aspects of Housing Policy; and Provincial Relationship to Treaty Indians.⁸⁰

6. Cabinet Committees

(1) Treasury Board

Treasury Board recommendations went directly to the cabinet until about 1975, when the cabinet began considering only those referred by the Board when the Board felt it could not make the decision, or because some ministers did not agree with the Board's recommendation. Treasury Board would ordinarily make the decisions otherwise.

There were always two or three ministers present at a meeting of Treasury Board where any issue of importance was being discussed. The Minister of Finance dealt with minor items himself.⁸¹ The philosophy behind this was that it was easier for three ministers to say no to a proposal than for just one minister to do so. This practise was also "a morale sustainer and builder for the public service". They had to build a case--"show the anti's and the pros--but at the same time it gave administrators a chance to put forward interesting and innovative ideas".⁸² As a result new ideas often came out of the presentations that the cabinet might not have thought of otherwise.⁸³

All major decisions of Treasury Board were recorded in minutes which were taken by the Deputy Minister of Finance (or his designate), who acted as secretary. The minutes were then distributed to all ministers, and a minister could appeal to cabinet within seven days if he did not agree with a decision. At the end of the seven-day period, if no appeal had been taken, the decision would be taken as agreed to by cabinet.⁸⁴ There were approximately two appeals each week.⁸⁵

From 1971 the budgeting process was put under scrutiny and in 1973, evolving out of studies of other systems and in particular a system devised for use by the State of Massachusetts and then for financial reasons not implemented there, the Treasury Board approved a new system known as a Program-based Management Information System (commonly referred to as P.M.I.S.) which emphasized management involvement and which, along with revised deadlines for budget submissions, enabled Treasury Board to assess programs more fairly, and to make their recommendations to the cabinet. This system allowed new programs to compete with existing but uncommitted programs, giving more opportunity for new programs.⁸⁶

During the year 1977 the policy of economic restraint continued. Changes in structure within the Department of Finance and use of Treasury Board, Budget Bureau and P.M.I.S. and a new branch known as Bureau of Management Improvement, were all used to hold down expenses.⁸⁷

In July of 1977 a Treasury Board seminar raised problems of the heavy workload of Treasury Board as more and more

decisions had come to require its approval and Premier Blakeney suggested some "fine-tuning" of the system. A study of ways this could be accomplished was undertaken and later implemented.⁸⁸

(2) Legislative Review Committee and other Cabinet
Advisory Committees, Boards and Commissions

Premier Blakeney, like Premier Douglas, made extensive use of cabinet committees.⁸⁹ An important committee that was established and has continued to be used since is the Legislative Review Committee. It was made up of ministers, law officers from the Attorney General's Department, representatives from the Treasury Department (Department of Finance) and the Legislative Counsel Office. The Assistant to the Cabinet Secretary was responsible for preparation and administrative duties for this committee, and the Cabinet Secretary often sat in on this committee.⁹⁰

The Legislative Review Committee was started in 1972, and it was Mr. Blakeney's idea. Saskatchewan, if not the first province to set up such a committee, was one of the first to do so. The reason there seemed to be a need for it was that cabinet, especially Mr. Blakeney and the other ministers who were lawyers, were taking too much time in considering draft bills, line by line. Premier Blakeney wanted a means of separating policy from the mechanics of drafting to avoid getting into lengthy arguments about detail. An example that Mr. Blakeney recalled was a lengthy argument about whether a parks officer investigating a disturbance should have the right to

enter a tent in a park campground at night, without notice.⁹¹

The procedure of the Committee evolved gradually.⁹² One year, in the early stages of the development of this Committee, the departments put all their proposed legislation on a list and each minister then appeared before the Committee to talk about the legislation for his department. The Committee looked at the list quite critically. This was not repeated, but it worked well as a one-time method to acquaint all the ministers with the approach and function of the Committee and as an aid to the Committee to work out subsequent procedures.

A format was devised for cabinet by the Committee. Recommendations for legislation were first submitted through the Deputy Minister of a department to his Minister and then by the Minister to cabinet by way of a cabinet agenda item. From cabinet, the proposed legislation was referred to the government caucus. This gave the cabinet the opportunity to present the legislation to caucus, discuss it and get "feedback" from the caucus. It also served to keep all members of caucus informed about the legislation that was being planned. Occasionally caucus would want changes, in which case the matter was considered further by cabinet. After final approval from caucus and cabinet of the general proposal, drafting instructions were prepared by the department proposing the legislation in an agreed format and presented to the Legislative Review Committee. The Committee could approve it or send it back for further review, or reject it. The Committee reported to cabinet, flagging any areas of concern for cabinet to look

at.⁹³ Later, a civil rights report was requested (which would be more correctly described as a civil liberties report) for each proposed legislative change, which was to indicate whether any civil liberties questions were involved in a proposal. This was intended primarily to direct the minds of those doing the drafting to any problems in that regard so that cabinet was not wasting time arguing about it.⁹⁴ On occasion a matter would come through to cabinet and cabinet would flag an issue and send it back to the Legislative Review Committee. That committee would prepare and send back to cabinet a review of the problems, and occasionally there would be lengthy arguments over some issues.⁹⁵

The procedure was constantly refined in order to require the departments to establish priorities. A system of routine (housekeeping amendments and the like) and non-routine categories was established.⁹⁶ Despite the best attempts, however, there were always emergency bills which could not be anticipated in advance, as well as problems with late legislation and "a great glut of submissions toward the end of a session".⁹⁷ This will no doubt always be a problem, but in an attempt to improve the situation, in 1974 a Legislative Officer was appointed to monitor legislation, keep track of its various stages of progress and keep it moving.⁹⁸ This later developed into a unit in the Attorney General's Department staffed by three lawyers, and that unit also became responsible for the previously mentioned practise of checking of Orders in Council before they went to cabinet.⁹⁹

The year 1972 also brought some legislation to establish further statutory advisory committees to cabinet and to delegate authority for carrying out programs:

(1) The Human Resources Development Act, 1972¹⁰⁰ established an agency under a director with a Citizens' Advisory Council of not more than twenty persons appointed by the Lieutenant Governor in Council and made up of representatives of lower income groups and the disadvantaged.

(2) The Land Bank Act, 1972¹⁰¹ (fulfilling an election promise), established a land bank system to be administered by The Saskatchewan Land Bank Commission, created as a body corporate (sections 4 and 5) and consisting of not less than three persons appointed by the Lieutenant Governor in Council, with authority to purchase lands at fair market value (section 9) and to borrow money for that purpose, subject to the approval of the Lieutenant Governor in Council (section 45). There was also provision for an Advisory Council of at least seven farmers appointed by the minister (section 57) and for an Appeal Board (section 59).

Along with the two Acts just mentioned a number of other statutes were enacted in the same session which showed a reliance on boards, commissions and advisory councils of various and assorted types to administer them.¹⁰²

The session of 1973 commenced on January 25th and prorogued on May 4th. The legislation that year made provision in several of the Acts for administration by statutory boards and commissions, often with Advisory Councils and very

often, depending on the nature of the statute, with appeal boards. The administrative board was frequently established as a body corporate.¹⁰³

In the 1973-74 fall session a number of statutes were passed giving the cabinet control through boards and commissions.¹⁰⁴

Another fall session was called in 1974 that commenced on November 25th, and prorogued on April 18th, 1975. (It seemed a new pattern was developing of calling a session in the fall, dealing with the Speech from the Throne, adjourning for Christmas and then resuming after the new year and continuing into the spring.) The Acts passed in this session that involved the establishment of administrative agencies included:

(1) The Saskatchewan Heritage Act, 1975,¹⁰⁵ which authorized the minister

(a) to appoint the Saskatchewan Heritage Advisory Board to advise him on matters relating to "preservation of the heritage of Saskatchewan" (section 5), and

(b) to designate heritage property; and

(2) The Science Council Act, 1974,¹⁰⁶ which established a council of not less than 13 nor more than 21 representatives of government departments, crown corporations, universities, the Saskatchewan Research Council and the public, all appointed by the Lieutenant Governor in Council to formulate "science policy for development and application of scientific and technological information and processes", and to advise government on implementation, etc.

The latter Act also provided for a Science Policy Secretariat headed by a Director. The secretariat was to be appointed by the Lieutenant Governor in Council, its duties being to consider matters referred to it by the council and to take the "action necessary to carry out the purposes of the Act".

The 1976-77 session of the legislature saw some additional legislation setting up boards, commissions and advisory councils appointed by the Lieutenant Governor in Council, including The Natural Gas Development Conservation Board Act, 1977,¹⁰⁷ which established a board consisting of "such persons as may be appointed by the Lieutenant Governor in Council" (section 3) to investigate and make recommendations on exploration costs, gas removal formulas, economic viability of production proposals, requirements for Saskatchewan consumption, forecast reserves, etc. (section 13). This indicates the manner in which the expertise needed for technical matters for which the government took responsibility was handled.

The Legislative Assembly and Executive Council Act of 1979¹⁰⁸ gave legislative recognition to cabinet committees by providing that such committees be appointed by the Lieutenant Governor in Council, that they consist of one member of the Executive Council (to preside) and any other persons that might be appointed, and that the committees determine their own rules and procedure (section 72).

7. Liaison Between Cabinet and Administrators

A committee of deputy ministers was used as a means of keeping the administrative heads of the departments in touch with what was happening, and as a social contact so that they knew each other.¹⁰⁹ Such a committee may have previously existed informally, but it is believed this was the first attempt to formalize it.¹¹⁰ They met on an irregular basis two or three times a year. The meetings were called by the Cabinet Secretary (later, when the position was established, by the Deputy Minister to the Premier) who prepared the agenda.¹¹¹ It was not too successful initially, but in the later years of the administration the former Deputy Minister of Health, Mel Derrick, was appointed to a new position wherein he was responsible for finding ways of improving government administration, and he developed it into a useful aid in keeping department personnel informed and in touch with government policy.¹¹² Mr. Blakeney would occasionally attend the meetings of the deputy ministers and address them. Topics would include messages of restraint or staff development and the like, so that they would know the thinking of cabinet.¹¹³

8. Delegation of Authority

(1) To Ministers

More and more frequently legislation placed direct authority in the minister responsible for a particular Act, such as The Water Resources Management Act,¹¹⁴ or in some cases the legislation took authority that was in the Lieutenant Governor in Council and placed it in the minister such as

a new Notaries Public Act.¹¹⁵ Where previously notaries were appointed by the Lieutenant Governor in Council, the authority was now given to the Attorney General. (Similarly The Commissioner for Oaths Act was changed by a new Act.)¹¹⁶ There is greater significance in this type of change than at first appears. By statute¹¹⁷ a deputy minister may legally sign on behalf of a minister so that in most cases it means transferring to the administrative head authority which previously was reserved for the Lieutenant Governor in Council; i.e. the Deputy Attorney General becomes the person who is de facto responsible for appointing notaries, as in practice, after the processing is done by those in the department who attend to that particular matter, the Deputy Attorney General signs the certificates instead of the Lieutenant Governor issuing Letters Patent under the Great Seal. This move indicates a change in attitude brought about by necessity because of the increased complexity of government and consequent increased problems and responsibilities which must be dealt with by cabinet, and by increased demands on the time of the ministers.

(2) To Lieutenant Governor in Council and Crown Corporations

An example of delegation of authority to the Lieutenant Governor in Council and a crown corporation is The Potash Development Corporation Act, 1976.¹¹⁸ It gave authority to the Lieutenant Governor in Council to authorize the Potash Corporation of Saskatchewan by Order in Council to acquire

assets by purchase and to expropriate the property of certain companies listed in a Schedule, free and clear of encumbrances, with provision for agreement on compensation, for payment of secured creditors and for arbitration.

9. The Ombudsman

One other piece of legislation, passed in 1972, which indicates a perception by cabinet that government had become enormously complex, and that individual legislators could no longer cope with the problems which arose in the administration of legislation by the departments and administrative agencies, was The Ombudsman Act.¹¹⁹ It provided for the appointment of an Ombudsman by the Lieutenant Governor in Council, to handle complaints of the public in connection with the various departments. The Ombudsman was to be responsible, not to the Lieutenant Governor in Council, but to the legislative assembly.

10. Typical Problems of a Modern Cabinet

The sources for determining the types of problems faced by a modern cabinet are the reports of the cabinet planning conferences mentioned earlier.¹²⁰ A confidential memo of September 1976,¹²¹ summarizing the results of a retreat of the same month, sets forth the problems discussed that year:

Problem 1. Crown corporations were taking up "too much Ministerial time". A need was expressed for Ministers to have two or three professional directors and senior government officials to identify matters requiring the Minister's attention.

Decision: It was the responsibility of the Government Finance Office to "give an overview of capital requirements, to provide at least one Board Member who has expertise and time to help the minister" and to act in a "co-ordinating role" to ensure that the corporation is not following policy at variance with [the] government's policy".¹²²

Solution: This decision was followed up and, under a new Crown Corporation Act in 1978,¹²³ the boards of crown corporations had three or four government administration people assigned to them with each of these people sitting on the boards of several corporations. These people acted as a base to advise the ministers.¹²⁴

Problem 2. Keeping members of the legislature informed had apparently become a problem.

Decision: It was resolved to keep members of the legislature better informed and to give them every opportunity to participate, including them in announcements respecting their constituencies and in government functions.

Problem 3. Increasing the efficiency in the use of ministerial time was discussed.

Decision: Ministers would be more helpful with each other's problems and delegate more to their officials. In regard to public image, keeping up contacts with groups representing a cross-section of the population was emphasized.

Problem 4. Corrections Services had been a part of the Department of Social Services, but was now expanding to the point that it was apparent that Social Services was very shortly not going to have the time to provide the needed planning and guidance.

Decision: No decision was made, but alternatives were discussed. One of the alternatives was to put corrections with the Attorney General's Department, but the traditional socialist view in Saskatchewan seems to have been that this was not desirable because it would put corrections in the same department that had responsibility for police service: the opinion was that that would not be compatible.¹²⁵ Such an arrangement was thought to detract from the emphasis on rehabilitation, which was one of the aims of correction services. A new Department of Corrections started to look like the answer, although this never took place.¹²⁶

Problem 5. The control of the length of cabinet meetings was a concern. As a result of the discussion at the 1976 conference some good ideas surfaced, such as:

Decision: (1) The ministers would be more selective in placing items on the cabinet agenda--would take more responsibility in making decisions themselves, or in consultation with other ministers directly affected by a problem; and would spend less time acting as advocates of individual departments and would

act with more of an outlook toward the total government;

(2) the Premier would "resist asking Ministers questions on details of cabinet submissions, would try (directly or through [the] Cabinet Secretary) to keep Items off [the] Agenda", and would ask Ministers more frequently to solve a problem, even where several agencies were involved.

In the Cabinet Planning Conference of June, 1978 further examples of problems to be dealt with are found:¹²⁷

Problem 1. The great increase in resource revenues between 1971-72 and 1978-79 (13 times) and the expected expansion of uranium development at that time projected difficulties in co-ordination between non-renewable resources development and of total resource management policy.

Decision: The responsibility would be split. A new Department of Energy and Resources was proposed, along with a new Department of Tourism, Culture and Recreation, which together would replace three departments--Mineral Resources, Tourism and Renewable Resources and Culture and Youth. Energy and Resources would then take on the responsibility that had been handled by the Department of Mineral Resources along with the Forestry, Fish and Wildlife Branches of Tourism and Renewable Resources. A new department of Tourism, Culture and Recreation would be left with

responsibility for what was up until then the responsibility of Culture and Youth, plus tourism promotion, parks and recreation and fish, wildlife and sports branches, which up until then had been under Tourism and Renewable Resources.

Solution: A recommendation was made for a new Department of Transportation, but none of these suggestions mentioned above were implemented.

Problem 2. There was a lack of efficiency in operation of various departments.

Decision: A similar analysis to the above would be made of other government departments.

Solution: A new Department of Consumer and Corporate Affairs to take over Consumer Affairs was established that took over some of the responsibilities of property registration and management and the Securities Commission from the Attorney General's Department, as well as most of the responsibilities of the Department of the Provincial Secretary, except for the protocol and Secretary of State functions. These changes were made and have been previously mentioned¹²⁸

The above examples illustrate the variety and complexity of the matters for which a modern provincial cabinet is responsible. They indicate the necessity for research by and recommendations of experts in many different areas in order that the members of the cabinet have adequate information

with which to consider the alternatives available in regard to any particular problem and come to a decision. The decision may sometimes be that still more research and study is necessary.

11. Defeat

The session of 1980-81 prorogued in May. A fourth session convened on November 1981 which was called to pass legislation covering assistance to homeowners faced with the high interest rates that prevailed at the time.¹²⁹ It then adjourned until March 1982, when back-to-work legislation was hurried through to settle a labor dispute.¹³⁰ The session was then prorogued.

An election was held on April 26, 1982. The Blakeney government was defeated in a landslide victory for the Conservatives under a relatively new personality in Saskatchewan politics, Dr. Grant Devine.¹³¹ Mr. Blakeney now led the Official Opposition with nine members to the government's fifty-five. Once again the legislative chambers had government members sitting on both sides of the House to accommodate their numbers.¹³² A new era in Saskatchewan politics had begun, with a new executive council filling the offices in the marble palace¹³³ on the banks of the Wascana.

Chapter Notes

CHAPTER 6

1. The Lieutenant Governors who held office during the Blakeney years were Worobetz, Porteous and McIntosh.

2. Hon. Allan E. Blakeney, personal communication, Interview, December 20, 1983. This quote was suggested by Mr. Blakeney as one he has used on several occasions in his speeches.

3. Confirmed by Hon. Allan E. Blakeney, ibid.

4. Ibid.

5. Ibid.

6. See Appendix.

7. Statutes of Saskatchewan 1971-72. This was accomplished by issuing an Order in Council dated January 24th, 1972 recommending that a Proclamation issue convening the next session for the 24th of February, 1972, and having the Proclamation signed by the Lieutenant Governor the next day. The session then prorogued on the morning of February 24th, 1972 and reconvened at 3:05 p.m. on the afternoon of the same day with the speech from the throne being then read. As a matter of interest the same thing was accomplished in a slightly different manner in 1983. The Order in Council setting November 17th as the date for the new session was signed on November 7, 1983, but the Proclamation was signed by the Lieutenant Governor immediately after he left the Chambers following prorogation on the morning of November 17th. The new session then commenced at 2:00 p.m. in the afternoon of November 17th. Personal knowledge.

8. Statutes of Saskatchewan 1972, cap. 27.

9. Statutes of Saskatchewan 1972, cap 28.

10. Statutes of Saskatchewan 1972, cap. 29.

11. Statutes of Saskatchewan 1972, cap. 31.

12. Statutes of Saskatchewan 1972, cap. 32.

13. Statutes of Saskatchewan 1972, cap. 34.

14. Statutes of Saskatchewan 1972, cap. 35. See note 16 for related ministerial changes.

15. In 1975 the results were N.D.P. 39, Liberals 15, Progressive Conservative 7; and in 1978 the results were N.D.P. 40, Progressive Conservatives 17, Liberals 0. Report of the Chief Electoral Officer, Twentieth General Election 1982, Regina, Chief Electoral Officer, 1982.

16. In January 1972 Kim Thorson was named Minister of Mineral Resources and Minister of Industry and Commerce, and John Brockelbank was named Minister of Public Works. Several more changes were made in May of that year: Hon. E. L. Tchorzewski was appointed to Consumer Affairs (until July, 2, 1975), Provincial Secretary (until November 1975) and Culture & Youth (until August, 1977); Hon. Neil E. Byers was appointed to Environment (until December, 1978) and Cooperation and Co-operative Development (until July, 1974); Hon. J. H. Brockelbank was appointed to Government Services (until November 1975) and Telephones (until November, 1975); Hon. George R. A. Bowerman was appointed to Northern Saskatchewan (until December, 1978); Hon. Alex Taylor was appointed to Social Services (until July, 1975) and Hon. Eiling Kramer was appointed to Highways & Transportation (until December, 1980). All from Saskatchewan Executive and Legislative Directory 1905-1977, Saskatchewan Archives Board, Regina, Saskatoon, Queen's Printer, 1977--(a newer edition of the book referred to in the chapter notes for previous chapters).

On December 20th, 1973, Mr. Cowley was appointed to Mineral Resources, replacing Mr. Thorson, and Mr. Robbins became Minister of Finance, a new name for the Provincial Treasurer. Saskatchewan Executive and Legislative Directory 1905-1977, ibid.

In 1974 Mr. Cody was appointed as Minister of Co-operation and Co-operative Development on July 8, 1974, replacing Mr. Byers.

For changes following the 1975 election see Appendix.

The changes in 1976 were the appointment of Mr. Messer to Mineral Resources, the appointment of Mr. Shillington to Government Services, the appointment of Mr. Norman Vickar to Industry and Commerce, the appointment of Mr. Edward Charles Whelan to Consumer Affairs and the appointment of Dr. Donald Leonard Faris (Ph.D.) to Continuing Education. Saskatchewan Executive and Legislative Directory 1905-1977, ibid. For 1977 see Appendix.

For changes following the 1978 election and further changes made in 1979 see Appendix.

17. The Department of Intergovernmental Affairs Act, Statutes of Saskatchewan 1979, cap. D-18.1.

18. Statutes of Saskatchewan 1979, cap. L-11.1.

19. The Act was amended in 1979-80 in regard to the legislative assembly. It was again amended on 1980-81 providing for a Board of Internal Economy consisting of the Speaker, two persons nominated by the President of Executive Council, two persons from caucus nominated by caucus, one person from the Opposition (two if there is no Third Party) nominated by the Opposition caucus and one person from the Third Party caucus if there is one, nominated by that caucus. Further amendments were passed in 1982-83, which included deleting the limitation on the number of legislative secretaries mentioned previously, supra, p. 177.

20. The Department of Economic Development Act, Statutes of Saskatchewan 1979-80, cap. D-12.1.

21. Table of Public Statutes (Saskatchewan).

22. They were The Economic Development Foundation of Saskatchewan Act, Statutes of Saskatchewan 1980-81, cap. E-0.02, providing for the establishment of a foundation that was to be a body corporate appointed by the Lieutenant Governor in Council and apparently intended to tie in with the plans for the new department--see Appendix, p. 299, for appointment of ministers--(proclaimed into force on April 1, 1982--see Table of Public Statutes), The Department of Consumer Affairs Amendment Act, 1981, Statutes of Saskatchewan 1980-81, cap. 20, which changed the name to the Department of Consumer and Commercial Affairs, and The Department of Consumer and Commercial Affairs Consequential Amendment Act, Statutes of Saskatchewan 1980-81, cap. 21.

23. Personal knowledge.

24. See discussions of this planning conference at pp. 227, 228.

25. See Appendix.

26. The Canadian Parliamentary Guide 1981, ed. Pierre G. Normandin, Ottawa.

27. Executive Council Files; Blakeney papers, Saskatchewan Archives, Regina.

28. Blakeney, Allan, "The relationship between provincial ministers and their deputy ministers (1972) 15 Can. Pub. Admin. 42.

29. Memo from Task Force to Cabinet; "Progress Report", of September 17, 1971, Planning Board File, Blakeney papers, supra, note 27, and O.C. 1334/71 dated September 28, 1971 issued under The Public Service Act, which was subsequently amended on October 26, 1971 to appoint a Provincial Co-ordinator of Special Areas Programs. The O.C.'s were considered necessary in order to have the authority necessary and to allow for payment of staff expenses and salaries.

30. Ibid.

31. All from Planning Board File, ibid.

32. Also from Task Force Report, ibid.

33. Quotations from "Progress Report" of September 17, 1971, Planning Board File, supra, note 29.

34. Memo dated November 1, 1971 from Chairman of Advisory Committee on Organization for Policy Planning and Program Development (the Task Force) to Secretary of Treasury Board, Planning Board File, ibid.

35. Wes Bolstad, personal communication; interview September 8, 1983. Mr. Bolstad, one of the members of the Task Force, has a Masters in Public Administration from Harvard University and had been previously employed in the Executive Council office of the Lloyd administration.

36. Statutes of Saskatchewan 1972, cap. 40--the new Executive Council Act of 1972 mentioned at pp. 192 and 205.

37. Memo-Cabinet Agenda Item of August 24, 1972 from the Premier, Planning Board File, Blakeney papers, supra, note 27. Messrs. Messer, Smishek and Taylor.

38. Planning Board File, ibid.

39. Mr. Blakeney, supra, note 2. The information in this paragraph, including the quotations are from Mr. Blakeney.

40. Ibid. This was Mr. Blakeney's terminology. It is the opinion of the writer that he meant that the administrators presenting briefs spent too much time with theories and philosophy concerning what had been done or what they were presently working on, instead of critical appraisal of existing policies and concrete proposals for change and for new programs.

41. Ibid.

42. Memo, Chief Planning Officer to the Executive Assistant to the Premier, September 7, 1972, Planning Board File, Blakeney papers, supra, note 27.

43. A division of the secretariat.

44. Cabinet Minute 3088 of October 10, 1972, Planning Committee to Cabinet File, Blakeney papers, supra, note 27.

45. Only two people on the Premier's staff ever acted as Assistant Clerk of the Legislative Assembly (Roy Borrowman and Michael de Rosenroll). Mr. Bolstad, supra, note 35; Mr. Blakeney, supra, note 2.

46. Staff files, Blakeney papers, supra, note 27.

47. Memo, Premier to Chief Planning Officer, May 16, 1972, File not recorded, and other memos, Blakeney papers, ibid.

48. Mr. Bolstad, supra, note 35.

49. Staff File, Blakeney papers, supra, note 27. Bus tours through the province became an annual event. The Premier travelled by bus chartered from the Saskatchewan Transportation Company for a week each summer to meet people in the communities en route.

50. Report of Cabinet Planning Committee secretariat, Planning Board File, Blakeney papers, ibid., and supra, note 29.

51. Section 7. It also provided for an executive council of twenty portfolios (Section 3) and "such other....persons as the Lieutenant Governor thinks fit." (Section 2). For cite for Act see supra, note 36.

52. Eager, Evelyn, Saskatchewan Government; Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 138.

53. Ibid.

54. Mr. Bolstad, supra, note 35.

55. Ibid. It was at that time that Mr. Bolstad became the Deputy Minister to the Premier and the new cabinet secretary was John Scratch, LL.B.

56. John Scratch, LL.B., Cabinet Secretary, 1976 to 1978, personal communication, Telephone Interview, December 28, 1983. Mr. Scratch is now with the Department of Justice at Ottawa.

57. Mentioned above, and see supra, note 55.

58. Supra, at p. 192, 193; Statutes of Saskatchewan 1979, cap. L-11.1.

59. Mr. Scratch, supra, note 56.

60. Ibid.

61. Ibid.

62. Ibid. The writer did not establish which was the routine category.

63. Memo, Cabinet Secretary to Premier Allan Blakeney and All Cabinet Ministers dated January 18, 1977, Cabinet General File, Blakeney papers, supra, note 27. A memo in this form was the type submitted as a cabinet agenda item--personal knowledge.

64. These are Orders in Council that are brought forward at the last minute and have not been approved by the solicitor from the Attorney General's Department, and sometimes have not been received in time to even appear on the agenda. They must be verbally presented to the cabinet meeting by the minister. This information is from the writer's personal knowledge as for a period of time the writer was one of the crown solicitors assigned to approve the Orders in Council before they went to cabinet.

65. Mr. Blakeney, supra, note 2.

66. Ibid.

67. Supra, p. 195.

68. Mr. Blakeney. supra, note 2.

69. Mr. Scratch, supra, note 56.

70. Memo, Cabinet Secretary to Premier and Cabinet, dated April 6, 1973 and report of the Clerk of Executive Council dated March 2, 1973, Saskatoon Cabinet Office File, Blakeney papers, supra, note 27.

71. Ibid.

72. Confirmed by Memo dated November 2, 1973 from the Attorney General to the Executive Council Officer in charge, Saskatoon Cabinet Office File, ibid. Mr. Brockelbank was Minister of Government Services.

73. Report by Officer in charge to the Cabinet Secretary, June 15, 1974, Saskatoon Cabinet Office File, ibid.

74. From a statement relating to the retreat, Planning Conference File, Blakeney papers, ibid.

75. Mr. Bolstad, supra, note 35. According to Mr. Bolstad, Mr. Blakeney always seemed to have an incredibly detailed knowledge of what was going on, not only with his government, but in relation to new issues on the horizon and current events. Mr. Blakeney's explanation of how he managed this is that he enjoys reading about issues in his "spare" time, and his training as a lawyer undoubtedly was a factor. Lawyers learn to brief themselves to become expert on an issue for short periods of time. While the details become "soft" over a period of time, when a similar matter comes up again, as one ponders it in order to deal with it the details of the previous incident come back and can be applied. Mr. Blakeney, supra, note 2.

76. "Five-Year Fiscal Forecast 1978-79 to 1982-83, Cabinet Planning Conference File, June 22-23, 1978, Blakeney papers, supra, note 27.

77. Address to Federal-Provincial Conference on Administrative Policy at Saskatoon on June 23, 1980.

78. Ibid.

79. Blakeney, Allan, "The relationship between provincial ministers and their deputy ministers", supra, note 28, at 43.

80. Cabinet Planning Conference File, Blakeney papers, supra, notes 27 and 76. Taken from the Agenda headings.

81. Mr. Blakeney, supra, Note 2; Mr. Bolstad, supra, note 35.

82. Mr. Blakeney, ibid.

83. Ibid.

84. Mr. Bolstad, supra, Note 35; Mr. Blakeney, supra, note 2, confirmed this.

85. Mr. Blakeney, ibid.

86. Wallace, D. M., "Budget reform in Saskatchewan: a new approach to program-based management", (1974) 17 Canadian Public Administration (November), 586.

87. Personal recollection. These are topics for exploration in some other thesis, but mention in passing of the fact seems warranted as these were all used as tools by the cabinet.

88. Treasury Board seminar, July 1977, Treasury Board Seminar File, Blakeney papers, supra, note 27, .

89. Eager, supra, note 52, at 138 and Blakeney papers, ibid.

90. Mr. Bolstad. supra, note 35.

91. Mr. Blakeney, supra, note 2.

92. Ibid.; Mr. Scratch, supra. note 56.

93. Mr. Scratch, ibid.

94. Mr. Blakeney, supra, note 2.

95. Ibid.

96. Mr. Scratch, supra, note 56.

97. Ibid.

98. Mr. Bolstad, supra, note 35.

99. Personal knowledge. This unit still exists and there are usually three or four crown solicitors in it.

100. Statutes of Saskatchewan 1972, cap. 54.

101. Statutes of Saskatchewan 1972, cap. 60.

102. Some of them were:

(a) The Saskatchewan Human Rights Act, 1972, Statutes of Saskatchewan 1972, cap. 108, to be administered by a Commission of not less than three nor more than five persons appointed by the Lieutenant Governor in Council;

(b) The Urban Advisory Commission Act, 1972, Statutes of Saskatchewan 1972, cap. 142, which established a commission of not less than three nor more than five persons appointed by the Lieutenant Governor in Council, (section 3); also a body corporate (section 9), to make inquiries and co-ordinate those programs with respect to urban affairs "as are specified by the minister" (section 100).

103. Examples:

The Agricultural Incentives Act, 1973, Statutes of Saskatchewan 1973, cap. 2, established a corporation--Farm Start--by section 4. The corporation was to be managed by a board of two or more appointed by the Lieutenant Governor in Council (section 6). It had the right to employ staff (section 8) and to make loans (the money to come from the consolidated fund) to farmers (section 10), who were defined as people who had declared an intention to make farming their principal occupation, or any person designated by the Lieutenant Governor in Council as a farmer (section 2).

The Saskatchewan Oil and Gas Corporation Act, 1973, Statutes of Saskatchewan 1973, cap. 96, established Saskatchewan Oil and Gas Corporation to be administered by a board of directors of not less than five appointed by the Lieutenant Governor in Council (section 4), with authority to hire staff. Its purpose was to explore and produce petroleum and natural gas (section 6). It had the right to acquire stock in other companies (section 7) and to acquire property (section 8).

104. Examples:

The Agricultural Machinery Institute Act, 1974, Statutes of Saskatchewan 1973-74, cap. 2, which established an Agricultural Machinery Institute Council of not less than five appointed by the minister (section 6) to test, appraise and develop machinery and publish reports on machinery (section 11) and to enter into agreements with the federal Minister of Agriculture in that regard.

The Agricultural Products Market Development Fund Act, 1974, Statutes of Saskatchewan 1973-74, cap. 3, which set up The Market Development Fund with moneys appropriated by the legislature (section 4) to be administered by The Market Development Committee consisting of the Deputy Minister of Agriculture or his designate, a designate from the Department of Finance appointed by the Minister of Finance, a designate from the Department of Industry and Commerce by that minister, and two persons appointed by the Minister (section 5). The

purpose of the committee was to make grants (as approved by the minister) and supply services for promotion and development of markets for agricultural products (section 15).

The Community Capital Fund Act, 1974, Statutes of Saskatchewan 1973-74, cap. 10, which provided for \$47,000,000 appropriated from the Consolidated Fund (section 4) to be administered by a committee of not less than four appointed by the minister, and to be used for assistance for urban municipalities.

The Police Act, 1974, Statutes of Saskatchewan 1973-74, cap. 77, which set up the Saskatchewan Police Commission consisting of three members appointed by the Lieutenant Governor in Council (section 7), to establish minimum standards, supervise training and disciplinary codes, and to provide for appeals and hold inquiries, with a right in the commission to make regulations, subject to the approval of the Attorney General.

An Act to amend The Public Health Act, Statutes of Saskatchewan 1973-74, cap. 86, which allowed the Lieutenant Governor in Council to appoint boards of governors of not less than six to manage hospitals.

The Saskatchewan Development Fund Act, 1974, Statutes of Saskatchewan 1973-74, cap. 96, which established a corporation with a board of directors of not less than three, appointed by the Lieutenant Governor in Council, to establish a fund to be used to provide an opportunity for Saskatchewan residents to invest in shares with minimum risk and provide a source of capital to assist in developing the Saskatchewan economy.

The Saskatchewan Farm Ownership Act, 1974, Statutes of Saskatchewan 1973-74, cap. 98, which restricted the amount of land a non-resident could own. The Act was to be administered by the Saskatchewan Farm Ownership Board consisting of three members appointed by the Lieutenant Governor in Council.

The Saskatchewan Multicultural Act, 1974, Statutes of Saskatchewan 1973-74, cap. 101, which established a Saskatchewan Multicultural Advisory Council of not less than five, nor more than 15, appointed by the Lieutenant Governor in Council to advise the minister and promote interaction among multicultural groups. The Act also provided for grants to organizations for projects relating to preserving of or teaching about their cultural heritage.

The Universities Commission Act, 1974, Statutes of Saskatchewan 1973-74, cap. 118, which established The Saskatchewan Universities Commission of nine members appointed by the Lieutenant Governor in Council, to be a body corporate and to own all property previously owned by the University of Saskatchewan and the University of Regina and not located in the cities of Saskatoon and Regina respectively, or their environs. Duties included inquiring into financial requirements of

the universities and advising the minister; reviewing and rationalizing budgets; assessing and discharging debts of the universities; assisting in planning and development; reviewing capital expenditures, etc.

105. Statutes of Saskatchewan 1974-75, cap. 45.

106. Statutes of Saskatchewan 1974-75, cap. 47.

107. Statutes of Saskatchewan 1976-77, cap. 51.

108. Supra, notes 18 and 58, and mentioned on pp. 192, 193 and 207.

109. Mr. Blakeney, supra, Note 2; Mr. Bolstad, supra, note 35.

110. Mr. Blakeney, ibid.

111. Mr. Bolstad, supra, note 35.

112. Mr. Blakeney, supra, note 2. Mr. Derrick was also responsible for the development of an affirmative action program and for a program for giving young administrators the opportunity to take special courses that would be of use to them in their work and in their career development.

113. Mr. Bolstad, supra, note 35.

114. Statutes of Saskatchewan 1972, cap. 146.

115. Statutes of Saskatchewan 1972, cap. 84.

116. Statutes of Saskatchewan 1972, cap. 16.

117. The Interpretation Act, then R. S. S. 1965, cap. 1, subsection 16 (3): now The Interpretation Act, Statutes of Saskatchewan, cap. I-11.

118. Statutes of Saskatchewan 1975-76, cap. 2.

119. Statutes of Saskatchewan 1972, cap. 87.

120. Supra, at p. 212.

121. Cabinet Planning Conference File, Blakeney papers, supra, note 27.

122. Ibid.

123. Statutes of Saskatchewan 1978, cap. 10. This Act made other changes--see note 136 of Chapter 3, at p. 120.

124. Mr. Blakeney, supra, note 2.

125. On May 1, 1983, under the present government (the Devine administration) the corrections services became attached to the new Justice Department. (The Attorney General's Department was renamed by The Department of Justice Act, 1983).

126. Cabinet Planning Conference File, (Retreat 1976), Blakeney papers, supra, note 27.

127. Memo: "A Proposal for Government Re-organization", Cabinet Planning Conference File (1978), Blakeney papers, ibid. See also supra p. 194.

128. Ibid. Details of the changes in the Departments of Consumer Affairs and the Provincial Secretary are mentioned at pp. 193 and 194.

129. The Home Owners' Protection Act, Statutes of Saskatchewan 1981-82, cap. H-4.2.

130. Hospital employees.

131. Ph. D. Agricultural Economics, former professor at the University of Saskatchewan.

132. This had been necessary at least once before, in 1944, when "the quints" (Liberals) formed the Opposition. Twelve of the government members sat on the left of the Speaker and members representing the armed forces sat in the middle on the left side between the "overflow" of government members and the quints. The Leader-Post, Feb. 16, 1945 and "Corridor and Chamber" column of Oct. 5, 1944 in that paper.

133. A term often colloquially used to describe the Saskatchewan legislative building.

CHAPTER 7

CONCLUSION

People came with ingenuity,
Struggled mightily,
Built a society.
Across a province wind still blows and sings
Of a future beyond all imagining.

1. Overview

(1) Growing Pains in the Development of Executive Authority

It seems that every society develops a pecking order and that it is human nature to need persons at the top to take responsibility for action necessary for the common good. In the British system of government this responsibility is in the executive council (cabinet). The growing pains in the development of the executive council, in what is now Saskatchewan, have been traced (albeit only in a cursory manner up to the year 1944), from the time of the realization by the government of Sir John A. Macdonald that the west was important to the east. This marked the beginning of the establishment of a nation on the legal foundation of The British North America Act of 1867.

By the 1940's a glimmer of what the future held could be seen on the horizon. Health insurance was being discussed; tax sharing agreements with the federal government became a reality¹ and, in 1944, what had started out as a Farm Labour Party had blossomed into the C. C. F. movement, and that party

swept into power. As it transpired, the cabinet of the Patterson administration (1935-1944) was the last of those that could sit around a table and solve the problems of the province almost entirely from the collective knowledge and experience of the members. With the election of the Douglas administration the simpler time had passed.

During the Douglas years cabinet gave initial priority to the re-organization of the administration of government. This was because of a determination to find new ways to best attain their objectives, rather than follow old ways. Many have noted that socialists have a penchant for planning, or perhaps one might say a commitment to it. Therefore, the fact that the cabinet, under Douglas' leadership, sought professional advice on all aspects of running a government, as well as on ways to implement their ideas, fitted with the planning philosophy of the party. Professionals were sought and found who took on the challenges with enthusiasm. At the same time, Saskatchewan began to recover gradually from the debt load of the '30's. Farm income increased and the economy improved. New ideas flourished and Saskatchewan, through leadership from the provincial cabinet, began to assert itself as an equal with the other provinces and has never looked back. Innovation was essential to handle new complexities brought about by the rapid social and technological changes of the times. The new approach, coupled with socialist enthusiasm, probably helped to create a momentum.

(2) Development of Crown Corporations

If one were to choose the innovation of the Douglas administration that one immediately associates with it, and which had the greatest impact (aside from the internal reorganization mentioned at the beginning of Chapter 3) on the government's success, and later on its failure, it would be the crown corporations. Saskatchewan had finally been granted ownership of her natural resources in 1930, but with war and drought following so swiftly on that event, there had been no time, money or energy to devote to the development of them. With the end of World War II it was time to look to these resources as a means of bringing about prosperity to the province. The new socialist government looked to the idea of crown corporations as a means of:

- (1) providing certain universal services such as insurance and transportation;
- (2) developing resources by such means as establishing a pulp mill, a briquetting plant and a fur agency; and,
- (3) in some cases, providing for manufacturing of goods within the province using provincial resources by establishing corporations such as the shoe factory and wallboard factory.

The aim was to diversify the economy in order to get away from total dependence upon agriculture within the province, and upon the industries of eastern Canada from without. The concept of achieving these aims by means of crown corporations

had the added advantage, from the point of view of the cabinet, of keeping operational details from scrutiny, and of giving the cabinet ultimate control through the minister who acted as the corporation's chairman.

It is important to remember the Economic Advisory and Planning Board in the scheme of things. It was the idea agency and the "ways and means factory", designed to maintain executive power in the cabinet, by carrying out research and preparing reports to aid cabinet in making decisions. The Planning Board, Budget Bureau and Treasury Board (the financial manager) working with cabinet and the cabinet secretariat, and keeping in touch through Cabinet-Planning Board meetings, fostered a mutual trust between cabinet and the senior staff. This relationship enabled cabinet to carry out an increasingly more complex responsibility of establishing policy and seeing it through to fruition. It is also important to remember that the chairman of the E.A.P.B. was also Chief Industrial Executive and Co-ordinating Officer, and as such was on the boards of the various crown corporations, thus providing a necessary direct liaison between the E.A.P.B. and the corporations. Later, during the Blakeney years, this became too much for one individual and the individual cabinet ministers on the various boards found it required too much time, so three or four government administrative people were added to the boards of several corporations to act as a base to advise ministers in order to reduce the amount of ministers' time required to keep informed. Also, during the Blakeney administration, The Crown Corporations Act was "overhauled"; the

Saskatchewan Economic Development Corporation was created and given assets and powers formerly held by the Government Finance Office. Still later (1978), the Government Finance Office became The Crown Investments Corporation.

The concept of crown corporations was developed and refined through to the end of the Blakeney years. For the purposes of this thesis, one of the most important aspects was the fact that the structure of these corporations gave the cabinet unprecedented authority to borrow large amounts of money. The maximum aggregate principal amount of securities that could be issued through the Industrial Development Fund (later SEDCO), without first obtaining legislative approval, grew from the initial maximum of \$2 million established by the Douglas administration under the original Crown Corporations Act, to \$300 million² by the end of the Blakeney years. The over-all responsibility for advising on investments was given to the Government Finance Office (changed during the Blakeney years to the Crown Investments Corporation),³ the holding and planning corporation for all other crown corporations.

While the crown corporations were under direct control of cabinet by virtue of having a cabinet minister as chairman of the board of each corporation, by statute there was a requirement that the annual statement of each corporation be "laid before the Legislative Assembly" within a specified time. The important and unique feature that needs to be mentioned, however, which was a Saskatchewan innovation, is the Crown Corporations Committee, that was devised to keep the

corporations under the scrutiny of the legislature.

(3) Other Developments and Refinements

In addition to the crown corporations, the use of boards and commissions became more frequent during the Douglas years. Aside from the importance of the boards and commissions in providing research and advice to the cabinet, they were important because the legislation providing for them gave wide powers to the cabinet (such as amendments to the Provincial Mediation Board Act) and increased the powers of individual ministers. The boards and commissions were also a means of retaining a degree of direct involvement by cabinet in agencies largely supported by government funds, by providing in legislation for a certain number of the members of such boards and commissions to be appointed by cabinet. Still another advantage to a government in establishing boards and commissions, indeed, perhaps one of the original reasons for creating them, was the need for an agency with the appearance of independence in making choices. While appointed by the cabinet, the members were chosen from names put forth from the segment of society with which a particular agency would be concerned. An early example is the Saskatchewan Arts Board established by the Douglas administration.⁴ The membership of this board were chosen from those active in the artistic and cultural groups in the province on the recommendation of the people working in and with those groups.

Other legislation gave cabinet or individual ministers powers of taxation and regulation previously requiring

specific legislative authority.⁵ As well, four year budget plans were introduced on the recommendation of the newly formed Budget Bureau of the Douglas administration. This was an aid to planning the financial requirements of major policy changes. Treasury Board became a monitor of spending, and government programs were put under the scrutiny of the Budget Bureau with a view to increasing efficiency and facilitating long-term planning. The final budget, of course, was the responsibility of the Provincial Treasurer and cabinet, but the reports of Treasury Board and the Budget Bureau became their planning tools. Also new was the allowing of non-elected party members to participate in caucus, in legislative programming and in the choosing of cabinet appointments. Another change made by the Douglas administration, important enough not to be forgotten, was the policy of a written record of decisions in the form of cabinet minutes.

The approach taken by the cabinet of the Douglas administration resulted in much-needed reform in administrative procedures to meet the needs of a society changed by the aftermath of drought and war. The changes made created the foundation for modern government in Saskatchewan. In looking back, it becomes increasingly apparent, not only during the Douglas years, but also through the succeeding administrations, that the policy of hiring experts as advisers and planners in turn lent itself to delegation of authority in a manner not possible before. The experts were then available to carry out their proposals, once those proposals were adopted

by the cabinet, and they had a vested interest in seeing that those proposals succeeded.

Premier Lloyd followed Douglas and is remembered most, in his role as Premier,⁶ for medicare which, with the help of his Health ministers, William G. Davies and Allan Blakeney, and with the support of his cabinet, he legislated into existence, fulfilling a socialist dream of twenty years. In resolving the issues that arose between the cabinet and the medical profession, an independent mediator was hired by the cabinet. Of importance to this thesis is the fact that there seems to be no previous example of the use of a mediator by cabinet to settle a dispute. The main impact of the Lloyd administration on executive power, however, was in the streamlining of the cabinet procedures inherited from the Douglas years, and the bringing of government administration into the computer age. This created the administrative basis from which the present system stems. As part of that streamlining one can see the first step in the development of the Legislative Review Committee in the procedure he set up for legislation, whereby drafts were submitted to a cabinet committee on legislation to review, and then to report to cabinet on its conformity with the principles approved and its "civil rights" implications. Despite all these developments and innovations, they were not enough to keep the party in power.

(4) Brief Change of Direction

Premier Thatcher's "pungent and pugnacious"⁷ style of oratory, his ability to define the line of attack against

the C.C.F. and present "a coherence or sequence of arguments" against them, and his ability to sell the Liberal party as a reform party, succeeded, in 1964, in accomplishing the first defeat of the socialist government since its election in 1944.

The Thatcher years were years of standing back, looking at what had been accomplished, and making some changes in line with a different philosophy, which in itself was a useful exercise. The Thatcher administration is probably best remembered for its consumer protection legislation, much of which still remains on the statute books of the province. In retrospect, however, the cabinet of the Thatcher administration comes across as a "do-it-yourself" group who were reluctant to rely on experts. It was almost as though they tried to pass over the accomplishments and changes in procedures of the previous twenty years and to pick up the threads of the Patterson administration, finally realizing, with some difficulty, that the demands of a different era made that impossible.

When comparisons are made between the Douglas and Lloyd administrations, on the one hand, and the Thatcher administration on the other, the differences in some areas are conspicuous. Philosophically, the two early socialist administrations obviously believed in government being involved in all areas of social and economic development. They sought the best experts in the various areas of concern that they tackled, and relied on the advice of those experts both in the planning process and in the subsequent administration of the resulting

programs. This is evident, for example, in the establishment of the Economic Advisory and Planning Board and the spin-offs from the Board to the Budget Bureau, and the Government Finance Office.

The philosophy of the Thatcher administration, however, was anti-government intervention, anti-planning and, at least while in opposition, and in the political speeches before election to the government benches, extremely anti-crown corporations (although these remained throughout the administration). After the Thatcher government was elected, the E.A.P.B. disappeared in short order. Policy and planning became a matter for cabinet, not for advisers or administrators within the ranks of the civil service. The Thatcher cabinet seemed to proceed on the basis that the less government, the better. It cut staff and held wages down. Only a few political appointees working with the premier and cabinet ministers assisted with matters of policy. Cabinet minutes were dispensed with, although otherwise procedures relating to cabinet meetings did not change much. Legislative Secretaries were introduced into the province and have remained. Administration was no longer co-ordinated through agencies, but through cabinet, with most major decisions getting the attention of the premier through his control of funds while he was also Treasurer, and through his close liaison with the Provincial Treasurer and senior officials in the Treasury Department after he turned over Treasury to another. This probably limited the extent of any central control to matters of major concern

requiring the direct attention of the Premier or of cabinet, simply because of the logistics "of keeping on top of everything".

In the matter of budget control, whereas the two preceding socialist administrations had developed the Treasury Board into a co-ordinator of policy and budgeting, the Thatcher administration adapted it to its philosophy by using it as a control agency to see that expenditures did not exceed what was allotted in the budget. When budget cuts were made by the Thatcher cabinet they were, more or less, "across the board"; while the previous administrations had made selective program cuts when cuts were necessary. In fact, during the Thatcher years, the goal seemed to be to build up a surplus for an anticipated "rainy day".

In regard to crown corporations, it is interesting to note that despite all the rhetoric against them before attaining power, only a few of them were sold, and even a few new ones were added. Where government intervention was apparent it was confined mostly to resources, chiefly the pulp mill and the potash industry. In the case of the latter, the government involvement, while it seemed to them a good idea at the time, left a legacy of difficulty for the subsequent administration.

One is left with the sense that the Thatcher years were an aberration in the evolution of executive power in Saskatchewan.

(5) Back on Course

The subsequent administration of Premier Blakeney and his cabinet seemed almost to pass over the Thatcher regime, pick up from where the Lloyd administration had left off, and proceed to build on the foundation established by the cabinets of the Douglas and Lloyd administrations. This, of course, has some parallel with the cabinet of the Thatcher administration looking back to the Patterson years for a pattern to follow, but that was too far back and times were too different for it to be feasible. With an interval of only seven years, and with many of the same players involved, it was possible for the cabinet of the Blakeney administration to do this. The difference in approach also made it easier for the Blakeney administration to do this. The Task Force that they appointed was part of the tradition of reviewing and planning inherited from the Douglas and Lloyd administrations that they were following. There was no precedent for that in former Liberal administrations. The cabinet of the Thatcher administration went the route of royal commissions to study problems, which did not produce the desired result.

The Blakeney cabinet took the best of what Douglas and Lloyd had established from the socialist point of view and built on it, moving with the times. Just as crown corporations are the hallmark of the Douglas administration, so boards and commissions are the hallmark of the Blakeney administration. The extended use and rapid growth in the number of boards and commissions, as well as cabinet committees, was the

method chosen by the Blakeney cabinet to keep up with new theories and techniques relating to administration, including administrative structures, new advances in communications, engineering and science, manifested in such areas as computer technology, telephones (fibre optics), building of highways, environment, agriculture and indeed all aspects of society, science, technology and economics. The result of the approach taken by the Blakeney cabinet was a highly structured organization with built-in groups of highly educated planners and advisers in all areas of concern.

The Blakeney cabinet also did some re-organizing in the area of visual identity and protocol by consolidating a number of these responsibilities in the newly formed Department of Consumer and Commercial Affairs and Department of Intergovernmental Affairs, respectively, leaving mainly "secretary of state" type functions with the Provincial Secretary.

It is noted that there was a gradual increase in the Blakeney cabinet from nine in the beginning to twenty at the end; and from fifteen portfolios in the beginning to twenty six at the end, with numerous interim changes in departments and the ministers assigned. These many changes would appear to be a reflection of the more rapid changes in science, technology and social needs, and the increasing number of areas in which a modern cabinet becomes involved.

2. Structure of Executive Power in 1982

(1) The Cabinet and Ministers of the Crown

It is apparent that the role of a modern cabinet varies somewhat with the political philosophy of the government in power, although in Saskatchewan, in the period under review, there are only two philosophies to compare. As has become apparent from the foregoing chapters, a structure of interacting parts has gradually evolved in Saskatchewan to enable the executive of the government to develop programs and policies for the governing of a society of ever-increasing complexity. Modern cabinets have come to realize the desirability of incorporation into the structure of long-range planning, and of Cabinet Planning Conferences.

The idea of holding Cabinet Planning Conferences at a retreat was another method developed as a way to keep members of the cabinet posted on issues and to enable the individual minister to consider new measures, become familiar with what the other ministers are thinking and planning, and thereby enable the cabinet as a whole to move ahead, more or less united in its goals.

It now seems generally understood that the cabinet no longer can be concerned with the day-to-day problems of operational and administrative details. Its responsibility is to make the policy decisions. The ideal is for the cabinet to establish guidelines and enforce them "with a minimum of bureaucratic regulation" and by "a fair system of auditing performance".⁸

As far as the role of the individual minister is concerned, the modern view seems to be that of Mr. Blakeney, who has mentioned frequently that in his opinion one of the chief duties and responsibilities of the cabinet minister in his role as minister is to interpret the policy of the government to the officials of his department and to the agencies for which he is responsible.⁹ The modern cabinet minister has come to rely on his departmental officials to carry out the programs of his department in line with the policy of his government as transmitted by him through his deputy minister. In a lecture prepared for a Budget Bureau Training Course in Public Administration as early as 1956¹⁰ the priorities of responsibility of a cabinet minister in a modern government were listed by Mr. Blakeney as being:

- (1) to his leader;
- (2) to his colleagues;
- (3) to the legislature;
- (4) to his constituency and the political party to which he belongs;
- (5) to the public; and
- (6) to his department.

While this may appear obvious to us now, during the Patterson administration a minister was very much involved in the direct administration of his department and, as recently as the Thatcher administration, a minister was involved to a considerable extent.

(2) Cabinet Committees

The modern cabinet is able to concentrate on policy through the support of strong cabinet committees such as Treasury Board, the Legislative Review Committee and the like (along with the Board of Directors of the Crown Investment Corporation (formerly the Government Finance Office)). (These major committees are kept on course through the Cabinet Planning Conferences.) These cabinet committees make up that part of the structure that is responsible for the operational decisions, always with a built-in avenue of appeal to cabinet available by any individual cabinet minister on any decision he may object to that is made by a committee. In recent times, as appears from the development that has been traced in this thesis, Treasury Board has played an important part in seeing that the programs of various departments fit together, but over-all supervision by the cabinet is still essential to ensure efficiency in administering the programs established by it because departments, unlike a commercial business, are in a monopoly position with no competition to create an incentive for efficiency.¹¹

(3) The Budget

When the provincial cabinet gained the right to control "matters of finance", it gained its most critical source of executive power. Throughout the thesis much attention has been paid to the connection between cabinet, Treasury Board and its financial advisers in the Treasury Department (later Finance Department). Cabinet, through the Minister of Finance,

must present a budget to the legislative assembly each year in order to obtain spending authority through the approval of the assembly. The budget encompasses programs reflecting the policy of the government in power. By this means the oversight of cabinet's policies is given to the elected members of the legislative assembly. If the budget is defeated, the government is defeated and cabinet would then have no means by which to carry on. In most instances an election of a new government would follow.

(4) The Administrators

Another of the interacting parts of the structure mentioned is the corps of professional administrators whose numbers and areas of expertise have continued to increase over the years. These people are responsible for advising, pointing out alternatives and seeing through to completion in the most efficient and effective way possible the policy and programs authorized by the cabinet. It is reasonable to assume that the concept of having them is here to stay, but with the role that they play in regard to policy changing somewhat according to the philosophy of the government in power.

Of necessity, because of the demands on a modern cabinet, considerable power exists in the officials and the administrators. In reducing the demands on the Premier and the other members of the cabinet it necessarily follows that responsibility for matters originally attended to by them, both individually and collectively, must now be handled by public officials and administrators. Examples have been mentioned

previously, but one might point in particular to the creation of an ombudsman, whose full-time responsibility is investigating complaints against administrative actions and making recommendations for remedial action where he considers an action has been improper. This is taking over a duty that members of the cabinet would fulfill if they knew about the complaint and had the time to deal with it. Another example that has been mentioned previously is the amendment of statutes to authorize ministers to do certain things formerly requiring Orders in Council for authorization, thus having the effect of making it possible for a deputy minister to act on those matters.

Despite the fact that statutory ministerial responsibility is being carried out by the deputy minister, the minister still has responsibility ultimately for all matters pertaining to his department or pertaining to agencies for which he is responsible. He, therefore, needs officials and administrators on whom he can rely. Consequently a modern cabinet minister looks for professional and technical people trained in the various areas of expertise in which he needs advice, to assist either on advisory committees or as consultants, in order that he may have the best information available on matters pertaining to the programs and the problems arising in his department, or in the agencies for which he is responsible. He also needs experts within the public service to advise on programs and to administer them in an efficient manner.

The result of this need for expertise is an increased professionalism in the public service; and the result of that, through the course of a term of office of an administration, is an atmosphere of mutual respect and trust that comes to exist between the professional employees within the public service and their cabinet minister. This mutual respect and trust is very important in order that cabinet can have the confidence to leave most administrative details to the administrators, giving routine approval when necessary. This leaves members of cabinet free to concentrate on major policy decisions by collecting and interpreting ideas obtained from its advisers, agencies, department officials and members of the party and the general public.

The one unfortunate difficulty with the system is that, while the structure changes gradually, with a change of government many of the advisers of the outgoing administration are replaced by appointees of the new cabinet. This creates a considerable loss in continuity in general administration. Because of the nature of the relationship between cabinet and its advisers, however, which requires that the advisers be people in whom the new cabinet has confidence, it remains to be seen if this can be overcome, at least to some extent. Regardless of the professionalism of the advisers, a new administration is somewhat hesitant in placing its confidence in those who were appointed by and worked closely with their political opponents when they were in office. This always seems to result in some of the top people resigning or being

dismissed when a new administration takes over because of fear of political bias and a lack of confidence in them by a new administration.

5. The Role of the Lieutenant Governor

Others have examined the position of the Lieutenant Governor in great detail¹² so it has not been dealt with at length. However, in considering the evolution of executive power, his¹³ role requires some mention, as it is still very much a part of the present power structure and provides a legal way of limiting the power of the premier and ministers as members of cabinet, if such limits are ever needed.

There are certain regular legal responsibilities a Lieutenant Governor is required to perform, such as the official opening of the legislature and the reading of the Speech from the Throne, signing Orders in Council and Proclamations, assenting to bills and proroguing the legislature. There are also other little-used powers such as Visitor of the university and certain prerogatives. Other duties of a social nature, such as official openings of provincial and municipal projects and entertaining at state dinners, vary with the interests, inclination and size of the expense account of the individual incumbent.

No acts of an executive or legislative nature can be performed without the authority of the Lieutenant Governor or, in his absence or incapacity, of the Administrator who substitutes for him. Some use is made of this fact in practice when, for instance, it is desirable to delay the coming into force

of legislation that has been passed tentatively, but which may have to be declared into force suddenly, or possibly not at all, depending on events. This can happen in such instances as back to work legislation that depends upon the success of negotiations; or where regulations are prepared and passed by cabinet, but a delay is desirable, contingent on an event happening, but where quick action may then be required. In such cases the legislation or the Order in Council is passed, but the signature of the Lieutenant Governor is delayed until cabinet is ready to proceed. It can then be brought into force with the stroke of a pen!

At the same time, by virtue of his position, the Lieutenant Governor does have certain important latent powers, such as dismissal of a minister,¹⁴ and of dissolving or refusing to dissolve a legislature which, generally unused though they may be, nevertheless, by virtue of their existence, give the electorate important protection under the Canadian governmental system. As recently as early 1988, numerous complaints were heard about the premier's delay in calling a legislative session to pass a budget and of cabinet meeting operating expenses by means of special warrants for an overly long period of time. Letters to the editor appeared in the Leader Post calling for intervention by the Lieutenant Governor. A session was called shortly afterward.

The Lieutenant Governor is traditionally considered to have the duty to advise on consultation, to encourage and to warn, and at one time this part of his duty was apparently

taken very seriously.¹⁵ It seems, however, that in recent times a Saskatchewan Lieutenant Governor is seldom called upon to fulfill such roles, although this is difficult to know for certain as such consultations would be confidential, and would be seldom documented. Mr. Blakeney indicated that during his administration his relationship was limited to official matters and social occasions.¹⁶

4. Future Concerns

As those holding executive power become more and more remote from the administration and implementation of policy (as the trend appears to be from the review in this thesis), certain problems can be seen which cause some concern. Is there a point where those with the power can, as a result of delegation, lose so much of their control to professional administrators and computers that they only become aware of problems after they happen? Technology cannot replace the human quotient, and theories of experts do not always prove to be practical. Certainly, modern technology permits a greater volume of routine work (and some not so routine) to be done by machines with the supervision of few people. The result of this can be threefold:

1. It can speed up the process of achieving new goals deemed desirable by leaving planners and advisers free to do their planning and advising on the basis of data that is more comprehensive than was possible before and that is obtained more quickly.

2. It will allow those holding executive power to make decisions on the basis of more complete information.
3. It should theoretically give those holding executive power more time to keep in touch with constituents.

Despite all this, the writer doubts that it will ever again be possible for the ombudsman to be dispensed with and for the ministers (and members of the legislative assembly) to be able to take up the original responsibility of investigating all of the various complaints from constituents. It would appear that with modern complexities of government, someone familiar with the structure and interaction of the various agencies, who continues to function from one administration to the next, will henceforth be needed, with those in the legislature perhaps assisting constituents in minor matters and directing them to the ombudsman for more complicated problems.

For the professional administrators there is a problem, already becoming apparent, of being caught up in a pecking order whereby only the most senior are directly in touch with those holding executive power, leaving those in mid-management not only with no direct communication with their ministers, but in fact having to go through a myriad of channels to obtain approval before an idea or a problem can ever reach the minister.¹⁷ Hiring practices as well tend to work the same way, so that the minister knows personally only a very few of the most senior professionals on the staff of his department.

There is also a danger, if tight control is not maintained on legislation, that the practical problems of legislation which those in executive power might be expected to see will get missed, causing at least embarrassment, if not insurmountable problems. In the days when members of the cabinet examined new statutes clause by clause, they had the benefit of a detailed knowledge of the contents of the legislation, rather than just a general idea of the concepts it contained. While the modern approach to drafting legislation is to use a standard of English that the average high school graduate can understand (aside from necessary technical terms), the responsibility for choosing the terminology to carry out the policy established is left to the drafters, working with the officials of the department concerned, with detailed review going to the legislative review committee. It is the members of that committee who are left to perform the function of detailed examination of bills that was previously fulfilled by all the members of the cabinet. For the most part this seems to be effective, but difficulties sometimes occur as a result.¹⁸

One other modern trend deserves passing comment. The increasing numbers of cabinet shuffles of recent administrations can cause problems in loss of continuity. A new minister often means a new emphasis, and in some cases this may be exactly the reason the Premier decided on the necessity of the change. The result of this break, however, can mean that programs into which administrators put a great deal of effort on

the basis of high priority may suddenly be given a lesser priority or abandoned, leaving some uncertainty for a period of time as to what is to be done with them. These frequent cabinet changes can create difficulties and frustration to individuals and agencies dealing with senior department officials and a particular minister in connection with problems arising out of policy decisions, because it means they have to begin over again with their submissions to a new minister. Several changes within a short interval can make these people feel that they are being ignored or unfairly treated.¹⁹

5. Retrospect

The increase in government intervention in all facets of society is on the upswing. (One can perhaps notice in passing that this is not just a Saskatchewan phenomenon.) When one looks over the many agencies mentioned throughout this thesis that have been devised since 1944 to enable the various cabinets to maintain control of the policies and programs established by them to meet the ever-increasing complexities of governing in modern times, it is apparent that they have maintained "machinery" to permit a means of surveillance by the legislative assembly.

As one looks back, it is somewhat comforting to note the track record of the political leaders of Saskatchewan. Generally speaking they have been exceptional, with an honest desire to carry out policies they saw as being the best for the province in the circumstances they were faced with. Some of them have been exceedingly brilliant; all have brought

special talents to their positions. It is very much apparent that the ability and personality of the leader of a government (the premier) has the greatest impact on an administration. While, during some administrations, the momentum of progress was slowed or detoured from a direction previously taken, the general direction has always been forward. The province in 1982, and as recently as 1986, had one of the strongest economies, one of the lowest unemployment rates and one of the best credit ratings of any province in Canada.²⁰ How much credit should be given for that to ministers of the crown is always debatable, but there is no doubt that they have had a strong influence through their policies and programs, and that investors pay attention to the atmosphere generated by their decisions.

The memory of the '30's is still present in Saskatchewan. Whenever the prairie winds in spring blow up dust storms after a winter with little snow the fear is there, and a determination that what happened then will never happen again. It is hoped that setting out what was done in the past and how--and what worked and what did not work--will assist in pointing a direction forward and help alleviate the tendency "to re-invent the wheel". It is clear that in carrying on the government of the province today great demands are made on those called to be ministers of the crown. Executive power initially resided in a very few people. As can be seen from these chapters, executive power has been diffused considerably over the years, although ultimate authority has remained in the cabinet.

A cabinet has to try to find a balance between keeping in touch with international, national and provincial issues, as well as with the concerns of the voters in the constituencies. To deal with these issues, and to meet the demands of the voters, and to take into consideration all the balances and counterbalances of the economy in an increasingly complicated society is a tall order and a great responsibility. It requires keeping abreast of "state of the art" advances in science and technology and social philosophy. With such demands upon it, the cabinet and the individual members of it can only attempt to keep informed through the best information and advice available on any matter being dealt with, give that information and advice the best possible consideration, and then come to a decision based on the best alternatives presented.

Chapter Notes

CHAPTER 7

1. The Taxation Agreement Act, 1942, Statutes of Saskatchewan 1942, cap. 2
2. Statutes of Saskatchewan 1973-74, cap. 48.
3. See chapter note 136 of Chapter 3, at p. 120.
4. Supra, at p. 96.
5. A number of instances have been mentioned throughout the thesis. Among others, see Chapter 3: Increased Powers of Cabinet, at p. 96; and Chapter 6: Delegation of Authority, at pp. 222, 223.
6. In his total career he had a tremendous impact on education and the teaching profession in the province as a result of his many years as Minister of Education.
7. Smith, David E., Prairie Liberalism, Toronto, University of Toronto Press, 1975, 264.
8. Johnson, A. W., "Management theory and cabinet government", 14 Can. Pub. Admin., 73-81, at p. 80, 91.
9. Blakeney, Allan, "The relationship between provincial ministers and their deputy ministers", (1972) 15 Can. Pub. Admin. 42.
10. Secretariat File, Lloyd papers, Saskatchewan Archives, Regina, notes for a lecture for the course mentioned, but with no name attached; possibly it was given by the then cabinet secretary, H. S. Lee.
11. Johnson, supra, note 7, at 78.
12. Saywell, John T, The Office of Lieutenant-Governor, Toronto, University of Toronto Press, 1957; MacKinnon, Frank, The Crown in Canada, Calgary, McClelland and Stewart West, 1976, to name a few of the well-known authors on the subject.
13. To the end of the period covered by this thesis no woman was appointed to the position of Lieutenant Governor.
14. A full discussion of the use of the power of dismissal is found in MacKinnon, supra, note 11, at p. 109 - 115.

15. Reference Chapter 2, supra, 23 and note 84. Discussions took place between Scott and Lieutenant Governor Brown and Lieutenant Governor Lake--Scott's memos of meetings with the Lieutenant Governor on Feb. 21, 1916, Scott papers, Saskatchewan Archives. See also Eager, Evelyn, Saskatchewan Government; Politics and Pragmatism, Saskatoon, Western Producer Prairie Books, 1980, 124.

16. Hon. Allan E. Blakeney, Interview, December 20, 1983.

17. The writer has observed this transition over recent times. For example, it was not too long ago that any crown solicitor could write or communicate with the Minister and Deputy Minister of Justice. Now it is necessary for all but two or three senior advisers to go through a chain of directors to get to the Deputy Minister, and none but those two or three senior advisers deal directly with the minister, except in special circumstances where specific information on details of a proposal are required.

18. For example, recent legislation failed to prevent a problem in a community split by two factions where the statute permitted a person to transfer a lot of nominal value into the names of twenty-six people so that all of those persons were entitled to vote for a certain person for mayor of a small community where that number of voters is sufficient to make the difference in the outcome of the election. One can never know, of course, whether in a clause by clause study the members of the executive council with their political instincts and acumen would have seen the danger in the wording of the bill.

The press made a great fuss about this and the minister concerned seemed quite embarrassed by the fact that the wording of the legislation permitted this to happen when it was not the intent. The case referred to is Q.B. J.C. Gravelbourg 373/85, The Queen ex rel Aime Fournier v. Chabot et al and The Village of Ferland, unreported. The former Urban Municipal Elections Act (section 3) had provided that a non-resident burgess could vote in a municipal election. Complaints by resort villages (and particularly Regina Beach, where so much of the property was owned by Regina City residents) that money bylaws were passed on the vote of cottage owners who only lived in the municipality for a few months of the year prompted the legislature to change the section establishing the qualifications required for voting when that Act was replaced in the 1982-83 session by a new Local Government Elections Act. Section 23 of the new Act prevented property holders from voting unless they were resident in the community for at least six months preceding the date of election. This was apparently not the intention as it was only resort villages where the problem existed. There was such a great complaint then from the property owners about being disenfranchised that this Act was amended in 1984 --Statutes of 1983-84, cap. 26, to provide that an absent owner could vote if, on the day immediately preceding the election he is on the last

revised assessment roll as owner of land situated in the municipality and he has resided in Saskatchewan for at least six months. One of the persons running for mayor transferred a lot in Ferland of nominal value to twenty-six supporters who lived in the province and the matter was challenged in court.

19. The writer has heard complaints about such situations expressed on phone-in radio programs.

20. In regard to unemployment, Statistics Canada Report, The Labour Force, Catalogue 71-001, Jan. 1982, at p.62, Saskatchewan was second lowest at 5.8%. Alberta was the lowest at 5.6%. In the comparable report for May 1986, at p. 64, Saskatchewan is again the second lowest at 7.6. Ontario is the lowest at 6.9%.

In regard to credit ratings, the Investment Branch of the Saskatchewan Department of Finance advises that according to its records, Moody's Investors' Service rates only British Columbia Alberta and Ontario ahead of Saskatchewan in 1982, and although Saskatchewan's rating dropped a little for 1986, in that year it still stood at about the same place in relation to the other provinces. The same three provinces were ahead of it. While Standard & Poors Corporation has a different rating system, Saskatchewan's standing in relation to the other provinces for those years was similar.

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Douglas papers, Papers of T. C. Douglas, former Premier of Saskatchewan.

Fines papers, Papers of Clarence M. Fines, Provincial Treasurer in the Douglas cabinet.

Heald papers, Papers of Mr. Justice Darrel V. Heald, Federal Court of Canada, former Attorney General of Saskatchewan.

Hanbidge papers, Papers of the late Robert L. Hanbidge, former Lieutenant Governor of Saskatchewan.

Lloyd papers, Papers of the late Woodrow S. Lloyd, former Premier of Saskatchewan.

Martin papers, Papers of the late William M. Martin, former Premier of Saskatchewan.

Scott papers, Papers of the late Walter Scott, first Premier of Saskatchewan.

Spence papers, Papers of the late George Spence (1879-1975), Member of the Legislative Assembly of Saskatchewan from 1917 to 1938 and cabinet minister from 1927 to 1929 and 1934 to 1938, in addition to serving the public in other capacities.

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APPENDIX

LISTS AND NOTES ON COMPOSITION OF SASKATCHEWAN MINISTERIES

Scott Cabinet

September 12, 1905 to October 20, 1916

Premier and President of Executive Council	Hon. Walter Scott
Attorney General	Hon. John Henderson Lamont Sept. 12, 1905-Sept. 23, 1907 Hon. William F. A. Turgeon Sept. 23, 1907-Oct. 20, 1916
Provincial Secretary	Hon. William R. Motherwell Sept. 12 1905-Aug. 19, 1912 Hon. William F. A. Turgeon Aug. 19, 1912-Oct. 20, 1916
Provincial Treasurer	Hon. James A. Calder Sept. 12, 1905-Aug. 19, 1912 Hon. George A. Bell Aug. 19, 1912-Oct. 20, 1916
Commissioner of Public Works	Hon. Walter Scott Sept. 12, 1905-Dec. 18, 1909
Minister of Public Works	Hon. Walter Scott Dec. 18, 1909-Aug. 19, 1912 Hon. Archibald P. McNab Aug. 19, 1912-Oct. 20, 1916
Commissioner of Agriculture	Hon. William R. Motherwell Sept. 12, 1905-Dec. 18, 1909
Minister of Agriculture	Hon. William R. Motherwell Dec. 18, 1909-Oct. 20, 1916
Commissioner of Education	Hon. James A. Calder Sept. 12, 1905-Dec. 18, 1909
Minister of Education	Hon. James A. Calder, Dec. 18, 1909-Aug. 19, 1912 Hon. Walter Scott Aug. 19, 1912-Oct. 20, 1916
Commissioner of Railways	Hon. Walter Scott Sept. 19, 1906-June 12, 1908

Commissioner of Railways, Telegraphs and Telephones (and later Minister)	Hon. James A. Calder Jun. 16, 1908-Jan. 18, 1913
Minister of Railways	Hon. James A. Calder Jan. 18, 1913-Oct. 20, 1916
Municipal Commissioner	Hon. Walter Scott Dec. 10, 1908-Dec. 18, 1909
Minister of Municipal Affairs	Hon. Walter Scott Dec. 18, 1909-May 9, 1910 Hon. Archibald P. McNab May 9, 1910-Aug. 19, 1912 Hon. George Langley Aug. 19, 1912-Oct. 20, 1916
Minister of Telephoens	Hon. George A. Bell Jan. 18, 1913-Oct. 20, 1916

Martin Cabinet

October 20, 1916 to April 5, 1922

Premier	Hon. William Melville Martin
President of the Executive Council	Hon. James A. Calder Oct. 20, 1916-Oct. 20, 1917 Hon. William Melville Martin Oct. 20, 1917-Apr. 5, 1922
Minister of Railways	Hon. James A. Calder Oct. 20, 1916-Oct. 20, 1917 Hon. Charles A. Dunning Oct. 20, 1917-Feb. 15, 1919 Hon. William Melville Martin Feb. 15, 1919-Apr. 5, 1922
Minister of Agriculture	Hon. William R. Motherwell Oct. 20, 1916-Dec. 10, 1918 Hon. George Langley Dec. 13, 1918-Feb. 15, 1919 Hon. Charles Avery Dunning Feb. 15, 1919-Apr. 26, 1920 Hon. Charles McGill Hamilton Apr. 26, 1920-June 14, 1921 Hon. John A. Maharg June 14, 1921-Dec. 7, 1921 Hon. Charles McGill Hamilton Dec. 12, 1921-Apr. 5, 1922

Attorney General

Hon. William F. A. Turgeon
Oct. 20, 1916-Mar. 14, 1921
Hon. William Melville Martin
Mar. 14, 1921-Apr. 5, 1922

Provincial Secretary

Hon. William F. A. Turgeon
Oct. 20, 1916-May 16, 1918
Hon. William Erskine Knowles
May 16, 1918-Feb. 28, 1921
Hon. Samuel John Latta
Mar. 14, 1921-June 14, 1921
Hon. Charles Avery Dunning
June 14, 1921-Apr. 5, 1922

Minister of Public Works

Hon. Archibald P. McNab
Oct. 20, 1916-Apr. 5, 1922

Minister of Telephones

Hon. George Alexander Bell
Oct. 20, 1916-May 16, 1918
Hon. Charles Avery Dunning
May 16, 1918-Feb. 15, 1919
Hon. William Erskine Knowles
Feb. 15, 1919-Mar. 1, 1921

Minister of Telephones
and Telegraphs

Hon. William Melville Martin
Mar. 1, 1921-May 28, 1921
Hon. John Archibald Maharg
May 28, 1921-June 14, 1921
Hon. William Melville Martin
June 14, 1921-Apr. 5, 1922

Minister of Municipal Affairs

Hon. George Langley
Oct. 20, 1916-Oct. 20, 1921
Hon. Charles McGill Hamilton
Oct. 20, 1921-Dec. 12, 1921
Hon. Charles Avery Dunning
Dec. 12, 1921-Apr. 5, 1922

Provincial Treasurer

Hon. Charles Avery Dunning
Oct. 20, 1916-Apr. 5, 1922

Minister of Highways

Hon. James A. Calder
Apr. 2, 1917-Oct. 20, 1917
Hon. Samuel John Latta
Oct. 20, 1917-June 14, 1921
Hon. Charles McGill Hamilton
June 14, 1921-Apr. 5, 1922

The Dunning Cabinet

April 5, 1922 to February 26, 1926

All served for total term

Premier and President of Executive Council Provincial Treasurer Minister of Railways	Hon. Charles Avery Dunning
Minister of Public Works and) of Telephones and Telegraph)	Hon. Archibald P. McNab
Minister of Education	Hon. Samuel John Latta
Minister of Agriculture and Municipal Affairs	Hon. Charles McGill Hamilton
Attorney General	Hon. James Albert Cross
Minister of Highways	Hon. James G. Gardiner
Provincial Secretary and Minister of Public Health	John M. Uhrich.

The Gardiner Cabinet

February 26, 1926 to September 9, 1929

Premier, President of Executive Council	Hon. James G. Gardiner
Minister of Highways and Railways	Hon. James G. Gardiner Feb. 26, 1926-Nov. 10, 1926 Hon. William John Patterson Nov. 10, 1926-Dec. 8, 1927 Hon. George Spence Dec. 8, 1927-Sept. 9, 1929
Minister of Railways	Hon. James G. Gardiner Feb. 26, 1926-Nov. 8, 1927 Hon. George Spence Nov. 8, 1927-Mar. 16, 1928
Minister of Railways, Labour and Industries	Hon. George Spence Mar. 16, 1928-Sept. 9, 1929
Attorney General	James Albert Cross Feb., 26, 1926-Dec. 8, 1927 Hon. Thomas Clayton Davis Dec. 8, 1927-Sept. 9, 1929

Minister of
Agriculture

Hon. Charles McGill Hamilton
Feb. 26, 1926-Dec. 8, 1929
Hon. George Spence
Aug. 27, 1929-Sept. 9, 1929

Minister of
Public Works

Hon. Archibald P. McNab
Feb. 26, 1926-Nov. 10, 1926
Hon. John M. Uhrich
Nov. 10, 1926-Sept. 9, 1929

Provincial Secretary

John M. Uhrich
Feb. 26, 1926-Nov. 10, 1926
Hon. Thomas Clayton Davis
Nov. 10, 1926-Dec. 8, 1927
Hon. Samuel John Latta
Dec. 8, 1927-Sept. 9, 1929

Minister of Public
Health

Hon. John M. Uhrich
Feb. 26, 1926-Sept. 9, 1929

Minister of Education

Hon. Samuel John Latta
Feb. 26, 1926-Dec. 8, 1927
Hon. James G. Gardiner
Dec. 8, 1927-Sept. 9, 1929

Minister of Municipal
Affairs

Hon. Thomas Clayton Davis
Feb. 26, 1926-Dec. 8, 1927
Hon. Samuel John Latta
Dec. 8, 1927-Sept. 9, 1929

Minister of Railway and
Labour and Industry

Hon. George Spence
Mar. 16, 1928-Sept. 9, 1929

Provincial Treasurer

Hon. William John Patterson
Feb. 26, 1926-Nov. 10, 1926
Hon. James G. Gardiner
Nov. 10, 1926-Dec. 8, 1927
Hon. William John Patterson
Dec. 8, 1927-Sept. 9, 1929

Minister of
Telephones and
Telegraphs

Hon. W. J. Patterson
Feb. 26, 1926-Sept. 9, 1929

Anderson Cabinet

September 9, 1929 to July 19, 1934

Premier and President of Executive Council	Hon. James T. M. Anderson
Minister of Education	Hon. James T. M. Anderson Sept. 9, 1929-July 19, 1934
Attorney General	Hon. Murdoch A. MacPherson Sept. 9, 1929-July 19, 1934
Minister of Agriculture	Hon. Walter C. Buckle Sept. 9, 1929-July 19, 1934
Provincial Treasurer	Hon. Howard McConnell Sept. 9, 1929-Nov. 2, 1931 Hon. Murdoch A. MacPherson Nov. 2, 1931-July 19, 1934
Minister of Municipal Affairs	Hon. Howard McConnell Sept. 9, 1929-July 19, 1934
Minister of Public Works	Hon. James Fraser Bryant Sept. 9, 1929-July 19, 1934
Minister of Telephones and Telegraphs	Hon. James Fraser Bryant Sept. 9, 1929-July 19, 1934
Minister of Public Health	Hon. Frederick Dennis Munroe Sept. 9, 1929-July 19, 1934
Minister of Highways	Hon. Alan Carl Stewart Sept. 9, 1929-July 19, 1934
Provincial Secretary	Hon. John A. Merkley Sept. 9, 1929-July 19, 1934
Minister of Railways, Labour and Industries	Hon. John A. Merkley Sept. 9, 1929-July 19, 1934
Minister of Natural Resources	Hon. James T. M. Anderson June 5, 1930-Apr. 29, 1933 Hon. Charles McIntosh Apr. 29, 1933-May 31, 1933 Hon. James T. M. Anderson May 31, 1933-July 19, 1934
Without Portfolio	Hon. Reginald Stipe Sept. 9, 1929-July 19, 1934 Hon. William Wensley Smith Sept. 9, 1929-July 19, 1934

The Second Gardiner Cabinet

July 19, 1934 to November 1, 1935
All served for the total term

President of Executive Council and Provincial Treasurer	Hon. James G. Gardiner
Minister of Education	Hon. James Wilfred Estey
Attorney General	Hon. Thomas Clayton Davis
Minister of Agriculture	Hon. James Gordon Taggart
Minister of Municipal Affairs	Hon. Reginald John Marsden Parker
Minister of Public Works and Minister of Railways, Labour and Industries	Hon. George Spence
Minister of Telephones and Minister of Natural Resources	Hon. William John Patterson
Minister of Public Health and Provincial Secretary	Hon. John Michael Uhrich;
Minister of Highways and Transportation	Hon. Charles Morton Dunn

Patterson Cabinet

November 1, 1935 to July 10, 1944

Premier and President of the Executive Council	Hon. William John Patterson Nov. 1, 1935-July 10, 1944
Attorney General	Hon. Thomas Clayton Davis Nov. 1, 1935-June 30, 1939 Hon. James Wilfred Estey June 30, 1939-July 10, 1944
Provincial Treasurer	Hon. William John Patterson Nov. 1, 1935-July 10, 1944
Provincial Secretary	Hon. John Michael Uhrich Nov. 1, 1935-Dec. 1, 1938 Hon. Edward Milton Culliton Dec. 1, 1938-May 3, 1941 Hon. Michael Uhrich May 3, 1941-July 10, 1944

Minister of Education	Hon. James Wilfred Estey Nov. 1, 1935-Aug. 5, 1941 Hon. Hubert Staines Aug. 5, 1941-July 10, 1944
Minister of Public Works	Hon. George Spence Nov. 1, 1935-Mar. 28, 1938 Hon. John Michael Uhrich Mar. 28, 1938-July 10, 1944
Minister of Highways & Transportation	Hon. Charles Morton Dunn Nov. 1, 1935-Nov. 3, 1938 Hon. William Franklin Kerr Nov. 3, 1938-Dec. 1, 1938 Hon. Arthur Thomas Procter Dec. 1, 1938-July 10, 1944
Minister of Agriculture	Hon. James Gordon Taggart Nov. 1, 1935-July 10, 1944
Minister of Telephones and Telegraphs	Hon. William John Patterson Nov. 1, 1935-July 10, 1944
Minister of Public Health	Hon. John Michael Uhrich Nov. 1, 1935-July 10, 1944
Minister of Municipal Affairs	Hon. Reginald John Marsden Parker Nov. 1, 1935-July 10, 1944
Minister of Natural Resources	Hon. William Franklin Kerr Nov. 5, 1935-July 10, 1944
Minister of Reconstruction, Labour and Public Welfare	Hon. James Gordon Taggart May 1, 1944-July 10, 1944
Minister Without Portfolio	Hon. Edward Milton Culliton May 3, 1941-July 10, 1944

Cabinet of T. C. Douglas - 1944

Premier and President of the Executive Council and Minister of Health	Hon. T. C. Douglas, preacher
Provincial Treasurer	Hon. C. M. Fines, teacher
Attorney General	Hon. J. W. Corman, lawyer

Minister of Agriculture	Hon. George H. Williams, farmer July 10, 1944-Feb. 26, 1945 Hon. Lachlan Fraser McIntosh Feb. 26-1945-Jan. 8, 1946 Hon. Isidore Charles Nollet Jan. 8, 1946-Nov. 7, 1961
Minister of Municipal Affairs	Hon. J. H. Brockelbank, farmer
Provincial Secretary	Hon. O. W. Valteau, farmer July 10, 1944-Aug. 4, 1948
Minister of Resources	Hon. J. L. Phelps, farmer
Minister of Highways	Hon. J. T. Douglas, farmer
Minister of Education	Hon. Woodrow S. Lloyd, teacher (and former President of Saskat- chewan Teachers Federa- tion)
Minister of Reconstruction	Hon. J. H. Sturdy, teacher
Minister of Co-operatives	Hon. L. F. McIntosh pool field man
Minister of Labour	Hon. Charles C. Williams, railwayman
Minister of Public Works	Hon. Lachlan Fraser McIntosh July 10, 1944-Nov. 13, 1944 Hon. John Taylor Douglas Nov. 13, 1944-Aug. 4, 1948
Minister of Telephones	Hon. Charles C. Williams July 10, 1944-Aug. 4, 1948
Minister of Social Welfare (formerly Public Health and included with Reconstruction (see above)	Hon. Oakland Woods Valteau Nov. <u>15</u> , 1944-Aug. 4, 1948
Minister of Co-operation & Co-operative Development	Hon. Lachlan Fraser McIntosh Nov. 13, 1944-Nov. 14, 1949

Speaker - Hon. Tom Johnson

New Members of Douglas Cabinet after 1948 election

See chapter note 170 of Chapter 3, p. 125. In addition to the other portfolios mentioned there, Hon. James Andrew Darling was granted Reconstruction and Rehabilitation from Aug. 4, 1948 to Apr. 1, 1949, as well as "Telephones".

Other changes before 1956 were:

Provincial Secretary	Hon. Joseph William Burton Oct. 24, 1952-July 27, 1956
Minister of Public Health	Hon. Thomas John Bentley Nov. 14, 1949-July 27, 1956
Minister of Telephones	Hon. Alex Gordon Kuziak Apr. 1, 1953-July 27, 1956
Minister of Social Welfare & (after April 1, 1949) Rehabilitation	Hon. John Henry Sturdy Aug. 4, 1948-July 27, 1956
Minister of Co-operation & Co-operative Development	Hon. T. C. Douglas Nov. 14, 1949-July 11, 1960

New Members of Douglas Cabinet Appointed in 1956

Minister of Public Health	Hon. J. Walter Erb
Attorney General	Hon. Robert A. Walker
Provincial Secretary	Hon. Russell Brown July 27, 1956-Aug. 30, 1957 Hon. Robert Alexander Walker Aug. 30, 1957-Nov. 7, 1961

Other Changes in Portfolios after 1956

Minister of Natural Resources	Hon. Alex G. Kuziak
Minister of Public Works	Hon. Clarence G. Willis
Minister of Telephones (in addition to "Labour")	Hon. Charles C. Williams
Minister of Social Welfare (instead of "Health")	Hon. Thomas John Bentley
Minister without portfolio	Hon. John Henry Sturdy

Changes in the Douglas Cabinet after the 1960 election

See page 107 and chapter note 213 of Chapter 3, at p. 128.

The Lloyd Cabinet - 1961

Minister of Mineral Resources	Hon. J. H. Brockelbank
Provincial Treasurer	Hon. Allan E. Blakeney
Minister of Municipal Affairs	Hon. Everett I. Wood (Hon. L. F. McIntosh acted for first two weeks)
Minister of Telephones	Hon. Charles C. Williams
Minister of Agriculture	Hon. Charles C. Williams
Minister of Natural Resources	Hon. Alex G. Kuziak
Attorney General	Hon. Robert A. Walker
Provincial Secretary	Hon. Robert A. Walker
Minister of Industry and Information	Hon. Russ Brown
Minister of Public Health	Hon. G. Davies (Hon. J. JW. Erb acted for first two weeks)
Minister of Highways	Hon. Clarence G. Willes
Minister of Social Welfare & Rehabilitation	Hon. Alexander M. Nicholson
Minister of Education	Hon. Olaf A. Turnbull
Minister of Co-operation and Co-operative Development	Hon. Lachlan F. McIntosh (Hon. Olaf Turnbull acted for the first two weeks)
Minister of Public Works	Hon. J. Walter Erb (Hon. William G. Davies acted for first two weeks)

1962 Changes to the above cabinet:

The Hon. Alex G. Kuziak took over Mineral Resources, Hon. J. H. Brockelbank became Provincial Treasurer, the Hon. Eiling Kramer became Minister of Natural Resources, Hon. Allan E. Blakeney became Minister of Public Health, Hon. Frank Meakes became Minister of Co-operation and Co-operative Development and Hon. William G. Davies was made Minister of Public Works.

Thatcher Cabinet - 1964

President of the Executive Council and Premier	Hon. Wilbert Ross Thatcher
Provincial Treasurer	Hon. Wilbert Ross Thatcher
Minister of Agriculture	Hon. Alexander H. McDonald
Minister of Public Health	Hon. David Gordon Steuart
Attorney General and Provincial Secretary	Hon. Darrel V. Heald
Minister of Mineral Resources	Hon. Alexander C. Cameron
Minister of Industry and Information	Hon. Herbert C. Pinder
Minister of Education	Hon. George Joseph Trapp
Minister of Highways and Transportation and Minister of Telephones	Hon. Gordon B. Grant
Minister of Social Welfare and Rehabilitation	Hon. David Boldt
Minister of Municipal Affairs	Hon. Douglas T. McFarlane
Minister of Labour	Hon. Lionel P. Coderre
Minister of Co-operatives and Co-operative Development and Minister of Public Works	Hon. James Wilfrid Gardiner
Minister of Natural Resources	Hon. John M. Cuelenaere.

The Honourable Herbert C. Pinder lost his seat in a judicial recount and on December 31, 1964 and Hon. Gordon B. Grant became Minister of Industry and Information.

In March of 1965 the Department of Industry and Information became the Department of Industry and Commerce with Hon. Gordon B. Grant continuing in the new portfolio which encompassed his previous responsibilities.

In May of 1965 the Department of Social Welfare and Rehabilitation became the Department of Welfare and Hon. David Boldt continued in the replacement portfolio.

In July of 1965 the Hon. J. Clifford McIsaac became Minister of Municipal Affairs and Doug McFarlane was switched to Agriculture because Hon. A. H. McDonald had been appointed to the Senate.

Further changes were made in 1966 when Hon. Cyril P. MacDonald became minister of Industry and Commerce in August; then in October the Hon. Gordon B. Grant became Minister of Public Health and was returned as well to the Department of Industry and Commerce; the Hon. David Boldt became Minister of Highways and Transportation; the Hon. David G. Steuart became minister of Natural Resources; while Hon. Cyril MacDonald assumed the Welfare portfolio.

For changes following the election of 1967 see Chapter Note 21 of Chapter 5, p. 182.

In 1969 Hon. Clarence L. B. Estey was made Minister of Saskatchewan Indian & Metis Department until Sept 1, 1970, when Hon. Allan Ray Guy became the minister and Hon. Clarence L. B. Estey became Minister of Industry and Commerce.

On Sept 1, 1970 Lionel Philius Coderre was appointed Minister of Public Works, Hon. Darrel V. Heald became Minister of Co-operation and Co-operative Development and Hon. Allan Ray Guy became minister of Municipal Affairs.

The Blakeney Cabinet - 1971

Premier and President of Executive Council Provincial Treasurer	))) Hon. Allan Emrys Blakeney
Minister of Agriculture	Hon. John Ressler Messer
Minister of Public Health	Hon. Walter Edmund Smishek
Attorney General and) Provincial Secretary)	Hon. Roy John Romanow
Minister of Mineral Resources) and Minister responsible for) Saskatchewan Indian and) Metis Department)	Hon. George Reginald Anderson Bowerman
Minister of Education	Hon. Gordon S. MacMurchy
Minister of Highways) and Transportation and) Minister of Telephones)	Hon. Neil Erland Byers
Minister of Municipal Affairs and Minister of Public Works	Hon. Everett Irvine Wood
Minister of Labour and Minister of Welfare	Hon. Gordon Taylor Snyder

Two changes in the original cabinet were made a few days later when, on July 9th, Eiling Kramer was appointed Minister of Co-operation and Co-operative Development, and the Premier assumed responsibility for Industry and Commerce.

After reshuffling several times, the cabinet consisted of the following (with changes indicated by asterisks):

Premier and President) of Executive Council) Provincial Treasurer)	Hon. Allan Emrys Blakeney
Minister of Agriculture	Hon. John Ressler Messer
Minister of Public Health	Hon. Walter Edmund Smishek
Attorney General	Hon. Roy John Romanow
Provincial Secretary, Minister of Consumer Affairs (NEW) and Minister of Culture & Youth (NEW)	Hon. Edwin Laurence Tchorzewski
Minister of Resources and Min- ister of Industry and Commerce	Hon. Kim Thorson**
Minister of Education and Min- ister of Continuing Education (NEW)	Hon. Gordon S. MacMurchy
Minister of Highways and Transportation	Hon. Eiling Kramer**
Minister of Telephones and Min- Minister of Government Services (formerly Public Works)	Hon. John Edward Brockelbank**
Minister of Municipal Affairs	Hon. Ernest Irvine Wood
Minister of Labour	Hon. Gordon Taylor Snyder
Minister of Co-operatives and Co-operative Development and Minister of Environment (NEW)	Hon. Neil Erland Byers**
Minister of Social Services (formerly Welfare)	Hon. Alex Taylor**
Minister of Northern Saskatchewan (NEW)	Hon. George Reginald Anderson
Bowerman	

Following the numerous departmental changes arising out of new legislation in 1972 a number of changes were made in cabinet personnel. See note 16 of Chapter 6, at p.231.

1975 - following the election

The new cabinet stood as follows (changes are again marked with asterisks):

Premier and President of Executive Council	Hon. Allan Emrys Blakeney
Minister of Finance	Hon. Elwood Lorrie Cowley**
Minister of Agriculture	Hon. Edgar E. Kaeding**
Minister of Health (formerly Public Health)	Hon. Walter Edmund Smishek
Attorney General	Hon. Roy John Romanow
Provincial Secretary	Hon. Elwood Lorrie Cowley**
Minister of Resources	Hon. Edwin Charles White**
Minister of Education	Hon. Edwin Laurence Tchorzewski**
Minister of Highways and Transportation	Hon. Eiling Kramer
Minister of Telephones	Hon. Neil Erland Byers**
Minister of Municipal Affairs	Hon. Gordon S. MacMurchy**
Minister of Labour	Hon. Gordon Taylor Snyder
Minister of Co-operation and Co-operative Development	Hon. Wesley Albert Robbins** (July to November) and Hon. Edward Blain Shillington** from November
Minister of Government Services	Hon. Gordon Taylor Snyder**
Minister of Industry and Commerce	Hon. John Ressler Messer**
Minister of Social Services	Hon. Gordon Taylor Snyder, (July to November) and Hon. Herman Harold Rolfes** from November

Minister of Consumer Affairs	Hon. Wesley Albert Robbins** (July to November) and Hon. Edward Blain Shillington** from November
Minister of Environment	Hon. Neil Erland Byers
Minister of Culture and Youth	Hon. Edwin Laurence Tchorzewski
Minister of Tourism and Renewable Resources (NEW)	Hon. Adolph Sylvester Matsalla
Minister of Northern Saskatchewan (NEW)	Hon. George Reginald Anderson Bowerman
Minister of Continuing Education	Hon. Gordon S. MacMurchy (July to November) and Hon. Edwin Laurence Tchorzewski** from November
Minister of Health	Hon. Edwin Laurence Tchorzewski
Minister of Co-operation and Co-operative Development	Hon. Wesley Albert Robbins
Minister of Culture and Youth	Hon. Edward Blain Shillington
Minister of Education	Hon. Donald Leonard Faris
Minister of Revenue (NEW)	Hon. Wesley Albert Robbins

For Changes in 1976 see Chapter Note 16 of Chapter 6, p. 231.

*****	EXCEPT WHERE OTHERWISE STATED	*****
*****	ALL OF THE ABOVE INFORMATION IS TAKEN FROM	*****
*****	Saskatchewan Executive and Legislative	*****
*****	<u>Directory 1905-1977, Saskatchewan Archives</u>	*****
*****	Board, Regina and Saskatoon, Queen's	*****
*****	Printer 1977	*****

In 1978 the following changes were announced:*

Office of Intergovernmental Affairs	Premier Allan Emrys Blakeney
Minister of Education	Hon. Edward Blain Shillington
Minister of Telephones	Hon. Donald William Cody
Minister of Government Services	Hon. Gordon Taylor Snyder
Minister of Environment	Hon. George Reginald Anderson Bowerman
Minister of Northern Saskatchewan	Hon. Neil Erland Byers
Minister of Continuing Education	Hon. Herman Harold Rolfes

*Changes found in O.C. 1819/78, Dated December 21, 1978.

June 1979 Changes**

Minister of Finance	Hon. Edwin Laurence Tchorzewski
Minister of Agriculture	Hon. Gordon S. MacMurchy
Minister of Health	Hon. Herman Harold Rolfes
Minister of Education	Hon. Douglas Francis McArthur
Minister of Municipal Affairs (Urban)	Hon. Walter Edmund Smishek
Minister of Municipal Affairs (Rural)	Hon. Edgar E. Kaeding

(In 1980 Municipal Affairs was split into two departments with the same ministers retaining responsibility.)

Minister of Co-operation and Co-operative Development	Hon. Donald William Cody
Minister of Social Services	Hon. Murray James Koskie
Minister of Consumer Affairs	Hon. Wesley Albert Robbins
Minister of Tourism and Renewable Resources	Hon. Reginald John Gross

Minister of Northern Saskatchewan Hon. Douglas Francis
McArthur

Minister of Inter-
governmental Affairs Hon. Roy John Romanow

****Changes found in O.C. 1186/79.**

In addition, the Provincial Secretary (Cowley) was named as Minister of Economic Development and as such was made responsible for Potash Corporation of Saskatchewan along with the responsibilities previously assigned to him, and the Minister of Revenue was designated Minister of Revenue, Supply and Services. O.C. 1186/79 There was also some shift in responsibility as between the Minister of Finance and the Minister of Revenue, Supply and Services. The latter had been serving as Chairman of Treasury Board, and this position now went to the Finance Minister. It will also be noted that there was a Minister of Intergovernmental Affairs to administer the new Department of Intergovernmental Affairs Act, S.S. 1979, cap. D-18.1.

Final Cabinet - 1980

Premier and President of Executive Council	Hon. Allan Emrys Blakeney
Minister of Finance	Hon. Edwin Laurence Tchorzewski
Minister of Agriculture	Hon. Gordon S. MacMurchy
Minister of Health	Hon. Herman Harold Rolfes
Attorney General	Hon. Roy John Romanow
Provincial Secretary	Hon. Elwood Lorrie Cowley
Minister of Mineral Resources	Hon. Elwood Lorrie Cowley
Minister of Education	Hon. Douglas Francis McArthur
Minister of Highways and Transportation	Hon. Robert Gavin Long
Minister of Telephones	Hon. Donald William Cody
Minister of Urban Affairs	Hon. Walter Edmund Smishek
Minister of Rural Affairs	Hon. Edgar E. Kaeding

Minister of Labour	Hon. Gordon Taylor Snyder
Minister of Co-operation and Co-operative Development	Hon. Donald William Cody
Minister of Government Services	Hon. Reginald John Gross
Minister of Industry and Commerce	Hon. Norman Vickar
Minister of Social Services	Hon. Dwain Lingenfelter
Minister of Consumer and Commercial Affairs	Hon. Murray James Koskie
Minister of Environment	Hon. George Reginald Anderson Bowerman
Minister of Culture and Youth	Hon. Douglas Francis McArthur
Minister of Tourism and Renewable Resources	Hon. Reginald John Gross
Minister of Northern Saskatchewan	Hon. Jerome Hammersmith
Minister of Continuing Education	Hon. Douglas Francis McArthur
Minister of Revenue, Supply and Services	Hon. Wesley Albert Robbins
Minister of Inter- governmental Affairs	Hon. Roy John Romanow
Minister of Economic Development	Hon. Elwood Lorrie Cowley

These changes were made pursuant to O.C. 1828/80, December 16, 1980. A previous O.C. was passed on November 4, 1980 adjusting some of the responsibilities of various ministers, but not making any changes in names of the ministers respective portfolios--O.C. 1641/80. Likewise, a further O.C. of similar purpose was passed on December 23, 1980--O.C. 1899/80.

The only further change made in the cabinet was that on July 21, 1981 the Hon. Clinton Oliver White was appointed as Minister of Culture and Youth in the place of Mr. McArthur and the designation of the Minister of Consumer Affairs was changed to reflect the new name for his department. O.C. 1160/81 of July 21, 1981.