THE USE OF THE PLEBISCITE AND REFERENDUM IN SASKATCHEWAN

A Thesis
Submitted to the Faculty of Graduate Studies
in Partial Fulfilment of the Requirements
for the Degree of Master of Arts
in the
Department of Economics and Political Science
University of Saskatchewan

by

Elizabeth Jean Chambers.

Saskatoon, Saskatchewan
October, 1965.

The University of Saskatchewan claims copyright in
conjunction with the author. Use shall not be made of the
material contained herein without proper acknowledgement.
UNIVERSITY OF SASKATCHEWAN

DEPARTMENT OF ECONOMICS AND POLITICAL SCIENCE

October 22, 1965

The Faculty of Graduate Studies
University of Saskatchewan

We, the undersigned members of the Committee appointed by you to examine the thesis submitted by ELIZABETH JEAN CHAMBERS, B.A. (University of B.C.), in partial fulfillment of the requirements for the Degree of Master of Arts, beg to report that we consider the thesis satisfactory both in form and context.

Subject of Thesis: "THE USE OF THE PLEBISCITE AND REFERENDUM IN SASKATCHEWAN"

We also report that ELIZABETH JEAN CHAMBERS has successfully passed an oral examination on the general field of the subject of the thesis.

W. R. Graham
(Outside Examiner, History Department)

S. C. Courtney

D. E. Smith

N. M. Ward
ACKNOWLEDGEMENTS

The writer is indebted to Professor Norman Ward, who supervised this thesis, for his guidance and encouragement. Appreciation is also expressed to D.H. Bocking, Assistant Provincial Archivist of Saskatchewan, and his staff in Saskatoon for their unfailing helpfulness, and to R.A. Walker, Q.C., former Attorney General of Saskatchewan, for his kindness in making available certain of his files on the time question.

Grateful acknowledgement is made of a Social Sciences and Humanities scholarship from the University of Saskatchewan to assist in this research.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>REFERENDUM ON THE DIRECT LEGISLATION ACT</td>
<td>21</td>
</tr>
<tr>
<td>III</td>
<td>REFERENDUM ON THE LIQUOR STORES SYSTEM</td>
<td>64</td>
</tr>
<tr>
<td>IV</td>
<td>PLEBISCITE ON PROHIBITION</td>
<td>129</td>
</tr>
<tr>
<td>V</td>
<td>PLEBISCITE ON BEER BY THE GLASS</td>
<td>164</td>
</tr>
<tr>
<td>VI</td>
<td>PLEBISCITE ON THE TIME QUESTION</td>
<td>189</td>
</tr>
<tr>
<td>VII</td>
<td>OBSERVATIONS AND CONCLUSION</td>
<td>226</td>
</tr>
<tr>
<td></td>
<td>BIBLIOGRAPHY</td>
<td>248</td>
</tr>
</tbody>
</table>
CHAPTER I
INTRODUCTION

On five occasions the government of Saskatchewan has asked the electors of the province to vote on a specific issue or legislative enactment. In three instances the subject submitted to a popular poll was the regulation or prohibition of the liquor traffic. The other two topics on which the electorate was consulted were a direct legislation measure, the operation of which had been deferred pending popular ratification of the act, and the question of establishing a uniform time system in the province. The purpose of this thesis is to examine the circumstances under which these departures from the customary legislative processes of our parliamentary system of government took place, and assess the advantages and disadvantages which accrued from these episodes of direct consultation of the electorate of Saskatchewan.

"There are two forms of democratic government -- direct and indirect."¹ Direct democracy involves "voting on a subject matter rather than electing a person to vote on a subject matter."² In the contemporary nation-state the form is indirect; the electors choose representatives to do their law-making for them. In some polities this system of indirect democracy, that is, government through representative institutions, may be supplemented by the use of certain mechanisms which constitute "a modern

attempt to regain some of the advantages of direct democracy\textsuperscript{3} which prevailed in an earlier era. However, in the British system of representative, responsible parliamentary government upon which the Canadian system is based, the accepted practice is for the elector to participate in government only to the extent of choosing, from among contending candidates, a representative to sit in the legislature. Yet in Canada the voters have on occasion become more directly involved in the legislative process.

The method by which this active participation in government is achieved is called direct legislation, the instruments of which are the initiative and referendum and, less often, the recall. These devices originated in Switzerland, from whence they were introduced into the United States.\textsuperscript{4} From its start in South Dakota in 1898 the direct legislation movement spread rapidly, gaining the most ground in the states of the western plains and the west coast. By 1918 the constitutions of 20 states had been amended to provide for the initiative and referendum or, in a few cases, the referendum only,\textsuperscript{5} after which time the movement lost most of its momentum.

The initiative and referendum may be employed in either constitutional or statutory matters. Only the statutory initiative and referendum, 

\textsuperscript{3} C.C. Rodee, T.J. Anderson, and Q.C. Christol, \textit{op. cit.}, p. 121.

\textsuperscript{4} The constitutional referendum was first used in the United States and then was adopted in Switzerland where it was developed and extended, and where the initiative in constitutional and ordinary legislation was added. Almost a hundred years later these devices were reintroduced into the United States. See C.J. Friedrich, \textit{Constitutional Government and Democracy}, New York, Ginn and Company, 1950, p. 553.

\textsuperscript{5} See Winston Crouch, \textit{The Initiative and Referendum in California}, Los Angeles, Calif., The Haynes Foundation, 1950, p. 3.
as used in the United States, will be discussed at this point. The initiative is a direct law-making tool, provided for in organic or statute law, which enables a designated fraction of the electorate to petition for the enactment of a measure which the legislature has failed to pass or has been unable to agree upon.6

A citizen or group of citizens, usually a political-interest group, may then, draw up a bill. This done, the next step is to obtain the signatures of a specified proportion of the voters (usually 5 to 10 per cent of the number of votes cast at the last preceding election for governor or some other specified office) to a petition requesting that the bill be enacted into law.7

In the case of the direct initiative, if the proposal is approved by the required majority of voters at the next regular election or at a special election, it becomes law, without the intervention of the legislature. Under the indirect form of initiative, the proposal goes before the legislature at its next session. If that body enacts the proposed bill without material alteration, it becomes law without being submitted to the electorate. If the legislature fails to pass it, the bill is voted upon by the electors, possibly along with an alternative measure proposed by the legislature. The veto power of the Governor ceases to exist with respect to laws thus initiated by the voters.8

The referendum, in contrast to the positive nature of the initiative, is a negative device which gives the electorate a veto over legislation. The referendum may be mandatory or optional in form. Where the

6 Ibid., p. 5.


mandatory type of referendum is in effect, the coming into force of all legislation, with certain specified exceptions, is suspended for a certain period (usually 90 days) after passage. If during this interval a petition is filed by the prescribed number of voters asking that a referendum be held on a particular measure, its implementation is further deferred until a popular vote has been taken on it at the next election. The optional referendum authorizes the legislature, at its discretion, to specify that the implementation of an enactment shall be postponed until it has been approved by the electorate at the polls.9

Whereas the initiative and referendum logically go together and supplement each other,10 the recall is not a necessary accompaniment of them, although it may be adopted with them.11 The recall is "the right of a designated number of voters to demand the immediate removal of any elective office holder and to have their demand submitted to the voters for decision."12 Upon presentation to the appropriate authorities of a petition signed by sufficient voters, in which the reasons for demanding the removal of the elected official before the expiration of his term are usually stated, a vote is held. Depending upon whether or not a majority of those voting are in favour of his removal, the elected person either vacates his position at once or continues in office.13 Provision for the recall may be made in law, or the recall procedure may be adopted by a


11 Ibid., p. 518.

12 W.B. Munro, American Government To-Day, p. 364.

13 Ibid., p. 365.
political party or movement and involve the depositing of a signed "recall", a formal resignation, in the hands of a committee of the candidate's nominating convention. The purpose of the recall is "to ensure the complete and continual responsibility of public officials to the people who have elected them." \[15\]

Not actually falling within the category of direct legislation is the advisory referendum or plebiscite. The plebiscite is an \textit{ad hoc} procedure, used \textit{pro hac vice}, wherein the sense of the electorate is taken on a particular issue and then the government and legislature do as they please, \[16\] as opposed to a referendum which forms a part of the legislative process and entails governmental action once the verdict is known. The two terms, referendum and plebiscite, have over the years been distinguished from each other in a variety of ways, and they have also been used interchangeably. For the purpose of this thesis the term referendum will be employed to denote the mandatory and optional types of referendum vote, the results of which are considered to be binding upon the government. The term plebiscite will be used to refer to the advisory or consultative or plebiscitary referendum vote, which is outside the legislative process and on which the government is not obligated to act. Only the referendum and plebiscite will be discussed at length, since the initiative and recall


\[15\] W.B. Munro, \textit{American Government To-Day}, p. 365.

have not been utilized in Saskatchewan.

Among the advantages claimed for the plebiscite and referendum are that they permit the isolation of a particular question from the multiplicity of issues which are discussed during an election campaign and the registration of popular opinion thereon and that, by the separation of an issue from partisan politics, the voter is enabled to vote against a policy which the party of his choice may support without voting against his party. It is also argued by the proponents of direct legislation that direct appeals to the electorate on specific issues serve to involve the voter actively in the government of his country and that such voter participation succeeds in educating the public and in fostering a sense of responsibility. The plebiscite has also been considered a useful device for avoiding a split in the government party or, as is sometimes the case with the appointment of a royal commission, for postponing the making of a public decision on a matter on which the government is at the time unwilling to take a public stand.

The principal criticisms of the use of the popular vote on particular issues are that such a system, by enabling the government to evade responsibility for making decisions, weakens the position of the legislature and ultimately lowers the calibre of the members, and that it also weakens the political parties which have a central and crucial role in the operation of our system of government. The opponents of direct legislation assert that it is impossible for the electorate to render a sober and intelligent decision when an issue is considered in isolation and that, in any case, the subject is usually obscured or misrepresented by emotional oratory. It has
also been stated that repeated appeals to the electorate are apt to result in fatigue and lack of interest on the part of the voters, and that the referendum is a costly and extremely conservative instrument. Opposition to the principle of direct legislation has been much greater in Canada than in the United States, from whence the innovation spread across the Canadian border.

Under the American system of government the executive and the legislature are elected directly by the people at fixed intervals and each of these two branches of government, under the doctrine of the separation of powers, functions relatively independently of the other. In the early years of the twentieth century the instruments of direct democracy gained considerable popularity as efforts were made to overcome graft and corruption in government. The purpose of direct legislation, its advocates claimed, was to enable the wishes of the people to find more accurate political expression. By means of the popular vote it was sometimes possible, too, to resolve deadlocks between the executive and legislature.

Direct legislation, however, has been considered alien to the British system of parliamentary government. Under this monarchical system, functioning within the framework of political parties, the voters


18 C.J. Hughes, op. cit. p. 11.


at a general election, after weighing the issues and judging the candidates and their platforms, select representatives, who are almost always members of a political party, to do their law-making for them. In effect, the voters choose which, among rival political parties, is to govern. The executive or Cabinet, which formulates all public policy and initiates legislation, is chosen from among the party which can command the support of a majority in the assembly and remains in office only as long as it retains this confidence, its direct responsibility being not to the electorate, as in the United States, but to the legislature. Once the legislature fails to support the Cabinet the latter usually resigns and, unless the monarch calls on another person to attempt to form a government, Parliament is dissolved and a general election is held. The Crown-in-Parliament is the legal sovereign, and under the doctrine of parliamentary supremacy "the legislature is the repository of public authority." "The voters' participation in government is practically confined to the election of representatives, and the endorsement of policies is thus combined with the selection of legislators." Although Parliament is supreme its activities "are subject to the ever increasing influence of public opinion and to periodic review by the nation as a whole." Public

21 It has been stated that the President is actually responsible to the constitution. See D.V. Verney, "Analysis of Political Systems", in H. Eckstein and D.E. Apter, eds., Comparative Politics, N.Y., The Free Press of Glencoe, 1963, p. 188.


23 Ibid., p. 103.

opinion may find expression through party channels, various interest
groups, and the Private Member’s Bill. If the public is not satisfied
with the government’s policies it may overturn it at the next election;
the official opposition, which "is at once an alternative to the Govern-
ment and a focus for the discontent of the people,"\textsuperscript{25} stands ready and
eager to assume office.

In drawing up a plan of government for British North America the
Fathers of Confederation intended to adhere to the British system of par-
liamentary government where resort had never, and still has not, been had
to a popular poll on a particular issue.\textsuperscript{26} The third of the Quebec
Resolutions made the intention quite clear:

In framing a Constitution for the General Government, the
Conference, with a view to perpetuation of our connection with the
mother country, and to the promotion of the best interests of these
provinces, desire to follow the model of the British Constitution.\textsuperscript{27}

A suggestion made at the Quebec Conference in 1865 that the resolutions be
submitted for popular approval was turned down, and at each stage of the
constitution-making the features of Jacksonian democracy observed in the
United States were rejected.\textsuperscript{28} Sir John A. Macdonald, as the principal
architect of Confederation, was determined that Canada must be a constitu-
tional monarchy with a responsible parliamentary government after the

\textsuperscript{25}Sir Ivor Jennings, \textit{Cabinet Government}, 3rd ed., Cambridge,
University Press, 1959, p. 15.

\textsuperscript{26}Provision has been made, however, for local polls on certain
questions, for example, the adoption of limited measures of prohibition.

\textsuperscript{27}Sir Joseph Pope, ed., \textit{Confederation: Being a Series of Hitherto
Unpublished Documents Bearing on the British North America Act.}, Toronto,
1898, p. 39.

\textsuperscript{28}See R. MacG. Dawson, \textit{Government of Canada}, revised by N.M. Ward,
British pattern, and refused to countenance a plebiscite on the proposed terms of union. In a letter to Samuel Amsden he wrote:

It would be unconstitutional and anti-British to have a plebiscite. If by petitions and public meetings [the Imperial] Parliament is satisfied that the country do not want the measure, they will refuse to adopt it. If on the other hand Parliament sees that the country is in favour of the Federation, there is no use in an appeal to it. Submission of the complicated details to the country is an obvious absurdity.29

Debates in the Assembly of Canada on the advisability of consulting the people on the suggested form of government foreshadowed discussions which were later to be held in a number of provincial legislatures in Canada, and also in the federal Parliament, concerning the principle of a direct appeal to the electorate. A prominent lawyer, M.C. Cameron, who opposed the plan of Confederation, urged that it be submitted to a popular verdict. Harshly critical of the Government's arbitrary methods, he asserted:

In 1841 the people of this country obtained responsible government, and it was declared to them then that they should have a controlling voice in the affairs of the country -- that no important change, in fact, should take place without their having an opportunity of pronouncing upon it. And yet hon. gentlemen now disclaim the right of appeal to the people, and arrogate to themselves an amount of wisdom to suppose that the tens of thousands of people of this province have not the capacity to understand the meaning or the magnitude of this question. They exclude from these men the right of pronouncing an opinion.30

Thus the former head of the Clear Grit Party in Canada indicated his sympathy with the principle of Jacksonian democracy, with its emphasis on


the sovereignty of the people, rather than his attachment to the British principles of the supremacy and sovereignty of Parliament. The Liberal member for Lincoln, Lieutenant-Colonel William McGiverin, opposed a plebiscite for these reasons:

I am satisfied that if the question were brought before the people of Canada, side issues, political and personal feeling and party question would enter more largely into its consideration than Federation itself, and that therefore a correct verdict might not be obtained. I have endeavoured to inform myself as to the precedents for submitting such a question to the people, and I have failed to find one precedent in its favour, while I have found several in favour of the method of dealing with it as proposed by the Government.31

Macdonald's firm opposition to any direct consultation of the public was made clear in respect to both constitutional and legislative matters. He censured the action of the New Brunswick Premier in connection with that province's entry into Confederation:

The course of the New Brunswick Government in dissolving their Parliament, and appealing to the people, was unstatesmanlike and unsuccessful, as it deserved to be . . . . Whatever might have been the result in the legislature, the subject would have been fairly discussed and its merits understood, and if he [Premier Samuel L. Tilley] had been defeated, he then had an appeal to the people.32

Some years later, when the Legislative Assembly of the North-West Territories requested that a plebiscite be held on the liquor question, Macdonald expressed his opposition to such a course in a letter to the Lieutenant-Governor: "... such a thing as a Plebiscite is not known to the British Constitution, and certainly we must not set a precedent."33

31 Ibid., p. 470.
Despite the early rejection of all features of popular democracy, both federal and provincial governments in later years found it expedient to consult the electorate on a number of vexatious issues, notably the regulation of the liquor traffic, and the experience with direct legislation in several of the American states aroused enthusiastic interest in the four western Canadian provinces. A direct legislation measure providing for the initiative and the referendum, but not the recall, to be available for use on matters of ordinary legislation, with the exception of money bills and emergency bills, was introduced in Saskatchewan in 1912,\textsuperscript{34} its implementation made conditional upon a favourable vote by a specified proportion of the electorate. A similar act was passed in Alberta the following year and was the only such piece of legislation to come into force in Canada.\textsuperscript{35} Manitoba followed suit in 1916 with a like act,\textsuperscript{36} which was immediately referred to the courts for an opinion as to whether the legislature had exceeded its powers. British Columbia was the last of the four western provinces to pioneer with legislative provision for direct legislation; however, although its Direct Legislation Act of 1919\textsuperscript{37} received royal assent it was never proclaimed, presumably because the decision on the constitutionality of the Manitoba law was pending.

Although it has often been claimed that the use of any of the instruments of direct democracy is incompatible with and inimical to the effective

\begin{itemize}
  \item \textsuperscript{34} Statutes of Saskatchewan, 1912-13, cap. 2.
  \item \textsuperscript{35} Statutes of Alberta, 1913, cap. 3.
  \item \textsuperscript{36} Statutes of Manitoba, 1916, cap. 59.
  \item \textsuperscript{37} Statutes of British Columbia, 1919, cap. 21.
\end{itemize}
functioning of representative, responsible government, the matter has not
been conclusively settled by the courts.

The Initiative and Referendum Act of Manitoba provided that eight
per cent. of the electors who voted at the preceding general election
might propose a law which, if not enacted by the legislature at the
current session, must be submitted to the electorate, either at the next
general election or in a special referendum, and also that five per cent.
might within ninety days of the passage of any act\(^{38}\) petition for its sub-
mission to a popular vote. A proposed law approved by the electorate must
be enacted by the legislature without material change and be proclaimed
within thirty days of the announcement of the results of the vote, and any
measure rejected by the required majority would be considered repealed
thirty days after the results appeared in the Manitoba Gazette.

Although section 92 (1) of the British North America Act permits
the provinces to amend their provincial constitutions, this power does not
extend to the office of the Lieutenant-Governor. In ruling on the
Manitoba Act the Privy Council decided that it was *ultra vires* in that it
"purported to alter the position of the Lieutenant-Governor" in certain
respects.\(^ {39} \) Despite the fact that the Initiative and Referendum Act
stated that any act enacted by the new method would be "subject . . . to
the same powers of veto and disallowance as are provided in the British
North America Act or as exist in law with respect to any Act of the Legis-

\(^{38}\) With the exception of a Supply Bill, Appropriation Act or any Act
classified as an emergency measure.

\(^{39}\) In re The Initiative and Referendum Act [1919] A.C. 935.
lative Assembly", the fact that an adverse popular vote was sufficient automatically to repeal a law made it appear to the Privy Council that the Lieutenant-Governor was "wholly excluded from the new legislative authority".

Their Lordships are of opinion that the language of the Act cannot be construed otherwise than as intended seriously to affect the position of the Lieutenant-Governor as an integral part of the Legislature, and to detract from rights which are important in the legal theory of that position. For if the Act is valid it compels him to submit a proposed law to a body of voters totally distinct from the Legislature of which he is the constitutional head, and renders him powerless to prevent it from becoming an actual law if approved by a majority of these voters. In an obiter dictum the Privy Council alluded to a further grave constitutional question to which such a measure of direct legislation gave rise:

Sect. 92 of the Act of 1867 entrusts the legislative power in a Province to its Legislature, and to the Legislature only. No doubt a body, with a power of legislation on the subjects entrusted to it so ample as that enjoyed by a Provincial Legislature in Canada, could, while preserving its own capacity intact, seek the assistance of subordinate agencies ... but it does not follow that it can create and endow with its own capacity a new legislative power not created by the Act to which it owes its own existence. Another opinion as to the constitutionality of a direct legislation measure was rendered three years later in the case of The King v. Nat Bell Liquors, Limited. Under the terms of Alberta's Direct Legislation Act a prohibitory liquor law had been popularly initiated, submitted to and approved by the electorate and then duly passed by the

---

40 Sec. 7.
41 In re The Initiative and Referendum Act [1919] A.C. 935.
42 Loc. cit.
43 [1922] 2 A.C. 128.
legislature without substantial alteration. Nat Bell Liquors, Limited, in appealing a conviction of having committed an infraction of the Liquor Act, argued as part of their defence that the Liquor Act was *ultra vires* in that it had not been "exclusively" made by the legislature, but also partly by the people, thus contravening section 92 of the British North America Act which gave to the provincial legislature exclusive power to make laws in regard to certain subjects. The company also contended that the Direct Legislation Act itself was *ultra vires* because it altered the plan of government prescribed for Canada in the Act of 1867 by introducing an additional, over-riding legislative power in the form of a direct popular vote, thus placing the legislature in the position of being obliged to pass a measure whether or not it actually was in favour of the proposal. The Privy Council did not rule on the validity of the Direct Legislation Act but disagreed that the legislature had played only a formal role in the enactment of the Liquor Act.

In rejecting the interpretation of the respondents their lordships stated:

On the first point it is clear that the word "exclusively" in s. 92 of the British North America Act means exclusively of any other Legislature, and not exclusively of any other volition than that of the Provincial Legislature itself. A law is made by the Provincial Legislature when it has been passed in accordance with the regular procedure of the House or Houses, and has received the royal assent duly signified by the Lieutenant-Governor on behalf of His Majesty. Such was the case with the Act in question. It is impossible to say that it was not an Act of the Legislature and it is none the less a statute because it was the statutory duty of the Legislature to pass it. If the deference to the will of the people, which is involved in adopting without material alteration a measure of which the people has approved, were held to prevent it from being a competent Act, it would seem to follow that the Legislature would only be truly competent to legislate either in defiance of the popular will or on
subjects upon which the people is either wholly ignorant or wholly indifferent. If the distinction lies in the fact that the will of the people has been ascertained under an Act which enables a single project of law to be voted on in the form of a Bill, instead of under an Act which, by regulating general elections, enables numerous measures to be recommended simultaneously to the electors, it would appear that the Legislature is competent to vote as its members may be pledged to vote individually and in accordance with what is called an electoral "mandate", but is incompetent to vote in accordance with the people's wishes expressed in any other form.44

In the Manitoba case the Privy Council's decision was that the legislative process had been interfered with in that the rights of the office of the Lieutenant-Governor, as part of the legislature, were curtailed. In the Alberta case the highest court concluded that the Direct Legislation Act of that province had not been shown to interfere formally with "the discharge of the functions of the Legislature and of its component parts."45

Although the ability of a provincial legislature to enact a valid direct legislation measure has not been fully decided, the general conclusion among constitutional authorities appears to be that provision for the initiative and referendum is possible but undesirable. Halsbury's Laws of England states:

The power to create the system of initiative and referendum has received, indirectly, approval by the Privy Council and may be regarded as a matter of constitutional change or as a mere creation of a subordinate form of legislation.46

Jennings is in essential agreement, inferring from the judicial opinions

45 Loc. cit.
that although bills might become law without the assent of the legislature "it did not follow . . . that the Act giving the power would be valid." According to this expert on the constitution, however,

there is nothing to prevent the legislature from making the electorate party to legislation, either by providing for the reference to them of Bills passed by the legislature or by providing for submission to the legislature of Bills approved by the electorate and compelling the legislature to pass them.47

While agreeing that it may be "legal for a province to proceed to legislation after the electors have outlined a bill by a popular vote," Kennedy fears that frequent use of this procedure would be damaging to parliamentary cabinet government. To him "it is abundantly clear that the cabinet system cannot be driven in double harness with any form of the initiative and referendum, except to its hurt and detriment, if not to its ultimate confounding."48 Munro has similar misgivings concerning the use of the initiative and referendum to any considerable degree:

If, then, the people can directly initiate legislation, if they can directly enact or reject legislation, -- the whole principle of unified ministerial responsibility is seriously impaired. For a ministry cannot serve two masters -- the legislative body insisting on one thing and the electorate requiring something different.

It is not possible to drive in double harness responsible parliamentary government and plebiscites of any sort without getting ditched. The ideas behind each are antipodal. Ministerial responsibility cannot be kept unified and at the same time divided.49

Quite apart from the compatibility of direct legislation with


responsible parliamentary government, it has often been claimed that the habitual practice of submitting specific issues or legislative measures to a popular vote is not a useful adjunct to representative government. In Laski's view:

If it [the referendum] is confined to obtaining answers to questions of principle, then, in the absence of concrete details, the questions are devoid of real meaning. If it is enlarged to consider the full amplitude of a complicated statute, then it is useless to pretend that a mass-judgment upon its clauses is in any way a valid one. 50

Other political scientists have agreed as to the futility, in our modern complex society, of submitting to the public either specific legislation or a particular question of public policy because of the expertise needed to understand fully what is involved and the fact that other important issues, which may be inextricably linked with the topic under discussion, are excluded from the ballot. One authority extends his objection to a referendum even to matters of conscience, such as prohibition, because of the inability in a popular vote to consider such important aspects as definition of terms and associated questions such as the right to privacy. 51

On the other hand, it has been claimed that these moral questions, where "the matters are small matters, but the issues are great issues," 52 can be appropriately decided by the people themselves. Such topics affect the public deeply and their "decision depends on principles other than


those of the reigning political parties." Because convictions on these matters override party loyalties, political parties have often declined to take a stand on such matters as prohibition, the death penalty, divorce, the sale of contraceptives, and other highly controversial issues. When statutory change has come about it has frequently been through the wedge of the Private Member's Bill which has been described as "the literal substitute for the referendum in Britain." Although such bills seldom reach the statute books, if general support for them is evident in the legislature the proposal of the private member is often taken over by the party in power and introduced as a government bill. Despite the fact that "these issues of conscience which have long been treated differently from ordinary issues" might, after being introduced in a Private Member's Bill, be suitably referred to the electorate, there is a danger that a campaign surrounding a popular vote might serve merely to exacerbate and highlight the deep divisions within the community, and perhaps increase the influence of extremists.

When in a representative system of government the voter is called upon to vote both for a representative and, from time to time, on a subject matter as well, there is obviously some modification of the representative theory of government wherein the electors place their trust, for a limited period, in their elected members whose job it is to look after the affairs

53 Loc. cit.
54 Loc. cit.
55 Loc. cit.
of government. Advocates of direct legislation are inclined to see their member more as a delegate than as a true representative.

This thesis will not discuss plebiscitarian democracy, in which the executive appeals to the voters over the heads of the elected representatives, nor will it discuss experience with direct legislation in other countries or the other provinces of Canada except insofar as such experience has a bearing upon events in Saskatchewan, but will confine itself to the use of the referendum and plebiscite in the province of Saskatchewan.
CHAPTER II
REFERENDUM ON THE DIRECT LEGISLATION ACT

The first occasion on which the Government of Saskatchewan submitted a specific subject to a vote of the electorate was in November, 1913, when the electors were asked to indicate whether or not they were in favour of the Direct Legislation Act\(^1\) which had been passed by the Legislature in January, 1913, but had not been proclaimed pending endorsement by the voters. Direct legislation had become an issue in Saskatchewan politics the previous year largely as a result of the circulation amongst farmers of the *Grain Growers' Guide*, official organ of the Saskatchewan Grain Growers' Association (SGGA).\(^2\) This publication was instrumental in popularizing a reform which was gaining increasing acceptance in the United States during the early years of the twentieth century.

With the rise of the Populist Party in the United States a system of law-making by direct popular vote commanded considerable interest in that country in the 1890s and, in the pre-war years after the turn of the century, was strenuously advocated, particularly in the western states. With attention focussed on the weaknesses of representative democracy, those who felt that it was only the representative system of government which stood between them and the realization of their ideals\(^3\) demanded a larger popular share in the making of laws.

In those years preceding the first world war the farmers in the

\(^1\) *Statutes of Saskatchewan*, 1912-13, cap. 2.

\(^2\) And of the United Farmers of Alberta and the Manitoba Grain Growers' Association.

\(^3\) Oberholtzer, *op. cit.*, pp. vi-vii.
Canadian prairie provinces faced an uncertain existence, subject to such uncontrollable factors as adverse weather conditions, grasshopper infestation, and fluctuations in the price of wheat. There was a general feeling that conditions surrounding the marketing of grain were intolerable, the complaints centering upon the unfair grading practices, the heavy dockage taken off each load delivered, the big spread in prices due to the exorbitant charges made by grain handlers, and inadequate transportation and grain storage facilities. In addition, since he was buying in a protected market while his product was sold competitively in world markets, the farmer wanted a reduction in the tariff.

Remote and isolated, and discouraged that their protests to the federal government and the Canadian Pacific Railway were largely unavailing, some prairie residents considered that basic modifications in the system of government were required before they would be accorded fair treatment. In the search for a way to circumvent the domination of political parties and government by moneyed power in the east, two remedies were often suggested: proportional representation and direct legislation. Those who favoured proportional representation claimed that it would induce better men to run for political office and would give all sections of the population a proportionate voice in government relative to their numbers.

The supporters of direct legislation contended that it would lead to a more truly democratic society and was the only method by which the legislatures could be made responsive to the will of the people. This

---


reform received the greater emphasis and was considered by its warmest advocates as a necessary element in a true democracy. With this instrument it would be possible for the ordinary voter to break what was described as the private monopolistic control of legislative power by the "barons of special privilege" and establish the public ownership of government, thereby making possible general improvements in the political, economic, and social spheres. The settlement of contentious national issues, it was argued, could most properly be arrived at by means of direct legislation but this reform must first be obtained at the provincial level. It was only after the provincial legislatures had been made responsive to the will of the people that effective pressure to this end could be exerted at Ottawa, so its proponents insisted.

Advocates of direct legislation noted that Professor A.V. Dicey of Oxford University had written an article on the subject in 1896. They cited the success that had attended the use of this system in Switzerland and New Zealand, but the experience with law-making by direct popular vote which was most fully described and extolled was that of various American states and in particular the constitutional provisions in Oregon for the use of the initiative, referendum, and recall, a system which was pictured as perfectly exemplifying Lincoln's definition of popular government.

---


9 E.H.S., loc. cit.

The first organization formed in the American Republic for the promotion of direct legislation was in Newark in 1892.11 Subsequently a National Direct Legislation League was founded. South Dakota, in 1898, was the first state to amend its constitution to include provision for the initiative and referendum. Utah approved the same by popular vote in 1900 but the legislature declined to put the initiative and referendum into operation.12 It was in June, 1902, that the voters of Oregon approved by popular vote of 62,024 to 5,66813 the adoption of the initiative and referendum; a further constitutional amendment, to adopt the recall, was accepted in 1908. Under the Oregon constitution, as thus amended, the people had the right to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the legislative assembly, and also . . . power to approve or reject at the polls any act of the legislature.14

An initiative petition required the signature of eight per cent. of the voters; the referendum petition had to be signed by only five per cent. The legislature of its own volition might make the going into operation of any act dependent upon an affirmative vote of the people. The veto power of the governor did not apply to any measure submitted to a referendum. Prior to each popular vote a pamphlet was circulated at state expense, containing the title and text of each measure to be voted on, together with arguments by the proponents and opponents in each

11 E.H.S., loc. cit.
13 Ibid., p. 397.
14 Bourne, loc. cit.
case. By means of the recall, any public officer might be called upon to resign by the filing of a petition, setting forth the reasons therefor, of 25 per cent. of the number of electors who voted in his district in the preceding election. The person thus recalled must either retire or seek re-election.

Although there was the most enthusiasm for and greatest experience with direct legislation in Oregon, by 1912 a total of 14 states had adopted some degree of direct legislation and the innovation was a live issue in many other states. Senator Bourne of Oregon praised the initiative and referendum as "the keystone in the arch of popular government." Among other prominent American figures said to favour this reform were prohibitionist John J. Woolley, labour leader Samuel Gompers, and Frances E. Willard, president of the Women's Christian Temperance Union of America; Theodore Roosevelt and Woodrow Wilson, later on, allegedly favoured it in federal affairs. William Jennings Bryan, one of the American advocates of direct legislation, came to Canada to speak on the subject in 1909. The following year the book City for the People, written by the American economist Frank Parsons, which dealt extensively with the same subject, was made available in the prairie provinces through

---

15 Oberholtzer, op. cit., pp. 397-400.
16 Ibid., p. 397.
18 Bourne, loc. cit.
19 It was reported in Saskatchewan that in November, 1907, the American Federation of Labour, of which Gompers was president, included among its principles the "initiative, referendum, imperative mandate, and right of recall [sic]". Saskatchewan Labour's Realm, Nov. 22, 1907, p. 3.
In Canada the Trades and Labour Congress, meeting in Winnipeg in 1898, had incorporated direct legislation in its platform of principles.²¹ Magistrate William Trant of Regina, when he became the first president of the Direct Legislation League of Saskatchewan in 1912, claimed to have suggested something very similar some fifteen years earlier,²² and in 1899 A.W. Puttee publicly advocated direct legislation while contesting the Winnipeg constituency in a federal by-election.²³

It was both the labouring and farming elements of the population that led the way in pressing for direct legislation.²⁴ By 1907 the political creed of the Canadian Labour Party included direct legislation through the initiative and referendum.²⁵ In Regina, in June, 1908, the People's Political Association of Canada was formed in order to combine the efforts of urban workers with those of the Comrades of Equity, a political party which had been organized by a group of farmers in Saskatchewan, for the purpose of obtaining the public ownership of all public utilities. The platform of this short-lived political association included the following plank: "Direct Legislation through the initiative and referendum, with

²² The Leader, Regina, May 10, 1912.
²³ Farmer, loc. cit.
²⁴ According to Farmer, "The Initiative and Referendum as necessary adjuncts to our present representative system had formed the subject of academic discussion and had been a plank in the platform of Canadian labour organizations for twenty years before the question became a live issue in Canadian politics." Loc. cit.
power to recall representatives if pledges are not lived up to.\textsuperscript{26} The practice of pledging a candidate to the recall was employed when J.E. Paynter was nominated by the Comrades of Equity to contest the federal constituency of Saltcoats in 1908.\textsuperscript{27} \textit{Saskatchewan Labour's Realm}, published from 1907 to 1910 by the Trades and Labour Council of Regina, carried a number of articles on the subject of direct legislation and suggested that the referendum be employed to achieve a settlement of the matter of temperance reform which would not be "in advance of public opinion."\textsuperscript{28} In November, 1912, the Saskatchewan Executive of the Trades and Labour Congress included direct legislation among the subjects on which it requested legislative action at the current session.\textsuperscript{29}

At about the same time as the formation of the abortive People's Political Association of Canada, the \textit{Grain Growers' Guide} made its debut. Commencing publication in June, 1908, it embarked on a programme to organize and educate the farmers by promoting discussion of their problems and suggesting solutions thereto, with the avowed aim of obtaining for the farmers simple justice and an equitable share of the nation's wealth.\textsuperscript{30}

The first editor, E.A. Partridge, was an ardent supporter of direct legislation and the second editor, G.F. Chipman, also favoured the innovation so that, beginning with the second issue in August, 1908, there were few issues

\begin{itemize}
  \item \textsuperscript{26} \textit{Realm}, June 12, 1908, p.2.
  \item \textsuperscript{27} D.S. Spafford, "Independent' Politics In Saskatchewan Before the Nonpartisan League," \textit{Saskatchewan History}, XVIII, Winter 1965, no. 1, p.6.
  \item \textsuperscript{28} \textit{Realm}, June 22, 1908.
  \item \textsuperscript{29} \textit{The Daily Province}, Regina, Nov. 16, 1912.
  \item \textsuperscript{30} \textit{Guide}, Mar. 8, 1911, p. 1.
\end{itemize}
for the next half-dozen years which did not contain some reference to this popular device in either the editorial columns, special articles, reprints from other publications, or in letters to the editor.

The principal Canadian exponents of the reform, apart from Partridge, were men who became active in the Manitoba Direct Legislation League: F.J. Dixon, official organizer and lecturer; R.L. Scott, treasurer; and John Kennedy, second vice-president. Another active advocate was W.W. Buchanan, organizer for the Royal Templars of Temperance, an organization that supported the work of the direct legislation group in Manitoba. A series of four articles written by the young Winnipeg business man, R.L. Scott, was published in the Guide in November, 1910, and reprinted in pamphlet form, in which medium it was made available to the public.31

The main arguments advanced in favour of direct legislation were as follows. With the progressive accumulation and concentration of wealth and power, a few people constituted an "invisible government" which exercised a tremendous influence over the "visible" governmental institutions. It was this "invisible government" which must be unseated before the will of the people could prevail in the making of laws.32 Direct legislation would ensure the rule of the people and the end of "Boss Rule", "Corporation Rule", and "Special Privilege"33 in both the federal and provincial spheres. Representative government had proven a failure; it had become

31 Through the Guide book department. The title was: "Direct Legislation or The Initiative and Referendum: What it is and why we need it." Scott claimed to have been "intimate from the beginning with the friends of reform in Western Canada, from the inception of the democratic renaissance." Winnipeg Tribune, Jan. 14, 1914.


"a cat's paw in the hands of the larger monied interests," and had degenerated into misrepresentative government. Consequently, direct legislation was necessary in order that sovereignty might be placed in the hands of the people, where the supreme and final legislative power should reside. "Effective sovereignty", instead of "nominal sovereignty", was desired.

It was anticipated that with the introduction of direct legislation party lines would soften and the "curse of partyism" be thereby reduced. Bribery and corruption and the control of the party machine would all diminish and legislators would be more inclined to express their own opinions rather than merely follow strict party lines. With separate ballots for each issue and for the candidates, issues could be disentangled and men separated from measures; voters could vote according to their convictions without the fate of the party being involved. Through the diminution of partisanship, politics and public affairs would be lifted out of the "muck and mire of party politics" and elevated to a higher plane. A better quality of political candidate would be selected and there would be opportunity for a more rational discussion and fairer settlement of public questions.

Quite obviously, the emphasis was on the delegate rather than the representative role of the elected member. One active worker for direct

legislation deplored the fact that these "agents", as he designated the elected members, were uninstructed and remained uncontrolled during the periods between elections. Direct legislation would, he believed, overcome these inherent defects in the existing system, wherein it was a case of the people versus the politicians and monopolists.40

The charges that the principle of direct legislation was un-British and incompatible with the British system of parliamentary government were denied by the advocates of this reform. Direct legislation was held to be a logical extension of the evolutionary modification of the British constitutional system, from Magna Carta through the Bill of Rights and the Reform Bills extending the franchise. Sovereignty had passed from an absolute king and should now be invoked by the sovereign people. It was confidently stated that, far from destroying existing institutions, direct legislation would improve them so that they might "more perfectly fulfil the purposes for which they were instituted."41 Little concern was expressed for the effect which the proposed system would have on the role of the Lieutenant-Governor or the cabinet,42 or how the parliamentary system of government would function without strong political parties. One possible effect on governmental institutions was noted when it was stated that the referendum would be a substitute for a second chamber;43 the second


42 John Kennedy insisted that cabinet ministers, like all other elected members, would be subject to the recall. Guide, May 4, 1910, p. 10.

thoughts of the Senate could be replaced by those of the electors who, in the referendum, would possess a check on poor or hasty legislation.

How often it was envisaged that the instruments of direct legislation would actually be employed by the voters is not entirely clear. Dixon at one time foresaw the day when all great questions would be voted on, and another advocate envisaged this situation: "In Provincial or Dominion elections, instead of voting on a candidate and a complex platform as a unit, it would be easy to put the main questions on the ballots and to vote yes or no on each issue." It seems apparent, however, that most advocates of the proposed new system expected the legislators to enact the bulk of the legislation and only when they failed correctly to interpret public opinion would the initiative and referendum be resorted to. Both R.L. Scott and President J.N. Hutchison of the Manitoba Direct Legislation League looked for the weapon's infrequent employment, on the grounds that its very existence would almost obviate the necessity for its use. Hutchison suggested that legislative provision might be made for a referendum to be held at stated intervals, perhaps once every two years, in addition to such votes at general elections.

Direct legislation was often pictured almost as a panacea, as a gateway to all desired reforms. By means of this democratic tool the trend

---


towards "industrial despotism" could be reversed and a diffusion of wealth be brought about. There would be a saving of the cost of innumerable impotent petitions and futile mass meetings, of lobby expenses, and perhaps of a second chamber of government. The cost of operation of a direct legislation system would be small and more than offset by the prevention of measures which ran counter to the interests of the common people. Participation in the legislative process would have an educational effect upon the electorate, stimulating their interest in and knowledge of public affairs. The people were moral and would steadily increase in wisdom.

Basically the grievances of the farmers were economic: they wanted a greater return for the products of their labour. In order to remedy what they considered to be the prevailing unjust economic conditions they sought a political solution. Although some supporters of direct legislation included the recall in their advocacy, other writers, such as R.L. Scott, who proposed to adapt the American model for the prairie provinces, considered only the initiative and referendum to be the integral parts of direct legislation. Possessing these tools, the voters could at a later date fortify them by obtaining the recall for themselves.

In the plan outlined by R.L. Scott, signatures of eight per cent. of the total votes cast in the provincial election last held would be required on an initiative petition and five per cent. on a referendum petition, all

---

49 Loc. cit.
petitions to be filed at the office of the Provincial Secretary. Laws necessary for the immediate preservation of the public peace, health, and safety would be subject to an emergency clause and would become effective immediately after receiving royal assent, provided two-thirds of the elected members approved. No other measure would become operative until 90 days had expired.

A referendum petition might be submitted against any measure, or parts of a measure, within 90 days of the final adjournment of the legislative session at which the act in question had been adopted. If such a petition were filed, except in the case of an act implemented under an emergency clause, the respective measure would not become operative until endorsed by the electorate at either a general or a special election. When legislation was proposed in an initiative petition, the legislature or Lieutenant-Governor-in-Council could propose an alternative bill in lieu of the suggested one. The style of measures passed directly by the people was to be: "His Majesty, by and with the consent of the people of [Saskatchewan] enacts as follows".51 In outlining his proposed plan for the prairie provinces, R.L. Scott stated that direct legislation would be useful:

In defeating the corrupt schemes of promoters and politicians whose aim it is to exploit public resources, secure charters and monopoly rights in their own interests and to the detriment of the public welfare.

In cancelling extravagant and improper deals made by our legislators extending privileges, subsidies, etc., in connection with the construction of railways and public works.

In preventing the alienation of the public domain in the interests of a few speculators and manipulators.

In opening the way for progress, to enable the people to gain reforms just so fast as they want them.52

52 Ibid., p.8.
The year 1911 saw an exacerbation of the discontent felt by prairie farmers and an intensification of their feelings of ineffectiveness in confronting the power of "the protected manufacturer, the railway magnates, and all the Big Interests of Canada". The farmers saw certain western members in Ottawa vote against the proposed reciprocity agreement with the United States and, with the overthrow of the Liberal government at the general election of September 21, the defeat of reciprocity. It was claimed by some that if each elector had been able to vote on a separate ballot for the reciprocity agreement, detached from the fate of a government which had been in office for 15 years, the trade pact would have been ratified; its defeat was thus interpreted as a forcible illustration of the wisdom of submitting important matters of national policy to a referendum. A referendum on the controversial naval question was also repeatedly advocated.

Matters on which the western farmer wanted action by the federal government included, in addition to the long-sought tariff reform, the Hudson's Bay Railway, terminal grain elevators, a national chilled meat industry, conservation of natural resources, the taxation of land values, and an alteration in the railway regulations. On the provincial level there seems to have been little reason in Saskatchewan to demand direct legislation since the Liberal government of Premier Walter Scott habitually gave

56 See, for example, Guide, Nov. 17, 1909, p. 13; Nov. 13, 1912, p. 6; May 18, 1910, p. 12; Nov. 27, 1912, p. 5; Jan. 29, 1913, p. 9.
very sympathetic and careful consideration to the requests of the organized farmers, a number of whose leaders were active in the Liberal party. Labour, too, seems to have been not dissatisfied with provincial legislation, certainly not in the early years of the province's existence. Speaking to a meeting of trade unionists in Regina in 1907, Thomas M. Molloy, president of the Regina Trades and Labour Council, said that:

so far as the local legislature was concerned, labour had no ground for complaint. What little they had asked for they had got and altogether they had received good treatment.

But with regard to the Dominion House it was a very different proposition. Sir Wilfrid had practically ignored the labour men of Canada over the Asiatic question. Up to the present time the claims of labour had been fully recognized in the Provincial House, but such was not the case in the House of Commons at Ottawa.57

It was argued, however, that the reform was needed in order to end the humiliating and corrupting relationship between the federal and provincial parties; only if western voters gained control of their legislatures through a system of direct legislation could the prairie farmers make themselves heard in the federal field.58

Apart from its utility as a means of influencing the federal government, direct legislation was said, particularly by its advocates in Manitoba,59 to be necessary within the provinces in order to safeguard the people against extravagant governmental expenditures and such "vicious legislation" as the improper granting to corporations of "valuable franchises."


58 See, for example, editorials in the Guide, Mar. 1, 1911, p. 6, and Aug. 2, 1911, p. 5.

59 The direct legislation movement was more vocal and highly organized in Manitoba than in the other prairie provinces but although Manitoba was in the vanguard in demanding this reform it was the last of the three provinces to have a direct legislation measure enacted.
The people needed a constant check on government. In Saskatchewan, too, it was claimed that direct legislation was "a necessary element in a true democracy," for it puts a stop to corrupt legislation and destroys the concentration of temptation which exists where a few legislators can take final actions on franchise, etc. $5,000 may buy five councilmen to vote against their own interests. The power of bribery will be infinitely diluted. It will no longer pay to bribe legislators, for their action will not be final -- they cannot deliver the goods -- and bribery of the people at a cost within the range of values to be gained by it will be impossible. The lobby will die; rings and bosses will lose their power; blackmailing bills and franchise steals will go out of fashion; the age of graft, corruption, timber limit, valuable mining and grazing land steals, of election frauds, etc., will pass away. Direct legislation is the only method to do this . . . .

The SGGA endorsed direct legislation at their annual convention held in February, 1911, when the following resolution was carried:

Whereas direct legislation appears to us to be the only way to effect legislation equal to all,

Be it resolved, that this association declares in favour of the Initiative, Referendum and Right of Recall, and instruct the executive to use all legitimate means to bring about such legislation.

That the farmers' organization was not prepared to concentrate their efforts almost exclusively on the obtaining of this reform was made evident at a meeting in November, 1911, of the executive and directors of the association when the recommendation of E.A. Partridge, in his draft of an organization scheme for the Grain Growers, that a provincial direct legislation measure, including the initiative, referendum, recall, and publicity pamphlet be adopted as the leading feature of the organized propaganda of the association, was not accepted. The group did agree, however, that one

61 Realm, Apr. 1, 1910, p. 7.
62 SGGA convention minutes, 1911, Archives of Saskatchewan (A.S.)
of the three main objects of their work would be "the exposition of the principles of direct legislation as a means of securing the will of the people." The resolution passed at the association's annual meeting the following year, when almost 800 farmers attended, was more specific and received enthusiastic support:

Whereas Direct Legislation appears to us to be the only way to effect legislation equal to all.

Be it therefore resolved, that this association declares in favour of the Initiative, Referendum and Right of Recall and that all legitimate means be used to have the same placed on the statute books, provincial and federal.

Direct legislation was, however, only one of the solutions advanced for the grievances of the prairies. The formation of a third political party, the nomination of independent candidates, the pledging of candidates nominated by the two major parties to support the farmers' demands, proportional representation, a single tax upon land values, and socialism all had their advocates. Those who felt that the initiative and referendum would destroy the system of responsible government were inclined to propose proportional representation as a remedy. Others admitted that proportional representation was certainly a desirable first step but insisted that direct legislation was necessary in order to give the people power to protect their interests.

67 SGGA convention minutes, 1912.
69 J.E. Frith of Moosomin felt that "every voter should have an effective vote through proportional representation and have perfect control over their representatives through the Recall and over all legislation through the Initiative and Referendum." Guide, May 29, 1912, p. 9.
In pleading the cause of direct legislation Charles A. Dunning, later Premier of Saskatchewan, pointed out that at election time issues frequently became so involved that it was almost impossible for the voter to know whether or not he was voting for what he really wanted. To Dunning, direct legislation meant "above all things that the people shall have a chance to vote upon each issue separately, without the issue being associated with the candidature of any particular individual or party;" direct legislation would permit a more exact registration of public opinion.

In the spring of 1912 the president of the Direct Legislation League of Manitoba sounded this confident and reassuring note:

this very healthy legislation is coming . . . and without disrupting the British Empire or destroying the British constitution, but by a process of constitutional evolution in strict harmony with British principles . . . . It is becoming more and more evident to advanced men and to people at large that our elected representatives have failed too often to represent those by whom they were elected, and that therefore this principle of Direct Legislation is an imperative necessity in order that the people may rule and secure to themselves the greatest measure of British liberty.

By this time the demand for direct legislation had gathered considerable momentum in the prairie provinces, amid some talk of secession in order to escape from the domination of eastern Canadian financial interests. It had been endorsed by both political parties in Alberta and by the Liberal party in Manitoba, as well as by the farmers' organizations in each of the three provinces. In Saskatchewan the reform had supporters on both sides of the house but neither political party had adopted it as part of

---

71 Hutchison, open letter to Premier Roblin, Guide, May 1, 1912, p.12.
its platform by early spring. Then, at a public meeting in Biggar, the Opposition leader, F.W.G. Haultain, announced the leading planks in the platform on which his party was prepared to fight the next provincial general election which, it was generally expected, would be held during the year. One policy stated to be favoured by the Opposition party was given simply as "The initiative and referendum."73

In order to gain support for the movement in Saskatchewan the Direct Legislation League of Manitoba, which had been formed in 1911, was asked by the proponents of the reform in Saskatchewan to organize an educational campaign in that province. A meeting of those interested was held in Regina and on May 9, 1912, the Direct Legislation League of Saskatchewan was formed. The officers chosen included Magistrate William Trant of Regina, president; J.K. McInnis of Regina, first vice-president; J.E. Frith of Moosomin, second vice-president; C.A. Brothers of Moose Jaw, secretary; and Dr. W.H. Wardell of Moose Jaw, treasurer. Charles A. Dunning, then a director of the SGGA, became one of the four members of the executive committee.74

The purpose of the new organization was to advocate the use of the initiative, referendum, and recall in Saskatchewan. These devices of direct legislation were described briefly by the main speaker of the evening, F.J. Dixon, of the Manitoba league, in this way:

The initiative is to give the people the power to start things that they want done; the referendum is to give the people the power to stop things being done by representatives which they should not do; and the recall is the power to recall the legislators elected when they refuse to do things that the people want them to do.75

73 The platform is quoted in the editorial columns of The Regina Standard, May 1, 1912.
74 Leader, May 10, 1912.
75 Standard, May 10, 1912, p.5.
It was only by means of direct legislation, Dixon asserted, that under the system of party government the people could gain "control over the actions of their elected legislators." He disagreed with those who thought that the remedy was to vote for the man, regardless of party, because:

the majority of the people did not know whether the candidates were good men or not and even if they were good men in private life and business life, they were apt, once elected, to line up with their party on all questions, whether they honestly believed in what they were voting for or not. If, however, they were subject to the recall, they would be very careful of their actions in the house.76

Funds immediately available consisted of $1,000. which had been raised chiefly in Moose Jaw, and further contributions were expected from Regina and elsewhere in the province. Joseph Fels, an American philanthropist, had undertaken to match, each year, all subscriptions to the new organization.77 Obtaining the services of the secretary of the Manitoba league, Seymour J. Farmer, as organizer, the Saskatchewan body immediately set to work. Each candidate for the forthcoming provincial election was sent a circular letter inquiring into his attitude concerning the initiative, referendum, and recall; if he did not favour these, he was asked what method he would substitute "to prevent the granting of special privileges, and to obtain equal justice?"78 The league's letter stated that they planned to appeal in a non-partisan spirit to prominent persons

76 The Daily Province, Regina, May 10, 1912.

77 Loc. cit. The millionaire Fels was one of the founders of the Fels Naphtha Soap Company and a follower of Henry George. He gave financial assistance to the single tax movements in several countries and to the direct legislation movement in the United States and Canada. In 1911 he had spoken in Regina in support of direct legislation. Guide, Mar. 30, 1910, pp. 23 and 26.

78 Brothers to Scott, June 1, 1912, Scott papers, p. 32813.
in the Trades and Labour Council, the Royal Templars of Temperance, and in the Leagues for the taxation of land values, as well as to individuals "islated from centres of organization," to lend their support to candidates who favoured the proposed reform.\textsuperscript{79}

On May 13 the leading Liberal paper in the province, the \textit{Regina Leader}, devoted its entire editorial columns, this day written in large print and taking up three-quarters of a page, to the subject "Direct Legislation in Saskatchewan." Professing to be "in hearty sympathy with all movements having for their object an extension of the ideas of democracy" and in favour of the "protection of the rights of the masses, the Common People, against the aggression and selfishness of the ... Big Interests," the \textit{Leader} averred that the principle of direct legislation was not "absolutely and wholly antagonistic to the British system of responsible government." The use of the referendum had been advocated for the settlement of certain contentious issues in both Britain and Canada and "the idea of appointing commissions of inquiry, which is only another phase of Direct Legislation, has become a fixture in our Canadian system of government." The editor asserted that the Scott government had applied the principle of the initiative and referendum in matters affecting the farmers and labourers, as well as in the local option clauses of the Liquor Act, and had never shown itself "antagonistic to that principle."

Since 1905 the People have initiated much of the legislation on the statute books, especially that in regard to the larger problems which this new province had to grapple with. Many suggestions have been sent up [sic] the Government. These have all been cordially received, carefully investigated and duly weighed. The legislation resulting from these suggestions has been, in turn, referred for approval or amendment to those who initiated it. In this way Saskatchewan during the past

\textsuperscript{79} \textit{Loc. cit.}
seven years has had the principle of Direct Legislation in actual practice, although it may not have been specifically provided for by legislation.80

On the other hand, the editorial pointed out, the opposition leader had defied the wishes of the farmers by opposing the legislation establishing the Saskatchewan Co-operative Elevator Company, which had been overwhelmingly endorsed by the Grain Growers' association. The Leader pictured the federal election of 1911 as a "referendum general election" in which the western farmers voted on reciprocity. On that occasion Opposition Leader Haultain, after first agreeing with the farmers' demands for reciprocity, had later openly opposed reciprocity; he "took the public platform in an effort to induce the people to vote against it, and thus made use of the referendum to defeat the will of the farmers whom he had pledged himself to support." In concluding the editorial the Leader made a bid for electoral support for the Liberal government on its past record:

The People, the electors of Saskatchewan, will have to judge for themselves whether they prefer to entrust the giving of effect in legislation to the principle of Direct Legislation to Mr. Scott, who has acted upon it and been true to it in the past, or to Mr. Haultain who has treated it with contempt and ignored it in cases where it has been applied.81

Upon his return to the province on June 9, after an absence of several months due to ill-health, Premier Scott found it politically advisable to pledge the Liberal party's support for direct legislation. His election manifesto, issued less than a week later, contained the following item of policy near the end of the list:

The adoption of the principle of the Initiative and Referendum and the enactment of such a law as will enable our citizens to take the fullest

80 Leader, May 13, 1912.
81 Loc. cit.
advantage of this democratic method of initiating and controlling legislation in the interests of the people.\textsuperscript{82}

Scott informed the Direct Legislation League that the government had carefully considered the reforms favoured by the league and decided "that it will be advisable to enact a law for Saskatchewan to bring into force the initiative and referendum as proposed by your League."\textsuperscript{83}

The response to the questionnaire circulated by the Direct Legislation League indicated that, with certain reservations in some cases, the initiative and referendum were regarded favourably by 25 Liberal, 15 Conservative, and two Independent candidates, with the majority favouring the recall as well.\textsuperscript{84} Having been adopted by both political parties, direct legislation received scant attention during the provincial election campaign. The party platforms on provincial matters being very similar, the Premier shrewdly focussed attention on the positions of the two provincial parties concerning matters of paramount concern to Saskatchewan voters: wider markets for their crops and freer trade generally.\textsuperscript{85} His government was returned for its third term of office.

The Speech from the Throne at the first session of the legislature following the election revealed the government's intention of immediately

\textsuperscript{82} Premier Scott's Address to the Electors of Saskatchewan, Regina, June 15, 1912, p. 6, A.S.

\textsuperscript{83} Scott to Brothers, June 17, 1912, Scott papers, p. 32815.

\textsuperscript{84} Guide, July 12, 1912, p. 11.

\textsuperscript{85} In his election manifesto Scott described the campaign as "the second engagement in the struggle between the producers of Western Canada on the one hand and the Big Interests and Monopolies of Eastern Canada on the other." He castigated Haultain for his support of the federal Conservative party in "their betrayal of the People's cause" on the tariff question and charged him with subservience to the Borden government. See pp. 8-9. Haultain admitted later that he had underestimated the demand for reciprocity. See Guide, July 17, 1912, p. 5.
redeeming its pledge respecting the initiative and referendum. With
reference to the bill which it was planned to introduce, Scott made this
statement in the legislature on November 18:

This is a new departure in the Dominion of Canada, but Saskat-
chewan has been the leader in many other matters of legislation, and
we are not afraid to take the lead in this. It is true there are
persons in both the Liberal and Conservative parties who are inclined
to agree with William Jennings Bryan, who said, when professing his
confidence in the efficacy of Direct Legislation: "The people have
the right to make their own mistakes." Legislators have not been
guiltless in the matter of making mistakes, and while the people may
make a mistake, the risk is not as great now as in times past. Owing
to the spread of democracy and education, the time is coming when all
the people will be competent to express opinion on public matters. The
government has, therefore, thought it right and proper to grant the
requests that have been made for this form of legislation which is
demanded by a large section of electors.

Bill No. 44, "An Act to provide for the initiation or approval of
Legislation by the Electors," was introduced by the Attorney General,
W.F.A. Turgeon, on December 10. The bill provided that, unless a con-
trary intention was declared therein, any measure passed by the legislature,
with the exception of a measure granting supply, would not become operative
for 90 days after the close of the session, and during this interval a
referendum petition signed by five per cent. of the votes polled at the
last preceding provincial election might be submitted requesting that the
measure be referred to a vote of the electorate. If such a referendum
petition were submitted, the operation of the act would be further deferred
until the results of the popular vote were known. When a contrary intention

88 Journals of Saskatchewan, 1912-13, p. 81.
89 The percentages for both the referendum petition and the initiative
petition were left blank when the bill was introduced and settled on later
in Committee of the Whole. Leader, Jan. 10, 1913.
was declared in the preamble, the act would become effective...immediately provided it received a two-thirds majority of the votes of the members, and the measure would not be subject to a referendum petition.

Legislation might be proposed by means of an initiative petition, signed by at least eight per cent. of the total votes polled at the last general provincial election. Provided the proposed measure did not involve any grant or charge upon the public revenue and was certified by the Attorney General as being, in his opinion, within the jurisdiction of the province, it was required to be enacted, without substantial alteration, at the next session of the legislature or, failing that, to be submitted to a vote of the electors. If the popular vote was in the affirmative the measure was to be enacted at the next session, without material change, and to become law upon receiving royal assent. The writs for all popular votes on acts or proposed acts were required to be issued between five and ten months after the close of the session in question and the poll might be held at the time of the provincial or municipal elections or at a special election. An amendment suggested in Committee of the Whole by the Attorney General provided that parts of a measure, as well as an entire act, might be made the subject of a referendum.90

The Government bill, which received unanimous approval in principle in the house,91 fell short of that requested by the proponents of direct legislation, many of whom had hoped for the inclusion of the recall as a means whereby greater control might be exercised over their elected representatives. The three main criticisms offered by the Direct Legislation League had to do with emergency measures, the exemption of money bills, and the

90 Leader, Jan. 10, 1913.
91 Scott to Farmer, Jan. 31, 1913, Scott papers, p. 32831.
lack of provision for a publicity pamphlet.

In the draft bill which the league had submitted during its discussions with the Government prior to the introduction of the government bill, emergency measures might go into effect immediately if a two-thirds majority of the Legislature "declared their immediate enactment to be necessary for the public peace, health or safety,"92 but they were still to be subject to a referendum. Franchises, bond guarantees, and subsidies were expressly excluded from the emergency category. The league strongly objected that their clause covering genuine emergencies had been so transformed that any government bill, in which a contrary intention was declared, would go into effect immediately after enactment, provided it received a two-thirds vote in the House, and was not then subject to a referendum, and that franchises and subsidies were not excluded from this provision. The prohibition of initiative and referendum petitions in connection with a charge upon the public revenue was also deplored by the league since these two restrictions meant that "the public purse is not to be controlled by the people."93 The league maintained that there was no constitutional obstacle to allowing a referendum on supply.94

The third major defect seen in the bill had to do with the publicity pamphlet, provision for which was considered by its supporters as "one of the most valuable clauses in the League's bill."95 Such pamphlet was to have contained the text of each measure to be voted on, the argu-

93 Loc. cit.
94 Loc. cit. The Opposition Leader took a similar position. See the Province, Dec. 18, 1913.
95 Loc. cit.
ments prepared by committees appointed to represent the promoters and opponents of each act, and a sample copy of the official ballot, and to have been mailed to each voter 60 days before the poll so that it could be studied at leisure. The section in the act which permitted the government to advertise the holding of the vote and to publish and disseminate pertinent literature was considered by the league to be wholly inadequate. The bill was criticized, too, by the Conservative Opposition for not meeting the expectations of the electorate and fulfilling the Government's promise. The new Opposition Leader, W.B. Willoughby, argued that the people should be permitted to initiate and vote on questions of "supply", exclusive of the "fixed charges of the government." Both he and J.E. Bradshaw, Conservative member for Prince Albert, claimed that the omission of money bills from its provisions made the Direct Legislation Bill of very little value.

The Premier's reply was that the measure embodied "the vital principle" of direct legislation and that

even if it is not the whole loaf with butter and honey yet it must be esteemed a very substantial slice when we remember that such legislation is not in operation anywhere else in the British Empire nor in any country under the monarchial form of Government.

He advanced the opinion that it was wise

to cultivate the principle in Saskatchewan by giving the people the practice of it in respect of a class of subjects, which hold the least danger of the use of it operating to hamper and upset the accustomed convenient processes of Government in a way to breed distrust in the radical scheme at the outset ... .

The Attorney General, in defending the bill in the house, mentioned the danger of leaving the estimates in abeyance for the three months required

96 Leader, Jan. 6, 1913.
97 Province, Jan. 6, 1913.
98 Scott to Farmer, Jan. 31, 1913, Scott papers, p. 32831.
99 Loc. cit.
for a referendum and felt that the province should not attempt to go too far all at once with the new system. He added a palliative note, however:

I do not see why, after a certain time has gone by, and precedents have been established, the Bill could not very well be altered to take in a great many features which it would be unwise to include at the outset. I think the House and the Country will see the wisdom of restricting the scope of the Bill somewhat for the present.\(^{100}\)

That the Government had become highly dubious about the whole system of direct legislation was evident. A few days after the introduction of the bill the Premier confessed:

We have found upon coming to close quarters with the question that to bring into force the principles of the referendum and the initiative under the British Constitution is by no means a simple matter. Our position is very different from that of Switzerland or that of any of the States of the American Union \ldots\; under our system \ldots\; if a public measure meets defeat in the Legislature it means the defeat of the Government. Now suppose a Bill of this class which is introduced by the Government and carried by a majority in the Legislature meets defeat when voted upon by the people in a referendum. If the Cabinet is not obliged to resign, what becomes of Cabinet responsibility? On the other hand, if the Cabinet is obliged to resign, the fact will be that in practically every referendum the main question will be the maintenance or defeat of the Government and every referendum will be a purely political election just as much as is a general election. At present many of us believe that if the Reciprocity question had been submitted to the people in a referendum it would have been carried with a tremendous majority but if the fate of a Government depended upon the result of such referendum the same reasons would prevail for the defeat of Reciprocity as did prevail in the elections ending September 21st, 1911.\(^{101}\)

The Attorney General, too, referred to the problem of the extent to which Cabinet responsibility should obtain under the proposed system. He explained that partisan feeling, which direct legislation was designed to minimize, would be intensified if the Cabinet were held "answerable to the electorate for every one of their measures which might meet defeat at the hands of the people" and yet it "would be equally injudicious to say that

\[^{100}\text{Leader, Jan. 6, 1913.}\]

\[^{101}\text{Scott to Woolford, Dec. 19, 1912, Scott papers, p. 32827.}\]
the cabinet should in no cases be answerable to the electorate for its measures." A satisfactory new middle course of cabinet responsibility could only be arrived at through the establishment of precedents in actual experience with the new system.  

The ambiguousness of the Government's position was obvious in the speeches of the Attorney General in speaking on the measure. In explaining the bill before it received second reading, Turgeon described it as the "first of its kind ever introduced in any British legislature." The British constitution was, however, "the most elastic in the world, and could readily accommodate itself to the application of direct legislation in Saskatchewan." The referendum, the Attorney General asserted, "had been freely discussed in England, but the initiative had never before been very seriously considered as a practical issue in the empire." He explained that the adoption of this "constitutional reform" meant that "the Legislature would adopt a code of procedure to govern its actions. The measure could not be made absolutely binding, of course, except by enactment of the Imperial Parliament. In time, it might acquire this compelling force."  

Although referring briefly to the constitutional difficulty involving the position of the Cabinet, Turgeon pointed to the advantages of a system of direct legislation:

It permitted of the laws being made and approved by the people themselves. The constitution had, in its practice, been leading directly to direct legislation. The present practice was for the making of laws by the people's delegates. The measure before the House merely went one step further. It provided for the people making the laws them-

---

102 Leader, Jan. 6, 1913.
103 Leader, Dec. 18, 1912.
selves. Legislature and government had been getting closer to the people all the time. The Government's Bill would bring them together now.

The Attorney General concluded his remarks at that time by stating that this "most important constitutional change" should not come into force "until it had been approved by a referendum of the people."104

The Government's increasingly cautious attitude towards the innovation became more obvious on January 9, 1913, the day on which the Direct Legislation Bill was reported from committee. On that date a new piece of legislation was introduced, Bill No. 75, "An Act to submit to the Electors the Question of the Adoption of the Direct Legislation Act." In order for the earlier measure to be adopted it must receive the affirmative vote of at least 30% of the total number of qualified electors voting in a referendum on the Direct Legislation Act to be held, on a date to be determined, in the year 1913.105

The Guide commented editorially that it "would require an organization with tremendous financial backing to secure the 30% affirmative vote in a special election upon this bill."106 The Direct Legislation League, too, objected that the 30% figure was almost a prohibitive requirement, especially in view of the fact that with all the resources at its command the Liberal Government in the 1912 election had obtained in its favour less than 33% of the possible votes,107 and referred to the "injustice of count-

104 Loc. cit.
105 Statutes of Saskatchewan, 1912-13, cap. 3.
107 Farmer to Scott, Jan. 15, 1913, Scott papers, p. 32830.
ing indifferent, absent and dead non-voters as all against the bill."\textsuperscript{108} In reply Scott pointed out the advisability, which he claimed the league organizer had privately acknowledged, of obtaining a substantial number of favourable votes "before enforcing so radical a change in our system of Government."\textsuperscript{109} He asserted that through his own intervention the assembly had been persuaded to reduce the requisite vote from 35\% to 30\%. Personally he was willing to recommend that they accept 25\% or even lower, as sufficient, if a well-distributed vote of that size was secured at the time of the referendum. The premier declined to reply to the league's request that, at least 60 days prior to the voting, the Government mail to each voter a publicity pamphlet containing a copy of the act, official arguments in favour of the measure by its advocates and also the opposing arguments, together with a copy of the official ballot and notice of the date of the referendum.\textsuperscript{110}

Having already scheduled a large number of educational meetings on the subject of direct legislation for late January and early February, and having urged women seeking the franchise to give their support to the movement, the league now had to decide whether to expend their efforts in an attempt to secure ratification of an act which they considered far from satisfactory, or to withhold their support and continue to strive for the measure they desired. It was not until their annual meeting in Regina on June 17, 1913, that the league decided to accept the existing act as a step in the right direction and as a recognition of the principle of direct legis-

\textsuperscript{108} Farmer to Scott, Feb. 8, 1913, Scott papers, p. 32840.
\textsuperscript{109} Scott to Farmer, Jan. 31, 1913, Scott papers, 32831.
\textsuperscript{110} Farmer to Scott, Feb. 8, 1913, Scott papers, p. 32840.
lation and to organize a province-wide campaign to secure the requisite support for the act. A resolution was passed appealing to "both political parties, and to all such organizations pledged to support direct legislation to rally to the support of the act . . . . and thus ensure as large a vote as possible", and asking for the "loyal support of the public press throughout Saskatchewan to do what it can to assist the people to procure this measure of Democratic legislation."111

The league asked the SGGA, a number of whose members were also members of the league, for a grant to assist in their work, but the request was not met. Although the grain growers at their annual meeting for three consecutive years had endorsed the principle of direct legislation their support for this reform was not undivided, a number of the organized farmers placing greater hope of improving their economic position through the establishment of a third party,112 or through a system of proportional representation.113 However, after considerable discussion at the annual convention of 1913 the Direct Legislation Act was unanimously endorsed subject to the préviso that the Premier publicly announce his acceptance of two conditions: one, that the Government agree to make the act operative if it received a simple majority of affirmative votes, and, two, if, in the opinion of the Attorney General, it would be possible to amend the act, once it came into force, by means of the initiative.114 The secretary-

111 Province, June 18, 1913.

112 A resolution proposing the formation of a third political party, representing agriculture and labour, was heatedly debated at the 1913 SGGA annual convention before it was lost. SGGA convention proceedings, 1913.

113 A Saskatchewan Proportional Representation League was formed in April, 1912.

114 SGGA convention proceedings, 1913, pp. 28-29.
treasurer of the SGCA, Fred W. Green, although he claimed not to be opposed to direct legislation but only "uncertain" about it,\textsuperscript{115} had on a number of occasions indicated his antagonism towards the proposed reform,\textsuperscript{116} and in October, 1913, he dissented from a resolution of the association's executive members and district directors, which endorsed direct legislation and urged members "to take into earnest consideration" the act which was to be voted on.\textsuperscript{117}

Although there were other proposed reforms preferred by some Saskatchewan farmers it would appear, from the proceedings of the grain growers' annual conventions and the letters to the editor of the \textit{Guide}, that relatively few farmers were opposed to direct legislation. Of those Saskatchewan readers who responded to a \textit{Guide} referendum conducted in December, 1912, on eight topics of current interest, 1,969 indicated that they were in favour of having the initiative, referendum, and right of recall enacted at the provincial level, with 30 respondents replying in the negative.\textsuperscript{118}

The various grain growers' associations were called upon by the Direct Legislation League to give their financial support and to work through local committees for the purpose of securing a large affirmative vote on November 27, the date set for the referendum. The league also called upon all ministerial associations, trades and labour councils,

\textsuperscript{115} \textit{Guide}, Sept. 3, 1913, p. 12.

\textsuperscript{116} See \textit{Guide}, Nov. 22, 1911, p. 20; May 15, 1912, p. 20; May 22, 1912, p. 12; Oct. 8, 1913, p. 13. Green feared that the votes of urban dwellers and transient labourers would dominate the farmers' vote.

\textsuperscript{117} \textit{Guide}, Oct. 29, 1913, p. 11.

\textsuperscript{118} \textit{Guide}, Feb. 12, 1913, p. 7. In September, 1913, there were 15,000 \textit{Guide} subscribers in Saskatchewan; \textit{Guide}, Sept. 3, 1913, p. 12.
social and moral reform leagues, and other interested organizations to arouse the voters to endorse the act. It distributed pamphlets explaining the merits of direct legislation and countering the objections which had been raised against it, the principal one of which it termed "Mistrust of the People."  

The date of the poll, having been made known at the beginning of October, was officially proclaimed on November 1st, and during the first three weeks in November weekly advertisements were placed in every newspaper in the province, directing the attention of the voters to the polling date and announcing that copies of the Direct Legislation Act and the Referendum Act were available upon request from the Clerk of the Executive Council. Copies of the two acts were sent to elected civic officials and other key persons throughout the province.

Apart from the rather perfunctory carrying out of these necessary tasks the government held itself aloof from the whole matter, as did the opposition, giving no indication of being either for or against the measure. Some of the government supporters, rather at a loss as to what stand they should take, asked for direction. The Premier assured them that no political significance was attached to the vote. Privately he was a little more revealing about the attitude he suggested should be taken.

119 Guide, Nov. 5, 1913, p. 6; Nov. 12, 1913, p. 9.
120 Guide, Aug. 6, 1913, p. 3.
121 See Executive Council files no. 511 and no. 512, A.S.
122 O.C. 1190/13.
123 Printed letter from J.W. McLeod to all Saskatchewan newspapers, Oct. 28, 1913, Executive Council file no. 565.
124 Scott to Ross, Oct. 29, 1913, Scott papers, p. 32849.
on the referendum.

My view [he wrote to an active Liberal in Moose Jaw] is that nothing ought to be done by the Liberal party which would give any one a chance to say that the party did not support the Direct Legislation principle. The labour element as well as the average man who considers himself independently minded as regards public affairs and a close student of public affairs, -- and who by the way has information at hand which is very often merely superficial, -- are warm advocates of Direct Legislation and I think it would be detrimental to the interests of the Liberal party if these people obtained the idea that the Liberal party had not stood by the legislation which we framed last winter . . .

At the same time the more I have been compelled to become acquainted with the whole question . . . the more honestly dubious I have become as to the effects likely to be produced in relation to the public welfare. My inmost conviction is that it will be far better for the Province if the principle is not sufficiently sustained at the polls to bring our Direct Legislation Act into force.

You will, of course, understand how necessary it is that the expression of opinion which I am giving you herein shall be kept as entirely confidential between ourselves. In making use of the opinion with others I think it would be better to let no one know that I have expressed it but merely to let it be understood as being the opinion come to by the leaders amongst our Moose Jaw party friends themselves.125

The silence of his colleagues was broken by the independent-minded new addition to the Cabinet, the Honourable George Langley, Minister of Municipal Affairs, who the previous year had been a member of a committee representing the grain growers' organization which had called on the Premier to ask for the enactment of a direct legislation measure.126 In a speech to the Metropolitan Methodist brotherhood in Regina he issued a strong appeal to his audience to work to secure the passage of the act irrespective of party sentiment. Speaking glowingly of this "latest scheme of democracy"

125 Scott to Hitchcock, Nov. 15, 1913, private and strictly confidential, Scott papers, P. 32850.

126 J.E. Paynter to Musselman, July 12, 1920, SGGA papers 1915-26, A.S. The other two members of the committee were C.A. Dunning and J.E. Paynter.
he predicted that if the measure were endorsed by the electors "such progress will be made that within a short time there will not be one single question on which the people will not have the opportunity of voting." 127

There was considerable enthusiasm for direct legislation amongst sections of the Regina citizenry although a number of groups, such as the licensed victuallers, were said to be opposed. 128 Among those attending an organizational meeting held to plan a campaign to secure wide public support for the act were J.E. Paynter, Walter McInnis, Dr. W.W. Andrews, Professors Dobson and Doxsee, and J.S. Woodsworth. 129 C.B. Keenlyside of the Social and Moral Reform League, the Reverend Hugh Dobson of the Methodist Church, the Reverend E. Thomas, and Judge Hannon were among those who addressed public meetings.

The tenor of the arguments advanced in favour of the need for direct legislation was that "vexed issues" might be discussed and settled quite divorced from "party interests", 130 that the system would "educate the masses on some of the great issues of the day," help in the assimilation of the non-English speaking population and save much time and money which currently were expended in the discussion of controversial issues. 131 Temperance advocates contended that since the majority of the people seemed to be in favour of prohibition the solution of the liquor problem

127 Province, Nov. 17, 1913.

128 Statement by Walter McInnis, Leader, Nov. 6, 1913.

129 Loc. cit. Woodsworth expressed some concern that direct legislation "might put too much power into the hands of the uneducated people."

130 Province, Nov. 10, 1913.

131 Leader, Nov. 10, 1913.
could be brought about through direct legislation. A mass meeting received reassurance from the Reverend Ernest Thomas that the parliamen-
tary form of government would not suffer:

One of the first things... about Direct Legislation is that it will not break down our present form of government. It allows the party system to keep in close touch with the administration of our laws, while giving the people larger powers in making them... This measure is very conservative and constructive, because it does not weaken responsible government.

A heavy vote in Regina was predicted by the Leader, which came out strongly in favour of direct legislation and urged its readers to endorse the act at the polls. The Conservative Regina Standard also supported the Direct Legislation Act, pointing out that its ratification would make it possible for the voters to obtain laws bearing on such matters as the hours for selling liquor, daylight saving time, and child labour. The tendency of the rest of the Conservative press to be opposed to the measure was forcibly exemplified by the Daily Province of Regina and the Moose Jaw Morning News. The former paper claimed that the act had been emasculated by the omission of the recall and of money bills and that it was a snare to beguile the public, since it conceded to the people only the semblance of power. Similarly, the latter described the legislation as "a fake measure" and a sham, a bitter disappointment to the advo-

132 Leader, Nov. 6, 1913.
133 Leader, Nov. 24, 1913.
134 Leader, Nov. 6, 1913. On the other hand, the Clerk of the Execu-
tive Council stated that "owing to the lack of interest which is being taken in the vote here, only one Deputy will be appointed for each poll." McLeod to Fraser, Oct. 29, 1913, Executive Council file 538.
135 Standard, Nov. 7, 1913.
136 Province, Nov. 7, 1913.
cates of direct legislation since it denied to the people control over
public expenditures; moreover, the 30 per cent. requirement was a denial
of the principle of majority rule. For these reasons the News was confi-
dent that the "serious-minded electorate will not pay attention to it."137

The Saskatoon Phoenix and the Moose Jaw Evening Times, both
Liberal, remained unenthusiastic about the proposed reform although the
Phoenix defended the holding of the referendum and the Evening Times up-
held the Government measure against the criticisms of the Direct Legisla-
tion League that it did not go far enough.138 The Guide continued its ar-
dent championship of direct legislation and during the six-week period from
the announcement of the date of the voting until the time of the referendum
it intensified its propaganda, each issue devoting considerable space to
explaining, both editorially and in special articles, the merits and the
anticipated beneficial effects of the use of the initiative and referendum
and exhorting its readers to cast a decisive affirmative vote.

Despite the efforts of the Direct Legislation League, with its
limited funds, the Guide, and other supporters to engender widespread
interest and support throughout the province, outside Regina a general
apathy persisted. The cause of the initiative and referendum was not
helped by an adverse opinion as to the constitutionality of the Direct
Legislation Act, which was carried in the provincial press less than ten
days before the holding of the referendum.139 In a Minute to Council
dated October 14, 1913, the Minister of Justice, the Honourable Charles J.

137 Jan. 7, 1913, and Nov. 3, 1913.
139 For example, the Standard, Nov. 18 and 19, 1913; Leader, Nov. 19,
1913.
Doherty, had expressed the following view:

While it may be competent to the legislature in the execution of its power to amend the constitution of the province to alter the constitution of the legislature, it is not in the opinion of the undersigned, doubtful that there must be a legislature for the province capable of exercising the legislative powers conferred by the Saskatchewan Act, and that the exercise of the legislative powers to conferred cannot be limited or controlled by Act of the present or of any succeeding legislature.

The present statute is apparently intended to operate partly as an interpretation Act and partly as imposing duties or disabilities upon the legislature. In the latter aspect the undersigned apprehends that the Act has no adequate sanction, but any question which may arise with regard to it may perhaps be properly left to the judgment of the courts.140

In the province-wide voting which took place on November 27, at a cost of approximately $60,000, 26,696 or 16.52% of the 161,561 persons on the voters' list cast an affirmative vote, each constituency having a favourable majority for the Act. There were 4,897 negative votes cast and 540 spoiled ballots. In Regina City, 953 votes were polled from a list of 6,431, and in Saskatoon City 624 out of a possible 5,243 votes were cast.141

The supporters of direct legislation, who hailed the majority of more than five to one as a heavy endorsement of the act, were harshly critical of the Government's role in the taking of the special vote. They claimed that the six weeks' notice of the date of the polling was insufficient for the information to reach all voters and for the holding of meetings to rally the requisite support. The lack of Government publicity for the act, they charged, was responsible for many farmers not understanding direct legislation and not knowing where their polling station was, and for the voters generally being insufficiently aroused to vote on the measure.

The Government's apathy was attributed to a desire that the act not be ratified.

Typical of the strictures which the Government met was that from the Ohlem branch of the grain growers' association. The resolution criticized the Government for referring the said act to the people at a very inopportune time when it was impossible to get the news of the said vote to all the people before polling day, and impossible for those interested to hold meetings in support of the act without great sacrifice at such a busy season, and also at a time when the Legislature was in session and no meetings could be held by our members, and as no other question was involved or the election of any candidates, all party heelers of either party remained as mum as oysters in the deep blue sea on the question thus looking as if the fact of this reform being placed in the platform of the 2 parties was simply there for the purpose of catching votes. 142 Despite these conditions, and the further handicap that a large number of voters had been disfranchised because of the incorrect voters' lists, 143 a large majority in favour of the act had been polled and the Government was called upon by the Direct Legislation League and a large number of local grain growers' associations to fulfil its pre-election pledge, which had contained no stipulation that the promised direct legislation measure must be submitted to the electors, and put the act into effect. If it were not made operative immediately it should be voted on again at the time of the next provincial, or municipal, election, a large majority being sufficient to make it law.

Scott blandly denied that the Government had withheld its support from the Direct Legislation Act or had been remiss in any respect. He main-

142 Scott papers, p. 32878.

143 The Scott Government was at this time considering the advisability of abolishing the closed voters' list system (Scott to Truscott, Dec. 23, 1913, Scott papers, p. 32864) and returning to the open system which still obtained in Athabasca and Cumberland. These latter two constituencies were excluded from the referendum on the Direct Legislation Act.
tained that with regard to the recent vote the Government had followed exactly the same procedure it employed in connection with advertising the date of a general election. The fact that a referendum was to be held had been known since January and the notice of more than six weeks as to the exact date of the voting was a longer period than often existed in the case of an election. He noted that many newspapers with wide circulation in the province, in addition to the Guide, had devoted considerable space to the referendum. The Premier conceded that in order to obtain a larger vote it probably would have been preferable to have held the poll on the same day as the municipal elections; on the other hand, by taking the vote apart from all other questions one was able to obtain an exact measure of the interest a particular matter commanded.144

To requests that the act be proclaimed despite the small size of the aggregate vote, Scott replied that in his view

the notable lack of interest taken in the matter as disclosed by the poll goes to show that the people of this Province are not sufficiently advanced to have the laws of the Province made under the plan of Direct Legislation.145

The Premier did not see how it could be successfully argued that "... such a small minority of the people as came out to vote on 27th November should be held sufficient to bring into force such a radical principle in our constitution as is involved in Direct Legislation."146 Under the circumstances, the members of the Legislature were unanimously opposed to making the act operative, according to Scott.147 Legislation to repeal

144 Scott to Pensom, Dec. 15, 1913, Scott papers, p. 32858.
145 Scott to Retvedt, Dec. 16, 1913, Scott papers, p. 32854.
146 Scott to Pensom, Dec. 15, 1913, Scott papers, p. 32858.
147 Loc. cit.
the Direct Legislation Act was introduced on December 12 and passed one week later.\textsuperscript{148}

The Direct Legislation League continued to press for the adoption of the initiative and referendum although, due to a shortage of funds, it was obliged to suspend the active work of enlisting support for its cause. The annual convention of the SGGA in February, 1914, voted unanimously for a resolution again declaring itself "in favour of the principles of Direct Legislation by the initiative, the referendum, and the recall" and called upon the provincial Government to pass this law, or again submit the question to a Referendum of the voters at the next provincial election, as we believe a large majority of the electors are in favour of this reform and that a majority vote be sufficient to bring it into force.\textsuperscript{149}

The \textit{Guide}, too, did not cease its advocacy of direct legislation. In a further poll of its subscribers, on the question "Are you in favour of having the Initiative, Referendum and the Right of Recall placed upon the statute books of your own province, in such a form as to give the people complete control over all legislation and legislators?", the response of readers in Saskatchewan was:\textsuperscript{150}

\begin{center}
\begin{tabular}{ccc}
Women: & Yes: - 1,239 & No - 8 \\
Men : & Yes - 1,977 & No - 18 \\
\end{tabular}
\end{center}

When replying to a delegation which presented a petition from 10,000 women asking for equal suffrage, Premier Scott remarked that "public opinion could make itself evident in other ways than by a referendum."\textsuperscript{151}

\begin{flushright}
\textsuperscript{148} Journals of Saskatchewan, 1913, pp. 136-37. \\
\textsuperscript{149} SGGA convention report, 1914, pp. 29-30. \\
\textsuperscript{150} Guide, Feb. 11, 1914, p. 5. \\
\textsuperscript{151} Guide, June 2, 1915, p. 5.
\end{flushright}
The Guide's comment was that

this is no doubt true, but it is also unquestionably true that public opinion can be ascertained much more quickly and with much more certainty by means of a referendum than in any other way. Everything points to the absolute necessity from a democratic standpoint of the passage of a Direct Legislation bill in Saskatchewan. Then the legislature will be able definitely to ascertain the will of the people in a direct and unmistakable manner, and no charge of autocratic action can be laid against the government. If Direct Legislation is placed on the Saskatchewan statute books, woman suffrage and the government's temperance measure can be made subject to its provisions, and then the voters can decide for themselves whether they desire these reforms or not. 152

Despite the continued agitation from various quarters, and the fact that in 1917 the platform of the Conservative party contained a direct legislation plank, the Liberal Government of Saskatchewan took no further steps to place a direct legislation measure upon the statute books. By 1920, according to the Leader, the publicly voiced demand for direct legislation had grown much weaker, allegedly because the people of Saskatchewan had learned through experience that they were able to exercise effective control over their government by means of the recommendations made at their "very representative annual conventions", which the government always received very sympathetically. 153 The people enjoyed "all the advantages of direct legislation in actual practice although no legal or constitutional provision is made for it, without suffering from such disadvantages as may be found in the actual operation of a hard and fast direct legislation law." 154 In addition, such "vital and controversial issues like prohibition" were referred to the electors for decision. 155

CHAPTER III

REFERENDUM ON THE LIQUOR STORES SYSTEM

The disposition of the liquor\(^1\) traffic was the subject of the second popular vote held in Saskatchewan. In this experience the province was certainly not alone. From early colonial days the control of this traffic was a contentious issue which posed difficult problems for colonial and, later, federal, provincial and territorial governments in Canada. These governments were faced with the delicate task of providing legislation acceptable to electorates, the opinions of which have over the years ranged from favouring complete freedom of importation, manufacture and sale to total prohibition of the same, with varying intermediate degrees of control between these two extremes. To meet the divergent and changeable demands the various governments have at different times enacted legislation providing for numerous types of licensed retail liquor outlets, regulated hours of sale, local option for municipalities, intraprovincial prohibition, restricted sale and government sale of liquor. Because the effective enforcement of regulatory liquor laws requires that a large majority of the public support the enactments, both federal and provincial governments have on a number of occasions, when faced with demands for new legislation, sought to gauge public opinion by means of a plebiscitary vote before legislating on the liquor question, or have sought popular ratification of a new liquor law through the medium of a referendum vote before such an act was proclaimed.

The first prohibitory law in the British North American Colonies

\(^1\) The word "liquor" is used here to denote all types of alcoholic beverages, including beer and wine, unless otherwise stated.
was an edict issued in 1657 by Louis XIV prohibiting the sale of liquor to Indians. Because of the profit to be gained from the use of brandy in the fur trade with the Indians this edict was defied, and in 1666 the prohibitory policy concerning the Indians was abandoned. The use of liquor continued unhampered, except for minor regulations designed to control the traffic and produce revenue, until the passage by the Imperial Parliament in 1774 of the Quebec Revenue Act, which inaugurated a license system for the retail sale of liquor in the colonies of British North America. From that date until the time of Confederation, the principal changes in the system were the establishment of a local option for the counties, cities, towns, townships, and villages of Quebec and Ontario and the prohibition of furnishing spirituous liquors to the Indians.

Attempts to regulate the consumption of liquor by non-Indians, and of the sale of liquor to them, grew out of a change in the attitude of some settlers towards alcoholic beverages. In the isolated and rigorous conditions of early pioneer life in colonial Canada, the habitual use of alcohol was both customary and socially acceptable. One pioneer recalled that

There were more distilleries than grist mills in the country and more taverns than schools. Whiskey was considered almost as indispensable

---


3 Even Bishop Laval's threat of excommunication in 1860, added to the penalty of fines, failed to prevent the continued use of liquor in trade with the Indians. See Spence, loc. cit.

4 27-28 Victoria, cap. 18; known as the Dunkin Act.

5 In the province of Quebec in 1777 and in Upper Canada in 1840. See Spence, op. cit., p. 28.
as flour... In many families whiskey was served to each member of the family in the morning. It was considered to be a precaution against colds and to enable one to do hardy work.6

Prior to elections, candidates employed the "treating" practice in an attempt to secure votes; on such occasions liquor flowed freely, often with resultant drunkenness ending in fights and, sometimes, death.

Reaction against uncontrolled imbibing, with its adverse effects upon health, ability to work, and financial situation, manifested itself in the growth of temperance societies. Having first appeared in the United States, these societies spread to Canada in the 1820s. At first they consisted of small groups of individuals, formed for mutual encouragement, who pledged themselves voluntarily to abstain from the use of spirituous liquors, excluding wine, ale and beer.7 The temperance societies multiplied in the Maritimes and Upper and Lower Canada, and in 1835 a monthly periodical, the Canada Temperance Advocate, was launched by the Montreal Temperance Society.

Gradually the emphasis was transformed from advocacy of moderation in drinking, with abstinence only from hard liquor, to total abstinence. The Sons of Temperance and other fraternal temperance societies were formed in the middle of the nineteenth century to foster a teetotal movement as well as to provide mutual support and assistance for their members. They embarked upon a campaign of so-called public "education" by which they attempted to convert the public to their way of thinking. In

1852 the Sons of Temperance adopted a resolution affirming "the desirability of entirely suppressing the manufacture and traffic in intoxicating liquors" and committed themselves to "the legal extermination of the traffic." This transition from the realm of persuasion of the individual to an attempt to secure state action compelling total abstinence on a nation-wide, or at least a province-wide, scale was a change in emphasis and in goals that occurred amongst temperance societies generally, although there were many persons who, while they personally abstained and were generally in favour of moderation or complete abstinence, did not support the extreme course of general abstinence through compulsion.

It was the more extreme and vociferous temperance advocates, the prohibitionists, who made themselves heard in the community and exerted pressure on governments to enact more restrictive legislation. The Executive Committee of the Canadian Prohibitory Law League, a body which had been formed for the purpose of securing the enactment of a prohibitory liquor law in Canada, declared in 1853 that it was "the duty of civil governments to suppress the existence of all evils which endanger and injure the well-being of society," and issued a manifesto calling upon its members to select men to represent them in Parliament who would support the enactment of a prohibitory law. The first legislation to prohibit the importation, manufacture and sale of liquor was that enacted in New Brunswick in 1855, but soon repealed because of its unpopularity. No other provincial government passed prohibitory legislation in the colonial period.

Following Confederation the temperance organizations, which were

---

8 Ibid., p. 48.
9 Ibid., p. 89.
steadily increasing in number, turned to the federal Government and Parliament in their efforts to obtain prohibition. Since the prohibitionists were dissatisfied with the Dunkin Act, in that it applied only to municipalities in Ontario and Quebec, and because they considered that the machinery for its enforcement was inadequate, they undertook to deluge the Parliament at Ottawa with petitions requesting the enactment of a law of total prohibition. In 1873 these petitions were referred to a select committee of the House of Commons and a similar committee in the Senate. The reports of both these committees referred to the early enactment of a prohibitory law as being desirable.¹⁰

The following year the petitions, which arrived in even greater numbers, were again referred to a select committee in each House. Both committees recommended that further information be obtained as to the operation of prohibitory laws in the United States.¹¹ A Royal Commission was appointed to obtain these facts but in reporting their findings in 1875 the Commissioners made no specific recommendations. That year a select committee of the Senate concluded that the time had arrived for the Government to enact a prohibitory law; alternatively if the Government was not satisfied as to the state of public opinion, the matter should be submitted to the voters for a decision.¹² The House of Commons in committee passed a resolution the same year in favour of the principle of prohibition.¹³

Faced with a lack of legislative response on the part of the

¹⁰ Canadian House of Commons Journals, 1873, Vol. 6, appx. no. 3; Canadian Senate Journals, 1873, pp. 266-67.
federal government, the organized temperance groups increased their attempts to secure a prohibitory law and at the same time, also, to engage a greater measure of public support.14 In February, 1876, delegates from all the provinces met in Montreal for the purpose of forming a united front to promote prohibitory legislation. The Dominion Alliance for the Total Suppression of the Liquor Traffic was organized, and an executive body constituted to direct the work of all the various temperance groups in seeking implementation of the following resolution:

That in order that a prohibitory law when passed may have the sympathy and support so indispensably necessary to its success, it is the opinion of this convention that the Dominion Parliament should be urged to enact such a law, subject to ratification by popular vote.15

In receiving a deputation from the Dominion Alliance, Prime Minister Alexander Mackenzie expressed doubt as to the constitutionality of the proposed procedure of popular ratification, and thought that public opinion would not at that time support prohibition, but mentioned the possibility of a direct vote on the prohibition question being taken at the time of the next general election.16

Two years later the Government followed a more usual course when the Canada Temperance Act was introduced in 1878.17 The Government took the initiative in framing legislation and yet recognized the variety of opinions held on the temperance issue by leaving the people to decide for themselves whether the act was to apply locally. Introduced in the Senate

---

14 After examining the petitions requesting a prohibitory law, the Select Committee of the Senate in 1875 estimated that approximately 500,000 persons in Canada were in favour of such legislation. Can. Senate Journals, 1875, pp. 185-86.

15 Spence, op. cit., p. 116.

16 Ibid., p. 117.

17 41 Victoria, cap. 16.
by Secretary of State R.W. Scott, and commonly known as the Scott Act, the measure was chiefly an extension of the Dunkin Act of 1864, and provided a system of local option to cities and counties in all the provinces. Under its terms, a petition of 25% of the qualified federal electors required that a plebiscitary vote be taken on the question of applying the provisions of the act to that municipality. In the event of a favourable majority the district would become a prohibition area in which no intoxicating liquor could be sold, apart from certain exceptions designed to assist home industries. Whatever the result of the poll, another vote could not be held for three years, and a federal order-in-council establishing local prohibition could not be revoked until three years had elapsed. The validity of this law was upheld but when the federal Government, five years later, sought to establish a license system covering hotels, saloons, and shops, the offending legislation, the Liquor License Act of 1883, was declared ultra vires by the Privy Council.

Although the temperance societies welcomed the new legislation, they regarded local option merely as a step towards their goal of prohibition towards which they continued to strive, attempting to influence the public by means of pamphlets, speeches, sermons, and temperance plays. Although largely-signed petitions were presented to Parliament, no action by the Government was forthcoming. All private bills and resolutions introduced in the House were either defeated or amended to the effect that prohibitory legislation should be enacted when the country was ripe for it.

Thwarted by these rebuffs in Parliament and by numerous repeals of

---

18 Russell v. The Queen 7 A.C. 829 (1882).
19 Dominion Liquor License Acts, 1883-84, 4 Cart. 342, note 2, (1885).
the Scott Act, the Dominion Alliance held a convention in Montreal in 1888 to plan a more concerted drive to achieve political action. It was decided that only those candidates who were publicly avowed prohibitionists were to be supported at elections and if neither party's candidate supported their cause the temperance societies were to secure the nomination of a candidate pledged to their goal. A plebiscite on the temperance question was condemned as a delaying tactic on the part of government.20 This programme received the endorsement of the General Assembly of the Presbyterian Church in 1888 and of the Methodist Church in General Conference two years later. The Dominion Alliance and their church supporters did not hesitate to make legislation on the liquor traffic a prominent political issue, overriding all partisan considerations, and among the prohibition forces was a splinter group which went to the extreme course of advocating the formation of a new political party, the central plank in the platform of which was to be its prohibition policy.21

By 1891 the federal Government was in a position where it could not easily ignore the vocal and aggressive temperance groups, and yet it was unwilling to legislate further on the liquor traffic. The resolution framed by the Dominion Alliance Council and introduced in the House by Joseph Jamieson, Q.C., read: "That, in the opinion of this House, the time has arrived when it is expedient to prohibit the manufacture, importation and sale of intoxicating liquors for beverage purposes."22 In support of this resolution and of the petitions sent to the House, a temperance delegation representing various religious and temperance groups, including the

21 Ibid., pp. 141-44.
Women's Christian Temperance Union which had been formed on a national basis in 1883, waited on the Government. The result of this persistent and highly organized pressure resulted in the appointment in 1892 of a Royal Commission to make a thorough investigation of the effects which the enactment of a prohibitory law would have on social conditions and business interests in Canada and on government revenue.23

After travelling across Canada and visiting nine of the American states the five-man Commission, chaired by Sir Joseph Hickson, presented its report in April of 1895.24 The majority report condemned prohibition and recommended instead certain reforms in the methods of controlling the liquor traffic, including a reduction in the number of licenses, higher license fees, and the registration of and imposition of a special tax upon all those engaged in the liquor business; the establishment of reformatories for the intemperate drinker was also advocated. The minority report, signed by the Reverend Joseph McLeod, recommended the immediate "enactment and thorough enforcement of a law prohibiting the manufacture, importation and sale of intoxicating liquors ... in and into the Dominion of Canada."25 None of these recommendations was implemented by the federal Government.

While the Commission was sitting the temperance societies had directed their attention once again to the provincial governments. Despite their expressed aversion in 1888 to the holding of a plebiscite, they now took the view that a popular expression of opinion at the provincial level in favour of prohibition would furnish additional ammunition in the fight to secure

23 Canada Gazette, Mar. 23, 1892.
24 Canadian Sessional Paper No. 21, 1895.
25 C.S.P. No. 21, p. 691.
federal action, as well as influence the provinces to enact the maximum measure of restriction which it was in their power to legislate. The demands of the Manitoba Prohibitory League for a plebiscite were met in 1892 when a large majority voted in favour of prohibition. Affirmative majorities were also obtained in plebiscites held in 1893 in Prince Edward Island and Ontario, and in Nova Scotia in 1894. In each instance the vote was interpreted by the provincial Government merely as an expression of opinion, with no obligation for subsequent legislative action.

Armed with these expressions of popular sentiment, the prohibitionists shifted gear once more on to the federal plane. In the dominion election of 1896 the temperance groups actively supported many Liberal candidates on the strength of a resolution passed at the Liberal convention of 1893, affirming the desirability of a Dominion plebiscite on the issue of prohibition.26 The newly elected Liberal Government held the promised plebiscite in 1898 with a vote on the question: "Are you in favour of passing an Act prohibiting the importation, manufacture, or sale of spirits, wine, ales, cider, and all other alcoholic liquors for use as a beverage?"27

The result was a favourable majority in all the provinces, except Quebec, and in the North-West Territories, although there were only 543,058 valid votes cast from the 1,233,849 names on the electoral lists. In the provisional district of Assiniboia the affirmative votes totalled 3,919, the negative votes 1,166, giving an affirmative majority of 2,753. In the provisional district of Saskatchewan there were 611 affirmative answers, 327 negative replies, and thus an affirmative majority of 284.28

26 Spence, op. cit., p.
27 Canada Gazette, Sept. 3, 1898, p. 418.
only 44% of the Canadian electors had voted and the majority in favour of prohibition amounted only to 13,916, the Prime Minister declined to take legislative action. As he explained to the Dominion Alliance: "The expression of public opinion at the polls in favour of prohibition did not justify the introduction by the Government of a prohibitory measure."29

While this agitation for prohibitory legislation was taking place in the six provinces to the east, the North-West Territories had already experimented with a modified form of prohibition. Federal legislation in 186830 and 186931 imposed penalties on persons supplying liquor to the Indians, and in 1873 the importation of spiritous liquors into the Territories, and their manufacture therein, was prohibited unless special permission was first obtained from the Lieutenant-Governor.32 In 1874 wines and fermented and compounded liquors were added to the list of prohibited beverages,33 and in the following year the powers of the Lieutenant-Governor were enlarged when he was empowered to grant licenses to inns and places of refreshment.34

Through the incorporation of these permissive features which enabled the chief executive officer of the Territories to exercise discretionary and absolute powers in the granting of special permits for the importation and manufacture of spirits and in the licensing of premises,

29 Laurier to J.S. Spence, Mar. 4, 1899, quoted in Spence, op.cit. p. 248.
31 32-33 Vict., cap. 6, sec. 3.
32 36 Vict., cap. 39, sec. 1 (2).
33 37 Vict., cap. 7, sec. 2 (2).
34 38 Vict., cap. 49, sec. 7.
the prohibitory law was transformed, in effect, into a limited license law. The North-west Mounted Police force, which had been established in 1873 and moved into the Territories in October, 1874, was given extensive powers to enforce the laws relating to the liquor traffic including, in 1879, the right of domiciliary search without a warrant.35

This hybrid mixture of prohibition, permit and license was designed to give protection to the Indians and at the same time to meet the wishes of the white population which, in the early 1870s, was small in number. In earlier years liquor had been used as barter for buffalo hides, to the detriment of the Indians. According to evidence given before the Royal Commission appointed by the federal government in 1892 to look into the liquor traffic in Canada, the system worked satisfactorily until the early 1880s and enabled the territory to be settled peaceably. One witness explained the situation prior to 1873:

before the permit system came into force there was free trade in liquor in the country. The Indians came around the forts, stayed for a time, and got what liquor they could, and then went to the hunting grounds. There was free sale among white people. When the Hudson Bay Company stopped the sale in 1865, it was still supplied by traders. Men peddled liquor between Prince Albert and York Factory.36

As a result of a large influx of settlers after 1880, there was mounting dissatisfaction with the existing system of liquor control. New immigrants, accustomed to easy access to liquor in their previous homes in Europe, the United States or Eastern Canada, resented the restrictions in the Territories and demanded a license system. In 1883, after a select committee had examined a petition requesting permission to manufacture and

35 Al Vic., cap. 36.

36 Evidence given by Thomas McKay of Prince Albert, a member of the Legislative Assembly and a native of the Territories. C.S.P. No. 21, 1895, p. 186.
sell beer and ale, the Legislative Council recommended that the federal Government be asked to empower the Lieutenant-Governor to grant licenses for such manufacture and sale.\(^37\) A resolution passed by the Council in 1884, for transmission to the federal Government, asked that beer and light wines might be removed from the list of prohibited spirits and that beer might be manufactured in the Territories under federal regulations.\(^38\) Although the Lieutenant-Governor, the Honourable Edgar Dewdney, supported this request, Ottawa did not oblige. A motion that the issuance of permits cease found only two supporting votes in the Council in 1886,\(^40\) and again in 1887.\(^41\)

An eight-man special committee appointed by the Council in 1887 to report on the existing liquor law noted the presence of a large illicit traffic in liquor and concluded that the law had failed both as a temperance and a prohibitory measure; it recommended that the Territorial Council be given powers similar to those enjoyed by the provinces to deal with the liquor question and that the Canada Temperance Act be extended to apply to the Territories.\(^42\) The Council endorsed these recommendations which were transmitted to the federal Government. At its first session in 1888 the Legislative Assembly, having been informed by its legal experts that it lacked the power to hold a plebiscite on the liquor problem, by a

---

\(^37\) Journals of the Council of the North-West Territories, 1883, pp. 63-64.

\(^38\) C.S.P. No. 21, 1895, p. 180.


\(^40\) Journals of Council, N.W.T., 1886, pp. 62-63.

\(^41\) Ibid., 1887, pp. 68-69.

\(^42\) Ibid., p. 68.
vote of 13 to 7 passed a resolution asking the federal Government to hold an early vote on the question of license versus prohibition or, failing a plebiscite, immediately to bestow upon the Assembly powers comparable to those possessed by the provinces in connection with the control of the liquor traffic.\footnote{Journals of Assembly, N.W.T., 1888, pp. 86-88.}

During this period the position of the Governor was an invidious one owing to the division of opinion in the country. The liquor law was interpreted by some as having been intended to establish in the Territories a system of total prohibition, subject to certain exceptions; by others it was regarded as setting up a license system with certain prohibitive features intended to apply to and protect the Indians.

Dewdney, who became Lieutenant-Governor in 1882, and the Honourable Joseph Royal, who followed him in 1888, by force of circumstances issued permits on a more generous scale than had been done in earlier years. Those who became exercised about the evils of drinking of course resented this practice whereas the white settlers who were unable to obtain permits resorted to illegal devices. Liquor, often of poor quality, was smuggled into the Territories in a variety of ingenious ways and certain poisonous substitutes were imbibed. Commencing in 1885, the annual reports of the North-West Mounted Police remarked yearly on the force's inability to enforce the liquor law owing to the opposition of the bulk of the people. Transgressions were screened and not only did the public fail to cooperate with the police but they subjected the law-enforcers to personal abuse for attempting to perform their duties.

When Dewdney was asked to restrict the granting of permits to medicinal purposes only, he replied that such a practice would serve merely
to increase the smuggling and illegal distilling. Royal shared this viewpoint. Observing that the Lieutenant-Governor was not circumscribed in his power to grant exemptions to the law by issuing permits, Royal chose to use his discretionary authority to increase greatly the number of permits granted. He also proposed to issue permits for the importing and selling of beer, a course that had been repeatedly recommended by the North-West Mounted Police as likely to result in a decrease in the illicit importation of stronger spirits of poor quality. The announced intention of the Lieutenant-Governor met with immediate opposition from the advocates of prohibition, and there was vigorous discussion of the whole matter in the press. A meeting of temperance supporters from various parts of the Territories met in Regina to protest this new approach by Royal, and he was urged to postpone action until a plebiscite could be taken. The Lieutenant-Governor disregarded the request and beer was imported and sold.

By 1889 the problem of administering the liquor law had become critical. Hotel-keepers who possessed permits to sell beer containing 4% alcohol kept also hard liquor, borrowing permits from friends to cover the unauthorized stock. With unrestricted transfer of permits, little control could be exercised by the police. One police superintendent reported in 1890:

The general state of prohibition is as unsatisfactory as ever, both to the general public and ourselves, who are supposed to enforce the provisions of the statute on the subject. Saloons are plentiful, and the business of selling liquor is a profitable one, and instead of

45 C.S.P. no. 21, 1895, p.192.
46 Ibid., p. 188.
decreasing, the illicit traffic is increasing.47 Although there was a general consensus amongst the white population that the liquor law was unpopular and ineffective and ought to be changed, there was disagreement as to the direction which the change should take. The majority of white settlers resented being treated differently from their neighbours and wanted the same opportunity as the residents in the provinces to decide for themselves how they wished to handle the question.

In 1891 the federal Government finally acquiesced in the wishes of the North-West Territories for autonomy in the matter and transferred to the Legislative Assembly the power to deal with intoxicating liquors within those areas included in the provisional electoral districts. In preparation for the general election to be held on October 31, 1891, under the new constitution granted to the Territories, the Ontario Alliance sent their secretary, F.S. Spence, in September, to assist in bringing the prohibition question to the fore during the campaign. Spence held meetings in many centres throughout the Territories and an attempt was made to enlist the cooperation of temperance societies and churches. Permanent prohibition organizations were formed in some places and a large quantity of literature was circulated, emanating both from Ontario and from local sources.

Unsuccessful in fielding a candidate pledged to a prohibitory policy, the anti-liquor people were obliged to support any candidate who pronounced himself in favour of a high license policy. They held several meetings and presented the Lieutenant-Governor with a memorial asking for a plebiscite, hoping by this means to garner the support for their cause.

47 C.S.P. No. 21., 1895, p.193.
which had not been evident among the members of the Council and Assembly, The liquor question was widely discussed during the campaign.\footnote{L.H. Thomas, op. cit., p. 202.}

The new Assembly acted quickly to appoint a committee to frame a license bill, defeating by a vote of 15 to 9 a proposal that no legislative action be taken until a plebiscite had been held.\footnote{Journals of Assembly, N.W.T., 1891-92, pp. 23-24.} The Liquor License Ordinance of 1891-92, which provided for a rigid system of license with provision for prohibition on a local option basis, came into force on May 1, 1892.\footnote{Ordinance No. 18 of 1891-92.} Under its terms the Territories were divided into license districts and the licensing body, the Board of License Commissioners, was empowered to grant hotel and wholesale licenses to approved applicants in the various districts. If, on the petition of one-fifth of the electors in the district, a poll was held, no license would be granted if three-fifths of the electors voted against such issuance.

Thus ended an eighteen-year experiment with a modified form of prohibition of which E.A. Forget, then Assistant Indian Commissioner and later Lieutenant-Governor, reported to the Royal Commission: "My own experience has led me to believe that there was as much drinking done in the Territories and Manitoba when under permit as in Quebec and Ontario under license."\footnote{C.S.P. No. 21, 1895, pp. 195-96.} The prohibitionists, who had hoped for an expression of popular sentiment favourable to their cause, continued to insist that a plebiscite should have been taken. In addressing themselves to this question in their investigations, the Commissioners concluded that "the Legis-
lative Assembly of the Territories fully and fairly represented the public sentiment when it enacted this law."\textsuperscript{52} North-West Mounted Police reports indicated that under the Liquor License Ordinance there was less drunkenness amongst the white and Indian populations, and less crime, than under the prohibition-permit system\textsuperscript{53} and there appears to have been general satisfaction with the new law.

No major change in the law regulating the liquor traffic was made until 1908. The first Premier of Saskatchewan, the Honourable Walter Scott, made known his personal position concerning alcoholic beverages within two months of taking office:

I authorize you to say in my behalf that while I am not a pledged abstainer I do not use intoxicating liquor in any form, and do not drink liquor in bars in lawful hours much less in prohibited hours.\textsuperscript{54}

An indication of the public policy which he might be expected to follow with regard to the temperance question was also revealed soon after he took office, when he wrote:

Upon this matter I hold pretty strong opinions personally, and I cannot say that I look with favour upon the licensing system at all. I should very much like to bring about the adoption of a system which would eradicate the bar. I shall, however, have to remember now the matter of cabinet responsibility, and abstain from giving loose expressions to opinions upon public questions without first having consulted my colleagues. You may depend upon it nevertheless, that my endeavour shall be so far as can be done by legislation and administration to minimise the evils of the drink traffic.\textsuperscript{55}

Throughout his term of office, from September 5, 1905, until his

\textsuperscript{52} Ibid., p. 186.
\textsuperscript{53} Ibid., pp. 202-05.
\textsuperscript{54} Scott to Blyth, Oct. 25, 1905, Scott papers, p. 48129.
\textsuperscript{55} Scott to Sissons, Sept. 12, 1905, Scott papers, p. 48127.
resignation due to ill-health in October, 1916, Premier Scott was subjected to almost continuous pressure from organized groups determined on securing progressively greater curtailment and, as their final goal, the abolition of the entire liquor traffic in the province. Countervailing pressure came from other organized groups: the licensed victuallers, the brewers, and the wine merchants, all of whom had a financial interest in the trade. Those individuals of genuinely moderate views, who disliked excessive drinking and drank only in moderation, or not at all, but held the view that the consumption of alcohol was a personal matter which should be left to individual preference, were for the most part not organized and therefore did not exert appreciable political influence.

No time was wasted by those groups who were inclined to see themselves as God's instruments upon earth, with the duty of bringing about a better world; men were prone to evil and must be saved from themselves. In January, 1906, following a meeting of temperance and moral reform groups, a temperance delegation met the Cabinet and requested stricter enforcement of the Liquor License Ordinance and also a number of amendments to the law, including shorter bar hours, the leaving of local option to the municipalities instead of to license districts, and a decision by majority vote instead of the existing two-thirds rule. The spokesman, the

56 According to the General Secretary of the Department of Temperance and Moral Reform of the Methodist Church, the meeting was to be composed of "delegates appointed by the Diocesan Synod of Saskatchewan, and the Executive Committee of the Synod of Qu'Appelle, representing the Anglican church; a Committee appointed by the Synod of Manitoba and the North West, representing the Presbyterian Church; a Committee representing the Baptist Convention; the Standing Committee on Temperance and Moral Reform of the Methodist Church; also Committees appointed by the Royal Templars of Temperance and the Woman's [sic] Christian Temperance Union. Possibly representatives of other moral forces will be convened." S.D. Chown, D.D., to Scott, Dec. 19, 1905, Scott papers, p. 48133.
Reverend M.M. Bennett of Saskatoon, pointed out that the meeting had been convinced that "nothing short of total prohibition could be permanently satisfactory" but they realized that "at the present time such a step would not be feasible." In his reply the Premier pointed out that the matter had not been before the voters in the provincial election held on December 13, 1905, and that the Government had not yet considered it in detail, but he indicated that "some lessening of the present evils of the drink traffic" might be brought about through stricter attention being paid to "the matter of administration".

Pressure on the Government for more stringent liquor regulations persisted, directed not only at the Premier but also at his Commissioner of Agriculture, the Honourable W.R. Motherwell, who was known to be a total abstainer and opposed to the entire liquor traffic and who, it was hoped, would use his influence with the Premier. Amendments to the Liquor License Ordinance enacted in 1907, which increased the number of license inspectors and raised the license fees, did not satisfy the temperance forces. A resolution passed by the Convention of the Saskatchewan Provincial Union of Christian Endeavour, held at Indian Head in May, 1907, and reaffirmed at the convention held the following year, was indicative of their reaction. It stated:

That all licensing of the liquor traffic is a compromise with wrong and that all the associated evils gambling and the brothel are each along with the liquor traffic a crime against society and cannot be licensed directly or indirectly without sin.

57 Prince Albert Advocate, Jan. 23, 1906, Turgeon papers, 19 (c) Newspaper:Clippings, 1905-11.

58 Scott to Chown, Feb. 9, 1906, Scott papers, p. 48137.

59 Statutes of Saskatchewan, 1906, cap. 31.
This group hoped for nation-wide prohibition of the manufacture and sale of intoxicating liquor as a beverage and believed it "the duty of every Christian voter to demand prohibition by his ballot whenever possible, irrespective of party ties or prejudice."60

In the spring of 1908 there were intensified efforts to obtain from the Government a more stringent liquor law. On May 13, 1908, the Social and Moral Reform Council of Saskatchewan, which had been formed on December 13, 1907, and represented the various groups in the province which favoured further restrictive legislation,61 presented to the Government a petition requesting a number of additional amendments to the Liquor License Ordinance. The principal changes asked for by the council were the granting to municipalities of the right to veto the liquor traffic within their borders on a straight majority vote, the abolition of bar-rooms, with the accompanying treating system, throughout the province, and the abolition of the right of sale of liquor in all clubs; liquor should be sold only in sealed packages for consumption at home.62

Dozens of letters from individual citizens and Protestant clergymen, and petitions and letters from scattered lay groups, were received by the

60 Lamont to Scott, Feb. 14, 1908, Scott papers, p. 48152.

61 By May, 1908, the council was representative of the following organizations: Church of England in Canada (Dioceses of Saskatchewan and Qu'Appelle), Methodist Church of Canada (Saskatchewan Conference), Presbyterian Church of Canada (Synod of Saskatchewan), Saskatchewan branch of the Baptist Convention, Royal Templars of Temperance, Trades and Labour Council of Saskatchewan, Women's Christian Temperance Union, and other bodies. Knight to Turgeon, Turgeon papers, 15 (c) Liquor laws, 1908. (Note: The letterhead of the Council in 1908 showed the name to be Moral and Social Reform Council; by 1909 the letterhead showed the name to be the Social and Moral Reform Council, and so it remained.)

62 Knight to Turgeon, May 13, 1908, Turgeon papers, Liquor Laws 1908.
Premier and the Attorney General in support of the amendments sought by the Social and Moral Reform Council. In urging the Government to introduce the requested temperance legislation the council president, the Right Reverend J.A. Newnham, Anglican Archbishop of the Diocese of Saskatchewan, condemned the existing feeble laws as constituting a menace to the future of the province and a great hindrance to the promotion of religion. Using a political argument, he wrote to the Premier:

As a voter, I declare to you that the feeling is so strong and persistent in favour of stricter laws, that if the selfish arguments and threats of the rum-sellers prevail upon your government, then your downfall is sure and certain.  

In addition to the numerous representations demanding the ending of the treating evil through the closing of all bar-rooms and local option by a simple majority vote, the Government received, on May 29, 1908, a counter-petition bearing 16,873 signatures which had been circulated by the Licensed Victuallers' Association, asking that no change be made in the liquor law and pointing out the various business interests which would be adversely affected by the proposed restrictions.

A minor amendment to the Liquor License Ordinance had been passed early in the session, but on May 4 the Premier indicated that the Government was considering a "measure which will materially improve the existing law and at the same time not go so far in advance of public opinion throughout the Province as to create the danger of a reaction." This further

63 Newnham to Turgeon, May 1, 1908, Turgeon papers, 15(c) Liquor laws, 1908.

64 Peterson to Motherwell, May 29, 1908, Motherwell papers, Liquor 1906-13.

65 Statutes of Saskatchewan, 1908, cap. 28.

66 Scott to Foulds, May 4, 1908, Scott papers, p. 48161.
legislation, introduced on June 3, gave local option privileges to the existing municipalities. Through the submission of a by-law to the voters no oftener than once every two years, cities, towns, and rural municipalities would have the right to determine, by majority vote, whether or not they would have licenses. The bill also shortened the hours for selling liquor, closed the bars on public holidays, and abolished club licenses, but did not take the further step of eliminating bars.

The new measure was not carried without difficulty. Representatives of the Licensed Victuallers' Association were on hand throughout the session, talking to the members, whereas the temperance advocates were conspicuously absent, although telegrams were received that the bill was unanimously endorsed by the Saskatchewan Conference of the Methodist Church and by the General Assembly of the Presbyterian Church meeting in Winnipeg. Scott expressed regret at the refusal, on grounds of principle, of the Social and Moral Reform Council to lobby on behalf of the bill:

The Saskatchewan Government's restrictive liquor legislation ran the gauntlet of the Assembly without mishap . . . but if it hadn't, Temperance advocates would have been liable to serious complaint on the part of the Saskatchewan Government for their failure to take any active steps to counteract the influence which, during the whole course of the sessions was being brought to bear by the opposite

---

67 The Attorney General explained that the local option provision contained in the Liquor License Ordinance of 1891-92 had remained inoperative because of the large size of the license districts as local option units. Leader, June 8, 1908. (Implementation of the new act was delayed until after completion of the municipal organization of the province under the Rural Municipalities Act of 1909.)

68 The Liquor License Act, Statutes of Saskatchewan, 1908, cap. 14.

69 The latter endorsement was solicited by Motherwell. See Motherwell to Henry, private and confidential, Motherwell papers, Liquor 1906-13.

70 Scott to Knight, June 6, 1908, Scott papers, pp. 48244-45.
interest. In other words, . . . the Members of the Government were left almost entirely unaided in the matter of convincing the Members of the House by personal discussion of the advisability of the restrictive provisions which were contemplated while on the other hand the Licensed Victuallers Association had representatives here from the beginning of the session in personal and daily contact with the members.

Practical matters have to be dealt with in a practical way and sometimes it becomes necessary to fight fire with fire if evil is not to triumph. All I wish to suggest is that I think the path of our Government in relation to our liquor legislation at the recent session might have been considerably easier if the temperance advocates and organizations had shown the same practical interest in the legislative proposals as was exhibited by the Licensed Victuallers Association. Of course, letters and resolutions and sermons have their effect in creating public opinion but when bodies have come to close grips with problems of this kind, individual contact and effective personal argument count for a great deal more.\footnote{71}

At the second provincial election held on August 14, 1908, the Liberal Government was returned to office, but Scott was unable to discern any tangible gratitude from the temperance people in the way of support at the polls. He commented on the liquor situation as a political realist:

I do not regret what we did. I am more than ever convinced that we did the necessary thing at the right time, and that some time, if not this year, we should have suffered by refusal to act. But while such is my view I am free to admit as a result of this recent and especially intimate personal experience that the political party which depends on the so-called temperance people for support is sitting on a very shaky stool. I have so far without success been trying to discover any benefit which our temperance legislation won for us in the way of temperance votes.\footnote{72}

Prohibitionist Motherwell, who had promised to do all he could "to curtail this terrible traffic that is a standing menace to the moral and temporal development of our young province,"\footnote{73} expressed his own disenchantment after the election:

the attitude of the rank and file of the temperance people at the last

\footnote{71} \textit{Loc. cit.} \footnote{72} Scott to Neely, Private, Sept. 15, 1908, Scott papers, p. 48268. \footnote{73} Motherwell to McConnell, May 2, 1908, Motherwell papers, Liquor 1906-13.
election leave me with very little to say on behalf of temperance legislation until public sentiment is prepared to manifest itself in a more practical way than it has ever yet done on any former opportunity. This is the practical side of the whole question, which public men, however regrettably, simply have to face.74

The liquor question remained a touchy subject politically over the next few years. Although the Royal Templars of Saskatchewan and Alberta, in a Grand Council meeting in February, 1909, pronounced their satisfaction with the local option law in Saskatchewan, a deputation from the Social and Moral Reform Council presented to the Government a resolution protesting against certain minor amendments to the Liquor License Act which were introduced in January, 1909.75 The Opposition took advantage of the situation and termed the bill a "retrograde step", claiming that the Government had committed a breach of faith with the temperance bodies. They also implied that there had been a private understanding between the liquor interests and the Government in the summer of 1908 to the effect that "after the election was over their wishes would be met." The Premier denied emphatically that there had been any understanding whatever with the liquor interests prior to the election. He insisted that local option was the essential feature of the Liquor License Act and that this provision remained absolutely unaltered; the amendments were merely adjustments or corrections of oversights of the previous year. The Opposition offered no amendments and the bill passed almost unanimously.76

At their provincial convention in 1909 the Social and Moral Reform

74 Motherwell to Magee, private and confidential, Jan. 12, 1909, Scott papers, pp. 48279-80.

75 Statutes of Saskatchewan, 1909, cap. 38.

76 Leader, Jan. 12, 13, and 15, 1909.
Council decided to press on to the next stage in the process of achieving provincial prohibition, and they hoped that this end might be furthered by having the teaching of hygiene and temperance made compulsory in the schools. A resolution passed by the convention read in part: "While not accepting Local Option as the final solution of the evils of the liquor traffic, this council recognizes its great value, and endorses the campaign to abolish the bar from Saskatchewan by means of Local Option." 77

A delegation to the Government from the meeting asked that the privilege of local option voting be extended to local improvement districts and that the law be more effectively enforced through the establishment of a secret service system of plain-clothes investigators. Both of these requests were duly incorporated into legislation. 78 Much criticism was focussed, however, on the administration of the Liquor License Act, coming even from such papers as the Leader and the Moose Jaw Times, both of which normally supported the Liberal Government, to the great distress of the Premier. 79

In the local option contests held at the time of the municipal elections on December 12, 1910, following a vigorous temperance campaign throughout the province during the summer months, of the 73 districts voting 38 elected to close their bar-rooms. Moose Jaw was the only city to go “dry”. 80 Clearly, the rural districts were more disposed to dispense with bars than were the urban centres.

At the two-day convention of the Social and Moral Reform Council held in Regina in January of 1911 lengthy discussion took place concerning

77 Leader, Dec. 3, 1909.

78 Statutes of Saskatchewan, 1909, cap. 38.


what further action should be urged on the Government. Although all
speakers saw the total banishment of the liquor traffic as the desired
goal, some cautioned that the Government could not be expected to take its
life in its hands, that no Government would give more than it dare give,
and that there was no point in asking for something they would not get.
One delegate lamented that "the only thing you can make the premier under-
stand is ballots." 81  A motion put forward by W.E. Cox of the Regina
Trades and Labour Council, to the effect that the association should ask
the Government for a referendum on the subject of prohibition, was lost. 82

When the Premier met the delegation from the convention he ex-
pressed surprise at their request for prohibition and reminded them of the
"tacit understanding" in 1908 between the Government and Legislature
and temperance people that local option should be given a fair trial before
"any radical change in principle" was requested. Claiming that local
option had not been given a fair trial, Scott stated his inability to
share the delegation's contention that provincial prohibition would at
this time be acceptable to the electorate. Regarding the suggestion that
the Government go to the country on the single issue of prohibition, the
Premier replied:

My belief is that it would be impossible under our conditions to make
it an issue in the manner suggested. We placed the local option law
on our statute books in 1908 immediately preceding the general elec-
tion. It was an important measure and one that the liquor forces
looked at with a great deal of suspicion. They were exceedingly
disturbed and agitated. Within two months we went to the country.
Was local option the issue in that election? . . . . [Almost no
voters were] brought to our support by the local option law, but

81 The Reverend Oliver Darwin, Superintendent of Missions for the
Methodist Church in Saskatchewan, quoted in the Province, Jan. 27, 1911.
82 Leader, January 26, 1911.
I can point to many who were taken away from us by it and I am afraid that if it were desirable that the government should place upon the statute books provincial prohibition, we will find a similar result. 83

Having pointed out to the delegation the need for the sympathy and co-operation of the municipal authorities in the enforcement of the liquor law, in place of the antagonism noted during the past year, the Premier concluded the interview in his usual conciliatory manner:

Apart from all political consequences this Government is determined to enact measures for the better conditions of the particular affairs in which you are interested in this province to as great an extent, keeping in mind your representations and just as rapidly as public opinion and sentiment will support. 84

Less than a week later, on February 1, 1911, the Government received a delegation of over 400 representatives of the Licensed Victuallers' Association, suggesting that 33 1/3% of the electoral names be required on any local option petition, that the interval between local option votes be extended to five years and that the bar hours be lengthened. Scott's response was to ask the help of the association in the enforcement of the law in the areas with local prohibition, and he added the telling argument that if there was failure to administer the law strictly the demands for province-wide prohibition would become more insistent. The Premier agreed, however, that it would be reasonable, and also better for the "neutral public", to extend the interval between local option votes in the city. 85

The 1911 amendments to the Liquor License Act provided for appeals to the provincial Supreme Court as to the validity of a local option by-law, prohibited the drinking in local option districts of any liquor outside private houses, and

83 Leader, January 27, 1911.
84 Loc. cit.
85 Leader, February 2, 1911.
lengthened the period between votes on by-laws from two to three years. This last change met with the approval of both the liquor interests and the temperance organizations. Early in 1911 the Government also set up a secret service system in the hopes of obtaining a stricter enforcement of the liquor law.

During the ensuing months provincial bodies and local branches of temperance and Protestant church organizations, as well as individuals, bombarded the Government with resolutions and letters requesting more restrictive legislation, to be rigidly enforced, and the imposition of stiffer penalties for violations of the law. At the Methodist Conference held in June 1911, C.B. Keenleyside, provincial secretary of the Social and Moral Reform Council, made a stinging attack against both the liquor law and the performance of the judiciary and the Board of License Commissioners in relation thereto. In his view the "problem" would never be solved until it was "carried into politics".

The liquor men are in politics [he declared] and we must be there. Our forces should endeavour to have both candidates pledged to support provincial prohibition in every constituency . . . . If neither candidate will pledge himself then a man in favour of that policy must be put in the field . . . . even the Premier has taunted us that we do not vote according to our principles, but the fact is that in no political election in Saskatchewan has there been a moral issue. Such an issue should be provided at the next Provincial election, but on the question of provincial prohibition . . . .

Keenleyside threatened to resign from the executive if the Social and

86 Statutes of Saskatchewan, 1910-11, cap. 36.
87 Motherwell to Oliver, Feb. 17, 1912, Motherwell papers, Liquor 1906-13.
88 This action had been requested by the Social and Moral Reform Council in December, 1909, and provided for in the 1909 amendments to the Liquor License Act. Supra, p. 89.
89 Leader, June 12, 1911.
Moral Reform Council insisted on future local option campaigns, because of the present unsatisfactory state of the law. He referred to bogus "wet" votes which had been cast, usually by "foreign" elements, and to the success of the liquor interests in having local option by-laws quashed in the courts on a technicality.

Throughout 1912 and 1913 the temperance forces continued their agitation to secure a stricter enforcement of the liquor law, and further changes in the law, whereas the licensed victuallers countered by opposing the further hampering of their business by the imposition of additional restrictions. In Regina, on November 23, 1913, at a prohibition convention called together by the Social and Moral Reform Council, a Banish-the-Bar movement was launched. Many Catholic priests and Protestant clergymen were in attendance and the meeting was addressed by Roman Catholic Bishop E. Mathieu of Regina and by F.S. Spence, president of the Dominion Alliance. Two days later a delegation from the Council waited upon the Premier and the Attorney General, asking for legislation which would abolish the bar throughout the province and eliminate liquor licenses for clubs; local option should be retained as a means of dealing with wholesale liquor stores, and municipal councils be empowered to operate hotels in order to provide accommodation for the travelling public. The Council wanted the proposed measure, after its passage in the Assembly, to be submitted to the voters and to come into force automatically upon receiving a majority of the votes cast.

90 Instead of forming a separate organization for this work, it was decided that the Social and Moral Reform Council would be entrusted with the responsibility. A special committee of 80 members, including 10 representatives of the Women's Christian Temperance Union, was selected, to be known as the "Banish-the-Bar" committee. Spence, op. cit., p. 430.
The liquor traffic had already been the subject of some discussion in the Legislature following the introduction on November 11 of a measure amending the Liquor License Act; this was mainly a consolidation of earlier legislation on the liquor traffic. In moving the address in reply to the speech from the throne the Liberal member for Francis, W. G. Robinson, stated that although he supported all the other features of Government policy he thought that its liquor legislation was not restrictive enough. He looked forward to the day "when public opinion will demand that every liquor license in the province be cut out entirely, that the bar in connection with every hotel be removed, and the traffic effectively stopped." When J. E. Bradshaw, Conservative member for Prince Albert, for the second consecutive year brought up, on December 9, the matter of extending the franchise to women on equal terms with men, it was argued by F.C. Tate, Conservative member for Lumsden, who seconded the motion, that the women's vote would be effective in abolishing such social evils as the liquor traffic.

The guiding principle behind the regulations governing the operation of bars at that time was that they should be as bleak and unattractive as possible and fully exposed to view from the street. By forbidding all forms of recreation and the serving of food it was ensured that bar customers could do nothing but drink. A fresh approach to the subject of public drinking was suggested by the Liberal member for Rosthern, Gerhard Ens, during discussion of minor amendments to the Liquor License Act in committee on November 28. Feeling that the people were not ready for prohibition, Ens proposed the elimination of the bar, to

91 Province, November 11, 1913.
92 Ibid., December 10, 1913.
which he attributed all the evils of excessive drinking, and the establishment of the European cafe system. By the licensing of cafes attached to hotels, he argued, the temptation to treat would be removed and there would be an end to the disgraceful scenes of drunkenness.\footnote{Ibid., November 29, 1913.} The Government now had two proposals before it: one from the Social and Moral Reform Council to abolish the sale of liquor by the glass and one from Ens to substitute the cafe system for the bar. Commenting that "evidently this institution of the bar is making strong enemies for itself in this province", the Attorney General promised an opportunity for full discussion of the matter in Committee of the Whole House.\footnote{Leader, November 29, 1913.}

Opposition to both of these proposals was expressed by a deputation from the Licensed Victuallers' Association which waited upon the Government on December 11. The hotelmen argued that, in accordance with the amendments to the Liquor License Act passed in 1912, hotel owners had gone to considerable expense in improving their buildings and equipment and should now be left unmolested. They further claimed that the recent local option contests\footnote{These were the first local option contests fought in three years, because of the temperance workers' dissatisfaction with the law. In six of the 13 districts voting the temperance forces were successful.} had shown that the people of Saskatchewan favoured a license system and that, apart from the Social and Moral Reform Council, no group in the province had indicated any strong desire for the abolition of the bar; farmers, commercial travellers and the majority of businessmen were content with present conditions.

The response of the Government to such strong and conflicting pressures was contained in an announcement on December 12 that a bill to
abolish the bar would be submitted to the voters at the time of the
municipal elections in December, 1914. Based largely on a draft
submitted by the Reverend G. E. Lloyd, Principal of Emmanuel College at
Saskatoon, and the legal committee of the Social and Moral Reform
Council, the promised measure was introduced by the Premier on Monday,
December 15, along with a companion bill "respecting the Submission
to the Electors of the Question of the Adoption of the Abolition of the
Bar Act." When the latter bill was first presented to the Assembly the
size of the affirmative vote required, in addition to a majority of
the votes cast, before the measure could come into force on July 1, 1915,
was left blank. That evening, at a meeting with a committee of the
Social and Moral Reform League, Scott proposed a figure of 50,000, which
was approximately 2,000 more votes than his party had polled at the 1912
provincial elections. Terming this excessively high, the committee
appealed to have the figure reduced to 30,000; under this condition they
would agree to a stipulation that they poll a 10% larger vote than the
advocates of the retention of the bar. Although he pointed out that
such a radical change in the system governing the liquor traffic, which
the Government would have the responsibility of administering, required
the support of a substantial body of public opinion, the Premier never-

96 Province, December 12, 1913.

97 On the evening of December 10 the Premier sent a message to
Principal Lloyd asking him to go to Regina the next day, bringing with
him the draft copy of the bill upon which Lloyd had been working for
several weeks and which embodied the recommendations of the Social and

98 Journals of Saskatchewan, 1914, p. 141.
theless indicated that he was prepared to consider a minimum favourable majority of 40,000 as acceptable, with a straight majority vote sufficient. A further meeting was held with the committee on the evening of December 18.

On the last day of the session, December 19, the two bills were withdrawn by the Premier who stated that in 1912 the total number of voters on the list was 150,000, and he estimated that by December, 1914, the number of eligible voters would have increased to 180,000; thus 50,000 or less than a 30% vote was not an excessive requirement. He told the House that even when he had offered a figure of 40,000 as a compromise the temperance delegates had been lukewarm in their reception, showing no indication of working wholeheartedly for the ratification of the measure.

The only significant change in the liquor law to pass at this time was an amendment introduced, at the request of J.O. Nolin, Liberal member for Athabasca, late in the session, vesting in the Lieutenant-Governor-in-Council the power to proclaim, at its discretion, a state of prohibition in any portion of the northern part of the province, comprising the constituencies of Cumberland and Athabasca. The temperance people expressed some surprise at the withdrawal of the twin bills although a

99 Leader, Dec. 16, 1913.

100 Leader, Dec. 20, 1913. In February, 1916, a Conservative member, J.E. Bradshaw, claimed that some of the Liberal members had been bribed to effect the withdrawal of the Abolition of the Bar bill. Journals of Saskatchewan, 1916, p. 69. The Premier emphatically denied there had been any such influence on the Cabinet. Leader, Feb. 19, 1916. The charges were subsequently investigated by a Royal Commission. Infra, p. 118.

101 Statutes of Saskatchewan, 1913, cap. 64, sec. 157.
number had been in doubt as to whether they would receive the support of
the Legislature. In general the dropping of the bills was accepted
merely as a temporary set-back, and a fresh resolution was made to con-
tinue to fight for the abolition of the bar. In the words of C.B. Keenley-
side: "If the legislation is not passed this year or next year, it will be
at some future time, for the bar must go, and it will go."103

Sentiment in favour of the elimination of the bar grew during 1914,
with both church and lay groups advocating its outright abolition, or,
-failing that, a referendum on the question. The Social and Moral Reform
Council pressed for a plebiscite to be held in July. Resolutions for the
abolition of the bar were passed in the early months of the year by the
Grand Orange Lodge of Saskatchewan, the Saskatchewan Grain Growers'
Association, and the Union of Rural Municipalities. In March the First
Baptist Church in Saskatoon asked the Government for a referendum on the
abolition of the bar, and in June Government action to remedy the deplorable
conditions of the hotel system was requested by the Provincial Methodist
Conference and the Anglican Synods of the dioceses of Qu'Appelle and Sas-
katchewan. On Sunday, June 14, a sermon on prohibition was given from
almost every pulpit in Regina. In August a convention of local advocates
of the elimination of the bar met in Saskatoon.

With the outbreak of war, to largely moral arguments were added
economic considerations. It was contended by the prohibitionists that in
a time of crisis the country could not afford to waste its resources in
the saloon; the word "unpatriotic" was associated with the liquor traffic.

102 Leader, Dec. 20, 1913.
103 Loc. cit.
On November 3, the Premier received a delegation from the Committee of One Hundred of the Banish the Bar Crusade asking for the suspension of all retail liquor licenses in the province until the termination of the war. The Conservative leader, W.B. Willoughby, K.C., stated on December 1 that bars should be closed at six p.m. and that, in connection with the war effort, the Government would be justified in taking even more far-reaching steps.

At the Banish the Bar convention held in Regina on December 8 and 9 Principal Lloyd, who was re-elected president, was critical of the Government's inaction. "We have not got one single thing from them," he opined. The convention decided that a test for candidates would be established for the next provincial election, whereby each candidate would be asked to sign a pledge that, if elected, he would press for the passing of legislation to banish the bar throughout the province, such measure to be submitted for the approval of the electorate. Although total provincial prohibition remained the ultimate goal of this organization, a motion that the main plank in its platform be changed from "banish the bar" to total prohibition to the extent of provincial powers was withdrawn and the following substituted:

Believing that considerable progress has been made in educating the people in favour of the Banish the Bar movement, during the past year, and believing it unwise to change our policy at this time, we recommend to the Convention that the work be vigorously continued.

---

104 The committee consisted of leaders of the temperance movement in the various communities throughout the province.


until we attain our object, and also that we recommend that the Government be again urged to further limit the hours during which the bars may remain open.\textsuperscript{108}

The Social and Moral Reform Council ended the year by asking once more that the hours of sale in bar-rooms be shortened and also that no new licenses be granted until the end of the war. They requested further that at the next session of the Legislature an enabling act be introduced providing for the submission of the question of banishing the bar to the voters at the municipal elections in December, 1915, the matter to be decided by a straight majority vote without any minimum requirement.

Under legislation passed at the ten-day special war session held in September, 1914, the Government was permitted to by-pass the Legislature in taking action to curtail the liquor traffic. The relevant section of the enabling measure was the following:

1. The Lieutenant Governor in Council may, at any time and from time to time, by proclamation published in the Saskatchewan Gazette:

   (c) Order the closing of all or any public bars or other premises wherein intoxicating liquors are sold and suspend for the time set out in the said order the license for the sale of intoxicating liquors held in respect of such bars or other premises.\textsuperscript{109}

In November a proclamation was issued placing the Cumberland and Athabasca districts in a state of absolute prohibition as to the importation or sale of liquor,\textsuperscript{110} and in January a moratorium was declared on the issuance of licenses until June 30, the end of the current license year.\textsuperscript{111}

\textsuperscript{108} Extracts from Minutes of General Convention of Banish the Bar Crusade held in Regina, Dec. 8-9, 1914, Motherwell papers, 1905-18, Liquor 1914-17.

\textsuperscript{109} An Act to confer Certain Powers upon the Lieutenant Governor in Council, Statutes of Saskatchewan, 1914, cap. 2.

\textsuperscript{110} Saskatchewan Gazette, Nov. 14, 1914, pp. 6-8. This action was taken under authority granted by sec. 157 of The Liquor License Act, 1913.

\textsuperscript{111} Canadian Annual Review, 1915, p. 665.
The Premier declined, however, to take any further steps at that time on the grounds that the closing of the bars would result in the unemployment of many hotel employees and would thus intensify rather than relieve economic distress during the winter months.112

Demands for more drastic action continued to press upon the Government. On January 24, a temperance demonstration in Regina was addressed by the Reverend S.D. Chown, general superintendent of the Methodist church, and Principal Lloyd of Emmanuel College. A month later, on February 23, Principal Lloyd stated in Saskatoon that if the Scott Government refused to meet the demands of the temperance forces it would have to be unseated.113 In his presidential address at the annual convention of the SGGA, J.A. Maharg was critical of the Government's failure to take steps to alleviate the unnecessary waste, misery and hardship caused by the "awful curse" of liquor.114 The grain growers were joined by their women's organization in advocating the abolition of the bar, and a number of the local grain growers' associations sent to the Premier resolutions urging that the Government close the bars for the duration of the war. The demand of women for equal franchise was often linked to a request for temperance legislation; as one of the Farm Women's clubs phrased it: "the suffrage is desired chiefly as a means by which women may attempt to remedy evils which touch them closely, chiefly the liquor traffic . . . .115

112 Leader, May 12, 1915.
The Premier had left the province early in February and did not return until over a month later, on March 7. The following day a Cabinet meeting was held at which, Scott later reported, "we reached a tentative conclusion in a general way" concerning the Government's future policy with regard to liquor. In Saskatoon, on March 10, the Honourable George E. Langley, Minister of Municipal Affairs, gave a "public intimation" that a change in policy was forthcoming.116 The public were taken by surprise, however, when in a speech at Oxbow on March 18 the Premier announced that, effective July 1, all hotel and club licenses were to be abolished until the end of the war, and that the wholesale liquor business was to be taken over by the Government which would establish a liquor store system in the province. In the meantime all bars were to close at seven p.m., starting April 1. The question of reopening them after the war would be decided by a majority vote in a popular poll taken at the time of the municipal elections following the restoration of peace but not earlier than December, 1916.

A government liquor store was to be established in each town or city where a wholesale liquor license currently existed. In any district where no such license was in operation the opening of a liquor store would depend upon the favourable vote of a majority of the municipal electors voting in a referendum at the time of the municipal elections. Once established by popular vote, a new liquor dispensary would have to remain in existence at least until 1919 at which time, upon petition of at least 25 per cent. of the electors who had voted at the preceding

116 This sequence of events was described by Premier Scott in the Legislature on Feb. 18, 1916 (Leader, Feb. 19, 1916) when replying to Conservative charges that certain friends of the Government had profited by a disclosure in advance of the public announcement concerning the new liquor policy.
provincial election, a province-wide vote might be held as to whether the liquor store system was to be retained. No compensation was to be granted to license holders, but it was hoped to find some means to ensure the existence of adequate hotel accommodation. With reference to the conditions stipulated for the liquor vote which had been proposed in 1913, the Premier stated:

The Government is now of the opinion that a minimum provision is not necessary as there is no doubt as to the strength of public opinion supporting the abolition of the bar. The proposal of the Government is in a sense a war measure and the taking of a plebiscite will have to wait until after the War.117

The Oxbow announcement met initially with a widespread favourable response and was acclaimed even by the leading Conservative newspapers. The secretary-treasurer of the SGGA immediately telegraphed a message to the Premier expressing, on behalf of his organization, the "keenest satisfaction" with the proposed plan.118 The executive of the Banish the Bar Crusade were delighted; as one of them confessed: "it is just a little more than we anticipated," in that the bars were to be closed without the prior sanction of a popular vote.119 While total provincial prohibition remained the ultimate goal, the government liquor store system was accepted almost unanimously by this group as a satisfactory temporary expedient. The Reverend Hugh Dobson, speaking for the Board of Evangelism and Social Service of the Methodist church, informed the Premier that, although he disliked the prospect of a government liquor store system, he felt that the interests of temperance were protected by the existence of

117 Scott papers, p. 48869.
119 Leader, June 5, 1915.
an opportunity to vote the system out at a later date.\textsuperscript{120}

During the two-month period following the statement at Oxbow the Premier received resolutions and messages of approval from many groups including local grain growers' associations, Orange Lodges, the Commercial Travellers' Association, the Pharmaceutical Association, two branches of the Trades and Labour Council and several church bodies including the Presbyterian Assembly, as well as from many private citizens. The Anglican Bishop of Saskatchewan personally communicated his own support for the plan to control the liquor traffic,\textsuperscript{121} and Principal Lloyd embarked on a tour of the province making speeches in support of the Government's proposals.

After the first burst of enthusiasm over the new policy came some rumblings of discontent, followed by outright hostility from certain quarters. Not all Liberals supported the new scheme. The St. Brieux Liberal Association considered that the abolition of bars at one sweep without ample notice or compensation was unfair and contrary to British fair play; they urged that the people be given an opportunity to express their views in a referendum.\textsuperscript{122} Prominent Liberals who opposed the dispensary system and objected that the new plan would be confiscatory and bad for business were Senator T.O. Davis, Albert Champagne, federal member for Battleford, and, most outspoken, Dr. D.B. Neely, federal member for Humboldt; a mass meeting in that centre sent its protests to the Premier.

\textsuperscript{120} Dobson to Scott, Mar. 15, 1915, Scott papers, pp. 48484-87.

\textsuperscript{121} Statement by Premier Scott in the Legislature, as reported in the \textit{Leader}, June 19, 1915.

\textsuperscript{122} Lemay to Scott, Apr. 26, 1915, Scott papers, p. 48593.
Objections from within the party were relatively few, however, the principal opposition coming from the Conservative party and from those business interests which would be adversely affected by the change in the liquor policy. The Western Wine Merchants' Association of Manitoba and Saskatchewan, pointing out that the proposed drastic legislation had not been a plank in the Liberal platform, urged that since there was no great urgency the people be consulted before such a measure became law. The Licensed Victuallers' Association also wanted a referendum held on the Government's temperance proposals and circulated a petition praying that this be done.

The Conservatives, too, demanded a popular vote. After some uncertainty, the Opposition leader stated in Moose Jaw on April 27 that he was now in a position to announce "the permanent policy of the Conservative party", which was to submit the question of total prohibition so far as the province has power to vote, to all electors entitled to vote at municipal elections . . . on a straight majority vote at the municipal election to be held first after the next general provincial election. If the referendum carry in favour of total prohibition then the Conservative party will introduce such measure of total prohibition to go into effect one year after the first of January following such municipal election.

If prohibition did not carry, then the administration of the Liquor License Act was to be placed under an independent commission.

The Conservative party [continued the leader of the Opposition] is opposed to government dispensaries either as a temporary or permanent policy . . . . the radical departure in dealing with this question is as undemocratic as undesirable. The organized temperance forces of the province never asked anything but a referendum on fair terms . . . . In a matter that touches intimately the domestic con-

---

123 Western Wine Merchants' Association of Manitoba and Saskatchewan to Scott, May 1, 1915, Motherwell papers, Liquor 1914-17.
cerns of all, it is in the interest of true temperance that whatever steps are taken should command the support of a majority of the reasonable people of the province. . . . Political corruption will arise and grow out of the dispensary and I see in it the most potent augury of political debauchery.

Willoughby chided the Government with inconsistency, with an unstatesmanlike sudden alteration of policy:

If the government lately so anxious for a minimum vote of 50,000 on the referendum, had brought down a bill at the war session last fall, for a referendum in May or June of this year we could have had plenty of time to have had the fullest discussion of the measure and a vote before the existing licenses expired, I would have gladly welcomed this course and supported it.124

Despite charges that the Government was acting in an arbitrary, dictatorial and unfair manner and that it lacked a mandate from the electorate for its new policy, the Premier adhered firmly to his chosen path as enunciated at Oxbow. In a speech at Vanguard on April 23,125 and again in the house the following month,126 he declared that his Government was prepared to stand or fall on its liquor policy. There was no wavering concerning either the dispensary system or the closing of the bars without a prior popular vote. An Order-in-Council dated April 6 appointed a Royal Commission to "inquire into and report upon the system of liquor dispensaries or shops which recently existed in South Carolina under state control."127

In one respect, however, the Premier did consider, for a time, modifying his plan somewhat. A cafe-system allowing the sale of light

125 Scott papers, pp. 48849-55.
126 Leader, May 12, 1915.
127 O.C. 630. The Commissioners appointed were the Reverend E.H. Oliver, Principal of the Presbyterian Theological College in Saskatoon, and J.F. Bois, Liberal M.L.A. for the City of Regina.
beer and wine was favoured by a number of individuals who wrote to the Premier, and was actively sought by the Western Brewers Association.\textsuperscript{128} Although Scott at first expressed himself as inclined to favour "such a scheme of action which may prove to be a satisfactory solution of the situation arising from the diametrically contrary community views possessing different nationalities in the Province,"\textsuperscript{129} he later concluded that "the political success of our policy would be seriously endangered by such a variation from the Oxbow statement as is involved in the wine and beer license proposal."\textsuperscript{130} "In a sense I burned our boats at Oxbow"; the Premier confessed, and thus the Government was unable now to "back down and allow light wines and beers in hotels without losing the confidence of the public."\textsuperscript{131} He was determined to avoid ending up in the position of pleasing neither the drys nor the wets.

In order to forestall any subverting of the Government's policy in the Legislature a tight rein was kept on Liberal members. Fearing that some of his supporters might be induced to press for an immediate plebiscite the Premier personally warned each of them that it was "useless to think of the Government backing down on any important..."

\textsuperscript{128} Western Canada Brewers' Association to Scott, March 30, 1915, Scott papers, pp. 48629-31.

\textsuperscript{129} Scott to Bruno, May 10, 1915, Scott papers, p. 48619. Father Bruno, who favoured the cafe system, had made the compromise suggestion that, four years after the introduction of the dispensary system, voters be given the opportunity, upon presentation of a petition, to vote on a local option basis as to the introduction of a cafe system or a prohibitory system.

\textsuperscript{130} Scott to Bruno, July 29, 1915, Scott papers, p. 48620.

\textsuperscript{131} Scott to Sharp, Apr. 15, 1915, Scott papers, pp. 48566-68.
detail of the outline which I gave at Oxbow;" it was the Government's intention to "carry the measure through as outlined or be defeated in the attempt."\textsuperscript{132}

To a deputation of hotelmen presenting a petition bearing approximately 50,000 signatures, which asked for an early vote on the Government's proposed policy, Scott stated on June 2 that the Government considered itself committed to the policy announced at Oxbow. He also referred to the many complaints which he had received concerning the manner in which the signatures had been collected, the strength of the petition being weakened as a result of the misrepresentations which had occurred as to its purpose. The Premier impressed upon the delegation his conviction that in a referendum the new legislation would be emphatically upheld; however, he was confident that an "overwhelming majority of the people in the province wanted the government's proposals to go into effect as soon as possible."\textsuperscript{133}

Having failed with their petition, the executive of the Licensed Victuallers' Association sought to bring further pressure to bear on the Government to modify its stand with regard to licenses by sending, on June 3, a letter to all hotelmen advising them to close their hotels on July 1. However, the threatened closing, which Scott told the Legislature would cause "such a revulsion of feeling that nobody will ever

\textsuperscript{132} Scott to West, Apr. 17, 1915, Scott papers, p. 48574. The Premier explained the situation thus: "In reality a scheme was hatched with money behind it to undermine our support in the House, the Members not to be asked to vote directly against us but merely to stand for a plebiscite prior to its going into operation." Scott to Cochrane, July 1, 1915, Scott papers, pp. 48560-64.

\textsuperscript{133} Leader, June 2, 1915.
again suggest the resurrection of the bar traffic,"\textsuperscript{134} failed to take place.

Legislation to give effect to the new temperance policy came before the House on May 28, when, at the special session called for the purpose, The Sales of Liquor Act\textsuperscript{135} was introduced and, three days later, a complementary measure, The Hotel Act,\textsuperscript{136} was placed before the members. The former bill divided the province into 67 liquor districts, the majority of which would be entitled to one liquor store; cities might have up to three such stores. Stores were to be established in any city or town where a wholesale license currently existed but these could be voted out, upon petition, by a majority vote at the time of any municipal elections, with certain exceptions. Similarly, in districts without a liquor store the municipal electors had the right to determine by majority vote whether or not a store, or stores, should be established.\textsuperscript{137} A provincial vote was to be held at the municipal elections of either 1916, 1917 or 1918 to determine whether or not hotels should be licensed to sell liquor, and another vote taken at the time of the municipal elections of 1919 as to the continuance of the government liquor stores system.\textsuperscript{138}

In outlining the new policy before packed galleries on June 3, the Premier declared:

The first essential in this bill is the complete destruction of

\begin{itemize}
\item \textsuperscript{134} Evening Province and Standard, June 4, 1915.
\item \textsuperscript{135} Statutes of Saskatchewan, 1915, cap. 39.
\item \textsuperscript{136} Statutes of Saskatchewan, 1915, cap. 40.
\item \textsuperscript{137} The maximum number of stores which could be established was 82.
\item \textsuperscript{138} Contrary to the indication at Oxbow, no petition was required in order that a vote might be held.
\end{itemize}
the retail traffic . . . It outweighs all the other details of
the bill combined, and anyone who is sincerely desirous of temperance
reform cannot oppose this measure. The second important feature is
that no compensation is proposed in any respect . . . Another out-
standing feature is the proposal to eliminate all private interests
in the traffic, with this result: When the question is submitted
to the people there will be no organized liquor interests in the
Province to fight the issue. The other important feature in
connection with the policy of the government is contained in the
other bill, the Hotel Act, which is to encourage the provision of
public hotel accommodation.139

The provision of adequate public accommodation was to be stimulated and
safeguarded through financial assistance to the municipalities and the
appointment of a Director of Public Accommodation for the province.

Although somewhat reluctant to have the Government enter the liquor
business, Scott expressed confidence that the Saskatchewan system would
be free of the defects in the South Carolina dispensary system which
had been noted by the Royal Commission;140 the system "will be completely
divorced from politics and under the control of a responsible and in-
dependent commissioner," he assured the house.141

The debate on the Sales of Liquor Act was heated and prolonged.
The Opposition leader remained "unalterably opposed" to the liquor
stores system142 and Opposition members condemned the autocratic action of
the Government in forcing upon the people, without warning, a policy for
which there was no support. Willoughby asserted: "I did not deem that
the Leader of this House would have the temerity to put this act which he
outlined at Oxbow on the Statute Books without consulting the people."143

139 Leader, June 4, 1915.
140 Leader, May 19, 1915. The report of the Royal Commission is to
be found in the Bradshaw papers.
141 Evening Province and Standard, June 4, 1915.
142 Evening Province and Standard, June 5, 1915.
143 Extract from Willoughby's speech in the Legislature on June 14,
1915; in Motherwell papers, Liquor 1914-17. Willoughby claimed that he
had expected an early election after the Oxbow announcement.
The endorsement which the Government had received related only to the abolition of the bar, contended another Conservative member, J.E. Bradshaw of Prince Albert, and if the new measure was submitted to "the sovereign will of the people" it would be immediately apparent that the bill was unacceptable.\(^{144}\)

The Premier denied that the Government lacked a mandate for the new legislation and stated that the opposition to it was either "purely political" or from license holders.\(^{145}\) He pointed not only to the expressions of approval which he had received from a large number of organizations ranging from the Union of Rural Municipalities to the Women's Suffrage Association and the Royal Templars of Temperance, and from businessmen generally, but also to the endorsement which the Government's policy had received in the recent Shellbrook by-election. In this contest, E.S. Clinch, the Government candidate, had succeeded, despite the division of Liberal votes caused by the intervention of an Independent Liberal candidate, in capturing by a large majority a seat which until that time had been held by the Conservatives. The liquor policy of the Government was alleged by the Liberals to have played a leading part in the campaign and the Premier and his colleagues interpreted the results as an endorsement of that policy.

Concerning the claim that the Government lacked authority for its action, Scott replied that the Government was following traditional British practice. It had taken its "mandate" from the "insistent demand of the people". "Everyone [he asserted] joined in giving us a

\(^{144}\) Evening Province and Standard, June 8, 1915.

\(^{145}\) Leader, June 4, 1915.
mandate. One of the first was the Leader of the Opposition." The
Premier also mentioned that officials in Conservative associations had
promised their support for the measure. Maintaining that the support
was undeniably present, he affirmed: "... there has never been any
measure with which I have been associated that has had such strong
approval in the country, as had been the case with the proposed
legislation." With regard to the Opposition plea for a plebiscite on
the issue of prohibition, the Premier stated: "It is not a question
of choosing between government stores and prohibition. It is a choice
between government stores and private stores."\textsuperscript{146} Scott took the
position that neither the temperance workers nor the licensed victuallers
thought that prohibition would carry at that time; hence the latter
group's wish for a plebiscite on that question. By urging the same
course the Conservative opposition was, according to the Premier, ally-
ing itself with the liquor interests.\textsuperscript{147}

During the committee stage several amendments were introduced
to make the provisions of the Sales of Liquor Act more stringent, after
the principle of the bill had been approved by a vote of 44 to five,
with no Liberal defections.\textsuperscript{148} The measure was finally passed, to-
gether with the Hotel Act, on June 24, the last day of a session which,
so he wrote to a friend, the Premier had enjoyed "a great deal more
than any previous session."\textsuperscript{149} On July 1, 455 bar licenses, club

\textsuperscript{146} Leader, June 4, 1915.

\textsuperscript{147} Scott to Laurier, June 11, 1915, Scott papers, p. 48698.

\textsuperscript{148} Journals of Saskatchewan, 1915, pp. 58-59.

\textsuperscript{149} Scott to Cochrane, July 1, 1915, Scott papers, pp. 48560-64.
licenses and wholesale licenses ceased to exist and were replaced by 23 government liquor stores,\textsuperscript{150} thus establishing a system which Scott believed to be unique within the British empire.\textsuperscript{151}

In writing of "the passing of the bar" the secretary-treasurer of the SGGA praised the Government for having selected the "psychological moment" for introducing its new liquor policy, since "possibly never before have the people of this country been in a mood so ripe for drastic reform."\textsuperscript{152} The Premier later expressed satisfaction with the decision which had been made, when he wrote: "A great many people gasped when I made the announcement at Oxbow on 18th March but the result so far goes to show that we made no mistake in our interpretation of the public sentiment."\textsuperscript{153} Scott observed that with respect to the liquor question, "which had always been a ticklish and difficult one to deal with", the Government had been "furnished this year with an entirely unique situation largely as a result of the war."\textsuperscript{154} With public opinion having become "so solidified" against the liquor traffic and, in particular, the saloon, the government "unless it wished to commit suicide was bound to do something," he explained.\textsuperscript{155}

The government had certainly taken a risk, [the Premier acknow-

\textsuperscript{150} Memo from Attorney General's Department to Scott, June 1, 1915, Scott papers, p. 48679.

\textsuperscript{151} Scott to Goodall, July 13, 1915, Scott papers, pp. 48909-12.

\textsuperscript{152} Guide, Mar. 31, 1915, p. 16.

\textsuperscript{153} Scott to Goodall, July 13, 1915, Scott papers, pp. 48909-12.

\textsuperscript{154} Scott to Cochrane, July 1, 1915, Scott papers, pp. 48560-64.

\textsuperscript{155} Scott to W.M. Martin, M.P., private, Mar. 24, 1915, Scott papers, pp. 48474-6.
ledged] but on the other hand a situation had developed which compelled us to do something or lose hundreds of good supporters. What to do. Do merely a little, and please nobody? Go a good length and certainly displease the license holders? We decided that it was wise to cut the head off the dragon at the first step in the fight.156

Sir Wilfrid Laurier congratulated Scott on his handling of the liquor problem.

When you launched forth your temperance policy [he wrote] I was not sure that you were right; I thought that you were taking many chances, but I trusted your judgment and everything that takes place leads me to the conclusion that your judgment was right. On one point there could be no uncertainty; having taken that course, the only way to fight the battle was to fight it boldly and this you have done and are still doing . . . .157

The Guide agreed editorially with the need for a firm stand. In praising the courage of the Premier in having acted decisively on the liquor question the editor remarked: "There is for him no turning back. Every liquor dealer is fighting him and his political future is absolutely bound up with the temperance cause."158 In replying to Laurier, Scott referred to the political repercussions of the Oxbow announcement:

the Provincial Conservatives were unwise in their conduct. Mr. Willoughby announced an alternative policy which was manifestly a liquor interests policy. If our action threw the liquor men's support to the Tory party, his declaration has thrown the temperance people's support our way and the latter are the more numerous. When thoroughly aroused and united as they seem now to be the temperance elements are a force to be reckoned with.159

With respect to the future, the Premier predicted that

156 Scott to Wagner, April 15, 1915, Scott papers, p. 48571.
157 Laurier to Scott, June 5, 1915, Scott papers, p. 48697.
159 Scott to Laurier, June 11, 1915, Scott papers, p. 48698.
the trend of public opinion . . . will depend very largely on the success or failure from the temperance standpoint of the dispensaries. If these can be handled with a fair degree of satisfaction and if at the same time we can procure reasonable hotel accommodation for the travelling public, the noise and opposition against our measure will gradually subside and when the time comes for the people to vote on the question of the revival of bars, the bars will not have a ghost of a chance.  

At the time of the municipal elections in December, 1915, three districts voted in favour of closing the liquor store; four others voted against the establishment of a liquor store.  

The Leader interpreted the results of these polls, which were not confined to any one section of the province, as an endorsement of the Government's policy in having closed the bars and private wholesale shops and as an indication that the province was ready for absolute prohibition.  

The speech from the throne opening the 1916 session of the Legislature contained the statement that the operation of the Sales of Liquor Act and the Hotel Act had "proved successful and satisfactory beyond the most sanguine anticipations", and it soon became apparent that the anticipated sequence of events, whereby a plebiscite on the reopening of the bars would precede the taking of a vote on the continuance of the liquor stores system, was likely to be altered. The Premier had outlined his early view of the expected course of events when he wrote:

In a referendum on prohibition, which the 1919 vote will practically be, a real contest may be anticipated, but in the local votes on

---

160 Scott to Hawke, May 5, 1915, Scott papers, p. 48616.
162 Leader, Jan. 19, 1916.
163 Journals of Saskatchewan, 1916, p. 10.
dispensaries next December or in December, 1916, who is going to make any campaign for a dispensary? The liquor interest? Certainly not. Conservatives? No. The Churches or temperance people? Hardly. Then who? Now we must not forget that there will be a fight to the death when the bars question referendum is held. Depend upon it the result then will be enormously affected by the state of satisfaction or dissatisfaction existing amongst foreign-born settlements and perhaps English settlements as well as regards convenience or otherwise in obtaining their beer. In a word, I begin to think the farther we go in curtailing dispensaries prior to the referendum on the retail licenses the more we may be jeopardising the outcome then.164

By November, 1915, Scott gave some indication that the proposed referendum in 1919 might be superfluous.

I now think it quite likely it [prohibition] may come even before the referendum arranged in the Act for December, 1919 [he wrote]. If so few stores remain after the local votes that may be taken December, 1916, as to make the system cease to [sic] self-supporting, we should I think be compelled to dismantle the store system.165

Two months later his tentative decision was that "provision will be made at this session for a province-wide plebiscite on the question of the immediate abrogation of the liquor stores system." At that time he held the view that "action had better be taken to bring the system to an end at mid-summer instead of six months later."166

On February 2 the Committee of One Hundred of the Banish the Bar Crusade forwarded to the Premier a resolution asking that the Sales of Liquor Act be amended to provide for the closing of all liquor stores on June 30, 1916. Similar requests were made by the Presbytery of Saskatoon, the Social and Moral Reform Council of Moose Jaw, and the

164 Scott to Reekie, June 15, 1915, Scott papers, p. 48696.
165 Scott to Moore, Nov. 9, 1915, Scott papers, p. 48993.
166 Scott to Bennett, Jan. 24, 1916, Scott papers, p. 49044.
Saskatchewan Provincial Sunday School Federation; the latter two organizations specifically asked that the referendum be dispensed with. The Premier's reply to such requests was that since "the one and only complaint against our policy so far is that the people did not have a chance to decide for themselves" he did not "feel justified in asking my colleagues of the Legislature to take away the local option right secured in the Act as regards the stores." The Premier continued:

The alternative course is to allow the law to stand and to decide to be governed by the local votes next December. Then we should likely have a province-wide law settled by the votes of people in a few districts. No, the more I examine the question the more I incline to think that an immediate plebiscite is the best solution.167

The amendment to the Sales of Liquor Act left the exact date of the referendum open, providing merely that a province-wide vote as to the continuance of the existing system would be taken at the municipal elections of 1916 "or at such earlier time in 1916 as may be provided by proclamation of the Lieutenant Governor in Council".168

In the event, the referendum was not held until the end of the year, after both Alberta and Manitoba had become dry provinces, despite the fact that during the session Opposition members called for the early abolition of the dispensary system. The Conservative press, critical of the amount of liquor being sold, demanded that the "boozoriums", as they termed the liquor stores, be closed at once;

167 Scott to Bennett, Feb. 15, 1916, Scott papers, p. 49048. Motherwell estimated that a provincial poll, apart from any election, would cost approximately $100,000 whereas a vote taken at the time of the municipal elections would not entail any appreciable cost. Motherwell to Mitchell, Jan. 29, 1916, Motherwell papers, Liquor 1914-17.

168 Statutes of Saskatchewan, 1916, cap. 35, sec. 15.
otherwise, so the Province claimed, the electorate might vote for the return of the open bar just to get rid of the hated dispensary.169

The 1916 session of the Legislature was a stormy one and ended with the appointment of three Royal Commissions to investigate charges of bribery, corruption and graft made by the Opposition, and the arrest of a number of members of the Legislature, public officials and private citizens. A resolution introduced in the Assembly on February 10 by J.E. Bradshaw, read, in part, that he had been informed and believed:

That a number of the Liberal Members of this Assembly were bribed in December, 1913, to oppose a Government Bill to Abolish the Bar, introduced to the Assembly in December, 1913.

That friends of the Government obtained in advance information of the nature of the Government's liquor policy as announced by the Premier at Oxbow on March 19, 1915, and by reason of such information were enabled to dispose of hotel property to their advantage.170

Bradshaw also alleged that Liberal members of the Assembly had been bribed by applicants for liquor licenses, that prosecutions against liquor licenses had been stifled for political reasons and that the Government had paid out over $50,000 for road work which was never carried out. A month later these charges were extended to include further accusations of corruption in the administration of the Liquor License Act and of fraud in connection with public works in the province. Following an investigation by a Select Committee of the Legislature, a Royal Commission was appointed on March 7 to inquire into bribery charges relating to the events of December, 1913, and the conspiracy charge in connection with the temperance legislation


170 Journals of Saskatchewan, 1915, p. 69.
of 1915, and related matters.171

The Premier's health, which had for a number of years caused lengthy absences from the province, deteriorated following the acrimony surrounding the session on these and other matters so that later in the year he was obliged to retire from public life, being succeeded on October 20 by William Melville Martin, M.P. As the date approached for the municipal elections, at which time the referendum was to be held, the Conservative press renewed their demands for the immediate abolition of the dispensary system. Claiming that there was no doubt at all that the dispensaries would be voted out of existence, they demanded that the stores be closed forthwith and, as one editor put it, the "unnecessary expenditure" of the vote be saved.172 A number of individuals and church groups urged the same course of action, to which requests the new Premier replied that the taking of a referendum was obligatory under the Sales of Liquor Act and there was not time to call a session of the Legislature to alter the act.

In their campaign to secure a large vote for the abolition of the liquor stores system the temperance workers were joined by the Regina Liberal Association.173 There was no organized opposition to face, but the prohibitionists feared the apathy of those who felt

171 O.C. 278. The members of the Commission were two justices of the Supreme Court of Saskatchewan, Judge J.T. Brown and Judge E.L. Elwood. Two other Commissions were appointed: one to inquire into the affairs of the Highways Commission, another into charges concerning the construction of certain public buildings.


173 Leader, Nov. 30, 1916.
that the battle had already been won and that prohibition was a foregone conclusion, and also the negative vote of the moderate drinker who objected to such interference with his personal freedom. The view of the Regina Daily Post was that, so great were the evils of immoderate drinking, the public welfare demanded some sacrifice of personal liberty.174

In the referendum held on December 11, 1916, on the question "Shall the Liquor Stores System be abolished?", 95,249 men and women voted in the affirmative and 23,666 in the negative; 4,005 ballots were spoiled.175 Editorially the Leader expressed surprise that, with general agreement that the dispensary system was doomed and with no organization to bring out the vote favorable to the continued existence of the stores, as many as one-fifth of the registered voters had come out on an "intensely cold and stormy" day to cast a ballot.176 Surprisingly, too, it was the urban centres, particularly the towns, rather than the rural areas, which gave the largest majority of dry votes. The opposition to prohibition among those persons of European


175 The voting was as follows: | affirmative | negative | spoiled ballots |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>unorganized territory</td>
<td>913</td>
<td>330</td>
</tr>
<tr>
<td>military bases</td>
<td>1,653</td>
<td>510</td>
</tr>
<tr>
<td>rural municipalities</td>
<td>54,946</td>
<td>17,996</td>
</tr>
<tr>
<td>villages</td>
<td>12,257</td>
<td>1,586</td>
</tr>
<tr>
<td>towns</td>
<td>11,736</td>
<td>1,281</td>
</tr>
<tr>
<td>cities</td>
<td>13,744</td>
<td>1,963</td>
</tr>
<tr>
<td></td>
<td>95,249</td>
<td>23,666</td>
</tr>
</tbody>
</table>

Saskatchewan Gazette, Feb. 15, 1917, pp. 27-38. Women had been granted the municipal franchise in 1915 and the provincial franchise in 1916. This was the first occasion on which women voted on a provincial issue in Canada.

176 Feb. 3, 1917.
birth can be gauged from a comparison of the results in Regina and Saskatoon. The vote in the former city, which had by far the greater number of immigrants from Europe,177 was almost five to one against the stores system (3,822 to 813), whereas in Saskatoon it was over 10 to one (3,978 to 381).

The Premier having affirmed that he was "exceedingly glad that the people of Saskatchewan have expressed their condemnation of the liquor traffic in such an unmistakable way,"178 the liquor stores system was disbanded on Saturday, December 30, 1916. The Social Service Council asked for the cancellation of the provision in the Sales of Liquor Act whereby a vote on the question of the restoration of the bar was to be held in 1917 or 1918, in view of the temperance sentiment just demonstrated and also the cost which such a vote would entail.179 Martin assured the council that the Government had "no intention whatever of making any provision for a referendum on the question of prohibition."180

The speech from the throne opening the sixth session of the third Legislature of Saskatchewan contained the following statement:

The referendum recently held on the question of the sale of liquor has resulted in a large majority in favor of provincial prohibition. A measure will be submitted to you putting into effect the wishes of the people in this regard.181

Marked differences of opinion were expressed, however, as to the extent

177 Loc. cit.
181 Journals of Saskatchewan, 1917, p. 10.
of provincial powers to restrict the liquor traffic. Section 245 of the Sales of Liquor Act of 1915 had read:

While this Act restricts and regulates transactions in liquor and the use thereof within the limits of Saskatchewan it shall not affect and is not intended to affect bona fide transactions in liquor between a person in Saskatchewan and a person in any other province or in a foreign country and the provisions of this Act shall be construed accordingly.\textsuperscript{182}

This section was based on a section of the Manitoba Liquor Act of 1900,\textsuperscript{183} a section which had been singled out by the Judicial Committee of the Privy Council as making it clear that the Act of 1900 was \textit{intra vires} of the province of Manitoba.\textsuperscript{184}

Because the Saskatchewan Act did not attempt to interfere with inter-provincial trade there was, according to the Attorney General, "nothing to prevent a firm, say in Manitoba, taking orders in Saskatchewan for goods to be delivered here from Manitoba . . . "\textsuperscript{185} Substantial quantities of liquor were in fact imported by Saskatchewan residents. Moreover, a number of export stores were established in each of the prairie provinces for the sole purpose of carrying on an export trade with the other two provinces, a matter which was of concern to the three Governments.\textsuperscript{186} To those who objected to the existence of export houses on the eastern and western borders of Saskatchewan and those who wished the importation of liquor stopped, the Premier replied that the province could only prohibit sales taking place

\textsuperscript{182} \textit{Statutes of Saskatchewan}, 1915, cap. 39, sec. 245.

\textsuperscript{183} Turgeon to Scott, Aug. 29, 1916, Scott papers, pp. 49124-26.

\textsuperscript{184} Attorney General for Manitoba v. Manitoba License Holders' Association [1902] A.C. 73.

\textsuperscript{185} Turgeon to Scott, Aug. 29, 1916, Scott papers, pp. 49124-26.

\textsuperscript{186} Martin to Knowlton, Dec. 9, 1916, Martin papers, Liquor Legislation 1916.
within its borders; it was powerless to enact legislation which would.

"in any way hinder trade between the various provinces." Martin's

view was:

This is a matter of trade and is altogether under the control of the
Dominion Parliament. You will remember that last winter there was
a Bill introduced in the House of Commons for Dominion-wide pro-
hibition and it was exactly this condition of affairs which the
Bill was designed to cover. It was, however, amended in such a way
that it has no effect insofar as this particular phase of the
liquor traffic is concerned.187

The act to which Martin referred,188 which was known as the
Doherty Act, forbade the importation of liquor into any province for
any use which was contrary to the law of that province. This act was
variously interpreted. In speaking to a temperance delegation in
Ottawa on January 11, the Prime Minister, Sir Robert Borden, contended
that as yet no province had exercised its full powers in dealing with
the liquor traffic, and the Solicitor-General, the Honourable Arthur
Meighen, expressed the view that the provinces, as a result of the
passage of the Doherty Act, now had the legal power to prohibit the
importation of liquor into their territories,189 an opinion which he
reiterated in a telegram to the provincial Minister of Agriculture:

My view is that any Province may now wholly prevent by provincial
legislation use and possession of liquor within its boundaries
and if any Province so acts the Doherty Act thereupon necessarily
forbids importation consequently Provinces now have full and
adequate prohibitory powers.190

The prohibitionists who had waited on the Prime Minister were

187 Martin to Harrison, Nov. 29, 1916, Martin papers, Liquor
Legislation 1916.

188 An Act in aid of Provincial Legislation prohibiting or restrict-
ing the sale or use of Intoxicating Liquors, Statutes of Canada, 6-7

189 Stewart to Martin, Feb. 10, 1917, Martin papers, Liquor
Legislation 1917.

190 Meighen to Motherwell, Feb. 21, 1917, Motherwell papers,
Liquor 1914-17.
extremely doubtful about the enlarged powers which it was claimed were given by the Doherty Act to the provinces to restrict the liquor traffic, and they resolved to bring additional pressure to bear on the federal Government and Parliament for the enactment of "fullest temperance measures." Martin, too, held the view that "Dominion-wide prohibition is the only cure" to the inter-provincial trade in liquor. The Conservative party in Saskatchewan, however, chose to agree with their federal leaders' interpretation of the Doherty Act. On February 12 Opposition Leader Willoughby introduced in the Legislature the following resolution:

That in view of the pronounced temperance sentiment of the Province and the evils resulting from the importation into it of intoxicating liquor, this House approves the immediate passing of a law making it illegal to consume or have for consumption as a beverage in the Province intoxicating liquor save for medicinal purposes, subject to strict regulations.

The legislation introduced by the Government did not attempt to prohibit the importation of liquor; nor did it limit the amount of liquor which could be kept or consumed in dwelling places, which was the only place where liquor could be consumed. Liquor commission houses were abolished and the sale of liquor was forbidden to anyone and by anyone except physicians and druggists who might buy and sell limited quantities under special permit for medicinal purposes.

In the House the Attorney General gave three reasons for the Government

192 Martin to Knowlton, Dec. 9, 1916, Martin papers, Liquor Legislation 1916.
193 Journals of Saskatchewan, 1917, Feb. 12, pp. 48-49.
194 The Saskatchewan Temperance Act, Statutes of Saskatchewan, 1917, cap. 23.
not following the course advocated in the resolution: public opinion, the objectionable nature of such legislation, and constitutional limitations. Speaking on the second reading of the bill, Turgeon stated: "I do not think it can be fairly said that because the average man last December voted to close the government liquor stores, that he was voting for this motion of Mr. Willoughby." Under the terms of this resolution "no person could have any light wine or beer in his house without being a criminal and subject to raid at the hands of the police," he asserted.  

As for the constitutional aspect, the Attorney General disagreed with the opinion of the Solicitor-General, because it was impossible for the federal Government to confer on the provinces legislative power which they did not already possess under the British North America Act. The province must be careful, too, not to do indirectly what it could not legally do directly. Furthermore, the Attorney General contended, since a provincial law could be superseded by federal legislation, the electors in any municipality in Saskatchewan could nullify a provincial statute which barred import of liquor by invoking the provisions of the Canada Temperance Act. Turgeon concluded his remarks on the second reading with these words: "We are not going into a regime of persecution . . . . of tantalizing legislation, but we are going into something real and substantial and I think this bill . . . . will give the province what it desires."  

195 Leader, Feb. 28, 1917.  
196 This act, which by amendment in 1914 had been extended to apply to Alberta and Saskatchewan (4-5 Geo. V, cap. 53) did not prohibit the possession or consumption of liquor.  
197 Leader, Feb. 28, 1917.
The Opposition leader, and also the Conservative press, did not agree that the Government was correctly interpreting the wishes of the electorate, as displayed in the recent vote, and maintained that the province was indeed legally empowered to prohibit importation. The bill passed second reading with a division along straight party lines. Similarly, the Liberals voted unanimously against Willoughby's resolution and, the preponderance of legal opinion in the province notwithstanding, the Conservatives to a man in favour of it. A delegation from Saskatoon, representing the Social Service Council and the Women's Christian Temperance Union, failed in a last-minute attempt to achieve a "bone-dry" province by having it declared illegal to keep or use alcoholic liquor in any form.

Although the Government refused to interfere with the importation of liquor into the province it nevertheless surrendered to the importunings of the prohibitionists to the extent of introducing, late in the session, legislation prohibiting the export of liquor. While it did not interfere with the activities of brewers and distillers licensed by the federal Government, this measure proposed to prevent the operation within the province of companies of which the sole object was the exporting of intoxicating liquor. The bill was made separate from the Saskatchewan Temperance Act because, as the Attorney

---

198 See, for example, The Regina Post, Mar. 8, 1917.
199 Anderson, Bagshaw, McNiven and Fraser, Barristers and Solicitors, Regina, to Martin, March 9, 1917, Martin papers, Liquor Legislation 1917.
200 Journals of Saskatchewan, 1917, pp. 88 and 91.
201 An Act to prevent Sales of Liquor for Export, Statutes of Saskatchewan, 1917, cap. 24.
General acknowledged,202 the Government had doubts about its legality. In July the measure was declared by the Saskatchewan Court of Appeal to be *ultra vires* of the provincial legislature in that it interfered with trade and commerce, a matter within the jurisdiction of the federal Parliament.203 Having failed to eliminate the export houses, the Government at the second session of the legislature in 1917 introduced legislation which levied an annual tax of $1,000 on each place of business maintained by the liquor exporters.204

There were a few requests during 1917 that the manufacture of light beer be permitted but the Premier stated that he felt the sale of these light beverages "would be exceedingly dangerous."205 From the opposite camp came objections to liquor being permitted in drug stores. A number of extreme prohibitionists, claiming to have expected total prohibition, which the Doherty Act allegedly made possible, as a result of the vote in 1916, accused the Government of weakness. If prohibition was not enacted or an opportunity not given to prove, in a referendum, that the province was ready for prohibition, such complainants threatened to do their utmost to defeat the Government candidates in the next election. Although the Premier repeatedly pointed out that the province lacked the power to make illegal the

202 *Post*, Mar. 9, 1917.

203 *Re An Application by the Hudson's Bay Company and Heffernan [1917]* 3 Western Weekly Reports 167.


205 Martin to Galloway, Nov. 21, 1917, Martin papers, Liquor Legislation 1917.
possession of liquor that had been imported, since having the liquor was a part of the transaction, constitutional questions remained unclear, or were ignored, by a considerable portion of the electorate.
CHAPTER IV
PLEBISCITE ON PROHIBITION

On April 1, 1918, the Province of Saskatchewan entered a new phase of public control of the liquor traffic as a result of the passage of a federal order-in-council\(^1\) under the War Measures Act of 1914. This order prohibited the sending of liquor into any province where the sale of liquor was forbidden so that, until the order was repealed on December 31, 1919, Saskatchewan had prohibition both of sale within the province and of importation into the province, for beverage purposes. During this twenty-one month period of absolute prohibition there grew up, particularly after the war ended, a considerable illicit traffic in liquor and, especially following the outbreak of the influenza epidemic in 1918, a dramatic growth in the number of medical prescriptions issued for liquor.

In noting that the cost of law enforcement had doubled during the past two years and that the police were spending approximately four-fifths of their time in conducting investigations under the liquor law,\(^2\) the Premier remarked on the difficulties of enforcing prohibition in the face of a lack of public sympathy and support.

I am very much discouraged [he wrote] about the result of the present law in the Province. While I believe a very large majority of our people would vote for the present law, it is a certainty that a very large number of them will do nothing at all to help in enforcing the law. I receive letters continuously, some of them anonymous, and where names are signed in a great many cases the people say they do not want their

\(^1\) O.C. 589, Mar. 11, 1918.

\(^2\) Martin to Telford, Nov. 26, 1919, Martin papers, Liquor Legislation, 1919.
names used. With a condition of affairs of this kind it is simply impossible for any body of police to enforce the law and unless there is a change in the attitude of many people towards this law, it is going to be impossible to enforce it properly no matter how many police we have in the Province.³

Privately the Premier intimated that he could foresee a return to a system of government liquor stores; however, there was no plan at present to abandon a prohibitory policy and certainly no such change would be made without prior consultation of the electorate. Confiding his thinking on the present liquor law, the Premier wrote:

Opinion as to its success is very much divided and I believe there is a growing feeling that there should be some legitimate means, under proper restriction, of obtaining liquor. The vast majority of the people I would say are opposed to the return of the Bar.

The vote in 1916 notwithstanding, Martin was not so sure that a properly regulated system of government stores will eventually prove the solution of the present difficulties of enforcing a strictly prohibitory measure .... However, insofar as any change in our present law is concerned, that will wait an expression of opinion by the people. The Government itself will not act in the matter without a Referendum. At the present time we have no intention of submitting any such Referendum.⁴

The position which the Premier adopted appears to have been somewhat paradoxical. Referring to criticisms that the Government had been lax in enforcing the Temperance Act, Martin told the House:

If we have failed ... it is due simply to the fact that a sumptuary law is almost impossible of enforcement .... I do not believe that a sumptuary law can be made that will put a stop to the liquor traffic. The people will not help the police.⁵

While admitting the "hopelessness of the situation"⁶ and being pessimistic

---

³ Loc. cit.
⁴ Martin to Musgrove, personal, Sept. 27, 1919, Martin papers, Liquor Legislation 1919.
⁵ Regina Daily Post, December 2, 1919.
⁶ Martin to Manly, December 19, 1919, Martin papers, Liquor Legislation 1919.
about the results of any renewed efforts which might be made to achieve a state of prohibition within the province, the Premier nevertheless proceeded with steps to strengthen the temperance law. Framing the new legislation proved a most difficult undertaking. It was not until late in the 1919-20 session, on January 22, after a conference with the Social Service Council two weeks earlier, that Bill Number 71, An Act to regulate the Sale of Liquor, was introduced.

This proposed amendment to the Saskatchewan Temperance Act placed severe restrictions on the use of liquor for medicinal purposes by physicians and druggists, and provided for the setting up of a liquor commission to administer the act as well as a Director of Prosecutions to aid with its enforcement. The commission was to have full control of all liquor brought into the province for medicinal, sacramental and commercial purposes. The Government also introduced a resolution requesting the federal Government to hold a vote of the electors of Saskatchewan in order to determine whether or not the importation of liquor into the province should be prohibited. Such a vote had been made possible by a recent amendment to the Canada Temperance Act which extended the act's local option provisions as to importation from the level of the municipality to that of the province.

In a two-hour speech in the house on January 29, the Attorney

7 Martin to Telford, Nov. 26, 1919, Martin papers, Liquor Legislation, 1919.
8 Martin to the editor, Christian Science Monitor, Boston, Feb. 12, 1920, Martin papers, Liquor Legislation 1919.
10 The Canada Temperance Act, 10 Geo. V, (2nd session, 1919) cap. 8.
General asserted that through experience the Government had learned that there was no panacea or final solution in the handling of the complex liquor problem, but the proposed law was "the best we can conceive now as a remedy." He expressed the opinion that the Government was following the wishes of the people in preparing for a stricter control of the use of liquor which was allowed into the province for sacramental, medicinal, chemical, and manufacturing purposes, and at the same time giving the public the opportunity to vote on the question of excluding from the province intoxicating liquor to be used for beverage purposes.

In referring to the great cost and effort involved in enforcing a prohibitory law the Attorney General pointed out that the difficulties in enforcement were due not to lack of earnest effort on the part of the Government and the police but to the nature of the law itself. Because of this nature, he declared:

a change in public sentiment must be brought about or the law will prove a failure and all law will follow it in time into disregard. A new public conscience must be created. We must, therefore, appeal in the first place to all the people of this province, to those who favour prohibition as well as those who are opposed to it. Since the ordinary safeguard, the conscience of the individual ... does not exist to prevent offences in this case or to lead to their punishment, we should be foolish indeed to imagine that usual police methods will be sufficient ... The administrators of this law must have the support and co-operation of the great mass of the public, and to that end it is necessary that a new public conscience be created. Unless this new public conscience can be created, tremendous harm will be done to our citizenship by trying to enforce prohibition, no matter how beneficial some of its results may be, and in the long run it will have to be abandoned.

The Conservative leader, Donald Maclean, charged that prohibition had proved an "absolute mockery and failure" and that the proposed bill

11 Saskatchewan Sessional Papers, 1919-20, p. 184.
would only increase bootlegging. Claiming that any hope of enforcing a prohibitory law had evaporated with the termination of the war, Maclean challenged the Government to face reality and frame legislation which would command public support, something the existing liquor law failed to do, as the Premier and Attorney General had both admitted. The Leader of the Opposition advocated the establishment of one or two supply houses, under government control, from which liquor could be purchased by mail order. While deploring the continuance of the prohibitory system and particularly the proposed added legislative restrictions, Maclean managed to support the request that a plebiscite be held concerning importation, although such a vote was applicable only where provincial prohibition existed.13

The Provincial Treasurer, Charles A. Dunning, disputed the contention of the Opposition Leader that the vote in 1916 had dealt with dispensaries only and claimed that it could not be construed otherwise than as a vote on prohibition. Whether or not the public had changed their views since that time would become evident with the taking of the forthcoming plebiscite under federal auspices. If the verdict went against importation then prohibition would, he affirmed, have to be vigorously enforced, unless the voters were to be regarded as hypocrites. Of course, if, contrary to the Government's expectations, the electorate voted to allow the importation of liquor, then the liquor question would have to be dealt with in a manner altogether different from that provided for in the proposed measure. Dunning expressed the belief that it was the "duty of the government to bring down legislation in accordance with the

13 Ibid., pp. 207-220.
Harris Turner, member for the Armed Services Voters in France and Belgium, disagreed with this interpretation of the role of legislators. His view was that whether or not the public wished "bone dry prohibition", the Government did not have "the ethical right to legislate bone dry prohibition if the members of the house did not think such a condition was for the benefit of the people." He claimed that the proposed measure would create a situation where "half the population would be engaged in breaking the law while the other half would be trying to catch someone breaking the law." Returned soldiers, he felt, wanted to be able to get a drink legally. Turner desired "a reasonably restricted sale of liquor in Saskatchewan." A number of other members expressed a preference for the legal sale of liquor, although some of these promised to support the Government bill, the point being made that if the verdict was against the barring of liquor imports the whole question of provincial liquor policy would have to be re-examined. The Liberal member for The Battlefords, A.D. Pickel, who favoured the setting up of two or three government dispensaries, proposed that the electorate be given an opportunity to vote on alternative proposals. R.A. Magee, Liberal member for Moose Mountain and also president of the Social Service Council, not unexpectedly thought that the bill was not stringent enough and that druggists should not be permitted to sell liquor.

---

14 Leader, February 2, 1920.
15 Loc. cit.
The vote on the second reading of the amendment to the Saskatchewan Temperance Act was 40 in favour and six opposed. Those voting in the negative were three Liberals, two Conservatives and Harris Turner.\(^\text{17}\) Support for the resolution requesting a plebiscite on importation was unanimous.\(^\text{18}\) October 25, 1920, was the date set by the federal Government for the holding of the vote and implementation of the amended provincial liquor law was to be delayed until December 15, 1920, although a chairman of the liquor commission was appointed in August under authority of the Interpretation Act.\(^\text{19}\)

Voting on the question: "Shall the importation and the bringing of intoxicating liquors into Saskatchewan be forbidden?", 142,208 of the 278,930 registered voters cast a ballot. The affirmative votes totalled 86,949, the negative 55,259.\(^\text{20}\) One rather surprising note sounded during a campaign for a dry vote conducted by the Social Service Council was a letter published two days before the polling, in which Archdeacon A.C. Burgett of Assiniboia, who favoured a system of government regulation rather than "regulation by doctors", expressed the hope that the province would vote for importation; a contrary result, he claimed, would be a vote of censure on Christ.\(^\text{21}\)

The throne speech opening the second session of the legislature in 1920 contained the following statement:

---

17 Journals of Saskatchewan, 1919-20, pp. 116-117.
18 Ibid., p. 110.
20 Canada Gazette, 1920-21, Jan. 1, 1921, p. 2644.
It is . . . a matter of great regret to my ministers that so few of our people availed themselves of the opportunity provided for them at the polls to express themselves upon a question of great social and administrative importance.22

While warning that the liquor law could not be properly enforced without a greater measure of public support, the Premier nevertheless assured the House that the Government would do its best to carry out the expressed wishes of the electorate until a sufficiently strong demand emerged for another vote on the liquor question.23 As the Moose Jaw Daily News observed, because the vote had not been heavier the Government was in "a rather tight hole, with the certainty of making many enemies and losing many votes."24

An attack soon came from a leading prohibitionist, who shared with his fellows the inability to contemplate any possible departure from a prohibitory policy without discerning a sinister plot of selfish and corrupting business interests. These persons inevitably blamed the Government, not only for the lack of success in enforcing the liquor law, but also for allegedly yielding to the pressure from a small minority to prepare the way for a return to a "wet" regime. The general secretary of the Social Service Council, the Reverend W.P. Reekie, when presenting his report to the organization's annual meeting, chose to picture the situation as a threat to democracy. As did other prohibitionists, he denied that the vote had been a light one, in view of the busy season, the condition of the roads, the disfranchisement of many voters through their unfamiliarity with the new voting regulations, and the fact that there had

22 Journals of Saskatchewan, 1920, p. 8.
23 Leader, Nov. 10, 1920.
24 Nov. 5, 1920.
been "no opponent visibly active to stir up a spirit of contest." The people had expressed themselves in a democratic vote and yet there was some doubt as to whether the "referendum decision" would be respected; instead, the voters' "solemn decisions" were perhaps "to be flouted and frustrated by wealthy and lawless rum-runners." Reekie claimed to have reason to predict

that unless the social service forces of Saskatchewan greatly strengthen the morale of democracy in this province within a year, in less than two years, we will be called upon to vote again on the temperance question, and with the government favorable to a reversion from our present laws . . . a nation favorable to democracy must be packed in a solid phalanx against the corrupting, disrupting, intimidating power of wealth and lawless selfishness . . . . A Government that doubts its ability to enforce the decisions of its people is expressing a want of confidence in its own competency and advertising for relief. And make no mistake, heavily financed proposals for relief will be readily offered.25

Speaking for the Government in the Legislature, the Attorney General denied that the Government's attitude on the liquor problem had changed during the past year or that a second referendum was contemplated in the near future. He disclaimed all Government responsibility for rumours which, he said, had been circulated prior to the plebiscite by those campaigning for dry votes, to the effect that the issue was essentially one of "home rule" for the province on liquor matters; once this "home rule" had been achieved by a vote against importation, then the province would be free to adopt any system desired by the people.26

With the implementation of the recent amendments to the Temperance Act and the banning of liquor imports the province was about to embark on a new liquor system and this would be given a fair trial. "In our


opinion this is no time to agitate the question of changing a system which had not yet begun to operate," Turgeon told the House.27

In order to foster support for and obedience of the liquor law, the Government established a new position within the Department of the Attorney General, a position which was essentially that of a public relations officer and did not involve participation in the enforcement of the act.28 This position was filled on January 21 by the appointment of the Reverend Dr. John L. Nicol of Saskatoon as Director of Temperance and Social Service for the province,29 who was charged with the duty of "conducting a campaign of education among the people of the Province in connection with the provisions of the Temperance Act."30 During the provincial election campaign four months later the Premier pledged his Government to "continue vigorous enforcement of the Saskatchewan Temperance Act and to give effect to the expressed will of the people on this subject."31

Despite the work of Dr. Nicol and a special statement issued to the press by the Premier on May 12, 1921, attempting once again to clarify the two jurisdictions affecting the liquor traffic,32 there persisted considerable misunderstanding concerning the extent of provincial powers in this matter. Following the advent of prohibition in the United States the activities of liquor export houses in the southern portion of the province

27 Ibid., Dec. 11, 1920.
28 Regina Daily Post, Jan. 15, 1921.
29 Saskatchewan Gazette, Jan. 13, 1921.
30 Martin to Stewart, Mar. 29, 1921, Martin papers, Liquor Legislation 1921.
31 Canadian Annual Review, 1921, p. 810.
32 Leader, Feb. 1, 1922.
gave rise to particular criticism, and the Government was reproached again and again for not taking action against the export companies. The Opposition member for Souris, J.P. Gordon, admitted later that during the 1921 campaign he had used the existence of these houses as the focus of his attack on the Government.\(^{33}\) During the campaign, too, the Social Service Council distributed literature condemning the Government for not following Manitoba’s action in confining the liquor kept for export purposes to bonded warehouses. It was generally agreed that the export houses in southern Saskatchewan served to supply bootleggers operating locally and that a general atmosphere of lawlessness flourished.

The provision in Manitoba’s liquor law which limited export liquor to bonded warehouses had not been tested in the courts but Martin was convinced that it was unconstitutional.\(^{34}\) At the 1921-22 session of the Legislature he nevertheless introduced a similar provision as an amendment to the Saskatchewan Temperance Act.\(^{35}\) Two further changes which had also been requested by the Social Service Council were presented to the House, one restricting the export houses to cities with a population of over 10,000, thus removing them from the southern portion of the province, and one confining the transportation of liquor within the province to common carrier. The police and the enforcement officers of the liquor commission were to be empowered to search for liquor at any time and in any place except a dwelling house, and the annual tax on warehouses was to be raised from

\(^{33}\) *Leader*, Feb. 1, 1922.

\(^{34}\) *Leader*, January 14, 1922.

\(^{35}\) After requesting the amendment for two years, the Social Service Council by this time had decided that such a change would not, after all, assist their cause.
$1000. to $5000.36

For the second consecutive year the Legislature unanimously passed a resolution introduced by Robert Dunbar, Government member for Estevan, asking the federal Government to put an end to the export traffic in liquor. The resolution read, in part:

Whereas the export traffic in intoxicating liquors from points in the southern part of Saskatchewan to points in the United States of America has been and is now the occasion for great disorders and in some cases actual terrorism, such as the carrying of fire-arms, assaults, thefts, and other serious offences of great detriment to the peace and order of the localities affected; and

Whereas, under the constitution of Canada, ... the matter in question is one calling for Federal action ... .

Therefore, be it Resolved, That ... steps should be taken at once to urge upon the Government of the Dominion of Canada the necessity of having effective measures taken at the earliest possible moment to put an end to the situation which now exists in the localities in question.37

In June of 1922 the Canada Temperance Act was amended rendering it illegal, upon proclamation by order-in-council, for all but brewers and distillers to engage in the exporting of liquor from a province requesting such prohibition.38 Following a request by the Saskatchewan Government on October 18, the remaining export houses in the province ceased to operate as of December 15, 1922.

During 1922 it became evident, however, that there was growing disenchantment with a prohibitory policy. Whereas during 1919 and 1920 requests for a return to the dispensary system, or for the sale of light

36 Statutes of Saskatchewan, 1921-22, cap. 76.

37 Journals of Saskatchewan, 1921-22, pp. 45-46.

38 12-13 Geo. V, cap. 11.
beer and wine, or for a popular vote on the liquor question were not numerous, and during 1921 Premier Martin was able to write that there was "no movement of any importance on foot here asking us to submit a plebiscite on any question in regard to temperance legislation," conditions had altered by 1922. Demands for an end of prohibition grew strong and in 1923 requests for another vote on the liquor question became insistent. The Leader, and also the Saskatoon Phoenix which had earlier been in favour of the closing of the bars and then of the dispensaries, concluded that a prohibitory law had proven itself to be unenforceable. The Leader stated that, having been given a mandate by the electorate, the Government had no choice but to continue its efforts to enforce the present liquor law. However, a temperance act which could be enforced "with reasonable success", its editor said, was vastly to be preferred over a prohibition act which could not be so enforced, and it appeared that the time had arrived when "the province must choose between legalized selling of liquor and the continuance of the present unsatisfactory conditions."40

Vicious criticism against the Government and against the Temperance Act came during the 1921-22 session from both inside and outside the House. It came from those dry elements who wanted ever more stringent measures of prohibition and an unattainable perfection in the enforcement of the liquor law, and from those formerly dry persons who had now concluded, from evidence at hand, that complete prohibition was impossible of achievement, as well as from the anti-prohibitionists who were

39 Martin to Stewart, March 29, 1921, Martin papers, Liquor Legislation 1921.

40 Leader, January 17, 1922, and February 1, 1922.
now shedding some of their reluctance to speak out.

In introducing further restrictive amendments designed to make the Temperance Act more enforceable the Premier, who also held the office of Attorney General, explained that, despite suggestions that government dispensaries be established, he was convinced that at the present time a majority of the electorate would, if given the opportunity, vote for the continuance of the existing liquor law; as long as he retained this impression he would persist in his efforts to enforce the act to the best of his ability. When Charles A. Dunning succeeded Martin as Premier on April 5, 1922, he repeated the pledge made by his predecessor during the election campaign of 1921, binding himself to the continued vigorous enforcement of the Temperance Act, in accordance with the expressed will of the electorate. The new Premier also followed Martin in committing himself to consulting the voters before introducing any major change in the liquor legislation.

Pressure on the Government from the dry and wet elements in the population persisted throughout 1922. While the Social Service Council, the Saskatchewan Conference of the Methodist Church, the General Council of Union Churches, and the provincial convention of the Women's Christian Temperance Union all passed resolutions variously applauding the recent amendments to the Temperance Act and recommending the continuance or strengthening of the prohibitory system, the anti-prohibition sentiment manifested itself to an increasing degree. Considerable dissatisfaction with what were termed deplorable conditions was voiced in the weekly press, where it was contended editorially that if the law

41 Leader, Jan. 31, 1922.
could not be enforced it should be altered. Among those who had moved
away from a position of support for total suppression of the liquor
traffic which they had previously occupied were a number of clergymen, notably those of the Anglican communion. The Reverend W.C.
Western of Regina concluded that prohibition was "vicious"42; Bishop
Harding of Qu'Appelle termed it "bad for morals, contrary to the senti-
ment of Christian and liberty-loving people."43

Early in 1922 a delegation of prominent citizens of Regina urged
the Government to assume control of the purchase and sale of liquor,
and the provincial Pharmaceutical Association passed a resolution to
the same effect at their annual meeting in September. A resolution
carried at the annual convention of the Saskatchewan Association of
Rural Municipalities, held in March, asked the Government to take a
referendum on the re-establishment of government dispensaries. A Tem-
perance Reform League, launched in Regina in May "to assist Temperance
and oppose Prohibition and other coercive measures,"44 spread during
the year to other centres in the province.

Anti-prohibition opinion became further organized with the
formation, on November 2, of the Moderation League of Saskatchewan,
a non-partisan group "formed for the purpose of co-ordinating the
different elements in the Province opposed to the Temperance Act
and to bring pressure to bear on the Legislature to enact legislation
that can be enforced to the moral and financial benefit of all."45

42 Canadian Annual Review, 1922, p. 796.
43 Loc. cit.
45 Form letter from the Moderation League to the Barristers of
the Province, Dec. 27, 1922, Dunning papers, p. 7142, A.S.
The League claimed to be composed of "leading churchmen, professional and business men." 46

In the printed material which it distributed to members of the Legislature, civic and municipal officials, professional groups, and labour, farm and women's organizations, the league stressed that the liquor question was the most important problem then facing the Legislature. Varying its arguments according to the type of group being approached, the Moderation League pointed to the existence of a "fanatic, vociferous minority that would force the acceptance of the law," even though the retention of an unenforceable prohibition law would lead to "anarchy". The "professional social reformer" who favoured the use of a big club rather than moral suasion, the league charged, was supporting class legislation, since the poor bore the brunt of such a law, a "sumptuary law invading the realm of personal liberty." 47

At the end of the year Premier Dunning reiterated his Government's position on the liquor question and at the same time gave a sharp rebuke to extreme prohibitionists. In a speech delivered at Saskatoon on December 15, 1922, the day on which the liquor export houses in the province closed, he stated in part:

On the question of prohibition the people handed the government a policy . . . . That policy was definite and clear and only the people can reverse that policy, so far as I am concerned. That is a purely Liberal attitude to view a question of this kind which had been decided, maybe permanently, maybe temporarily. Only time can tell. But it was decided, and decided by the vote of the people. We are having a mighty difficult time to enforce the act. But we are not alone . . . . The worst enemies of prohibition, in my judgment, are not those who fight it openly and who sincerely believe in some other policy, but those over-zealous advocates of prohibition

46 Hunter to Dunning, undated form letter, Dunning papers, p. 7141.

47 Dunning papers, pp. 7141-7146.
and social and moral reformers who believe they are advancing the cause in which they believe by impugning motives and questioning the good faith of the men who are in charge of the administration of public affairs, and especially the men who are directly responsible for carrying out the act. . . . . It is a mistaken idea to think you are advancing the cause of purity in public affairs by constantly throwing moral bricks at those who are in positions of authority.48

A petition circulated by the Moderation League in each constituency, asking for government control and sale of liquor and the retail sale of beer, with the net revenue to be used for road-building throughout the province,49 was tabled in the House on February 23, 1923, bearing 65,075 signatures.50 In a meeting with the Premier and his colleagues on March 7 representatives of the league requested that, if the Government felt unable to prepare the requested legislation, public opinion be tested by means of a referendum. The Premier replied that this verbal request was the first intimation which the Government had received that the Moderation League would be content with a referendum and observed: "This is quite a new phase from the point of view of the government."51 The request for a referendum in lieu of legislative action was taken up by branches of the league in various centres and telegrams were sent off to the Premier.

In order to counter these efforts of the Moderation League to achieve what prohibitionists regarded as the horrors of the legal sale of liquor, and in order to "go forward to the elimination of what remains

48 Dunning papers, p. 6534.
49 Dunning papers, p. 7137.
50 Leader, Feb. 24, 1923.
51 Leader, March 8, 1923.
of this festering sore, the Social Service Council in January asked civic bodies and organizations of all kinds throughout the province to endorse a memorial to the Government which read as follows:

WE DECLARE our approval of prohibition and our opposition to any move looking to a return of a legalized traffic in intoxicating liquor for beverage purposes;

WE EXPRESS appreciation of the recent closing of the export warehouses;

WE PROMISE sympathetic support to the vigorous enforcement of the Saskatchewan Temperance Act.53

A prohibition convention called by the Social Service Council assembled in Regina at the end of February to lay plans for a prohibition campaign throughout the province. Almost the entire gathering of approximately 160 persons as a body presented the Government with a resolution stating the convention's conviction that there existed "no sufficient reason to conclude that the people have changed their attitude on the question as previously expressed." The group maintained that although great benefits had come from the operation of the act, a much longer time was needed before the good effects were fully apparent. They urged that the act be vigorously enforced and promised to co-operate in its enforcement.54 The Premier gave his usual response to such representations, to the effect that the Government did not propose to adopt any new liquor policy until given a new mandate by the voters.55

52 Memorial circulated by the prohibition committee of the Social Service Council, Dunning papers, p. 7622.
53 Dunning papers, p. 7623.
54 Dunning papers, p. 7710.
55 Leader, March 1, 1923.
Throughout 1923 the Government continued to be caught in the cross-fire between those who supported the stand of the Social Service Council and those who agreed with the position of the Moderation League. The 1923 annual conventions of the SGGA and the Saskatchewan School Trustees Association both expressed themselves in favour of a prohibitory policy, as did the Presbyterian Synod of Saskatchewan, the Methodist Conference of Saskatchewan, the Baptist Church, the Women's Christian Temperance Union, and the Religious Education Council of Saskatchewan.\(^{56}\) Prohibition resolutions were received by the Government, too, from various congregations and church boards and municipal councils as well as from local grain growers' associations and homemakers' clubs. These groups argued that any move to alter the law was premature since the optimum conditions for enforcing prohibition had not obtained until the export houses were closed in December 1922.

On the other hand, strong criticism of the present policy was voiced by branches of the Moderation League in various centres, by lawyers, business men, clergymen, and a wide variety of individuals and groups, as well as in the editorial columns of the Leader. A member of the Hanley Grain Growers' Association, a lawyer, stressed the "absolute futility of endeavouring longer to attempt to cope with the impossible and unsavoury situation created by the present temperance legislation."\(^{57}\) It was claimed that as a result of the prohibitory legislation forced on the Government by the organized prohibitionists, law-breaking was common and the province was full of liquor of a poor quality sold at high prices. One correspondent maintained, as many

\(^{56}\) Dunning papers, p. 7710.

\(^{57}\) Murray to Dunning, March 2, 1923, Dunning papers, p. 6628.
critics of prohibition had previously done, that "you can't legislate people to abstain from things which they consider their rights as free humans." The Mayor of Wolseley, who was a lawyer, warned the Premier:

I believe that even from a political standpoint the present conditions are injurious for your government. People are getting very weary of present conditions, and so far as I can see there is a suppressed storm of indignation in the Province which only waits for some nucleus about which to crystallize.

The principal desire expressed in such correspondence to the Premier was for liquor of good quality to be made available at a reasonable cost, and the method overwhelmingly favoured for handling the commodity was by means of government sale. Although the Government was urged by some anti-prohibitionists to take a stand on the liquor question and introduce legislation providing for government sale, there was a considerable number of requests for a popular vote, with a choice between government sale and the present system. Aware of the conditions in British Columbia under a system of government sale, however, the Premier was not anxious to follow in the footsteps of that province.

The decision arrived at by the Government was not to alter its liquor policy in 1923. While admitting that conditions were "far from satisfactory" and that there was "a great unrest among the people in connection with the liquor situation and a marked agitation in some quarters in favor of a change," the Attorney General announced in the house that the Government did not plan to take the legislative action

58 Loehr to Dunning, Dunning papers, pp. 7224-25.
59 Hord to Dunning, Feb. 8, 1923, Dunning papers, p. 6578.
60 Dunning to Stapleford, personal, Jan. 25, 1923, Dunning papers, p. 6554.
requested by the Moderation League, to provide for government control and sale of liquor; nor did it plan to submit the liquor question to a popular vote.

We have already had two plebiscites [declared the Attorney General] and still the situation is said to be unsatisfactory. I think a third plebiscite at this stage is altogether unwise. My opinion and the opinion of the Government, is that circumstances do not call for any present change of policy.... More time and consideration will be required, in our opinion, before any change of policy can be justified.

Meanwhile, the Government intended to continue its policy of strict enforcement of the liquor law and its programme of education concerning the law.61

The announcement met with objections from a number of members on both sides of the house. There was more support this session, than previously, for the views of the Government member for Battleford, A.D. Pickel, who claimed that the undemocratic Temperance Act had not brought the benefits anticipated; instead it had filled the jails and caused more drinking among women and teen-age youngsters than had occurred in the days of the open bar. A government-controlled mail order system, with one warehouse in Saskatoon and one in Regina, would reduce the consumption of liquor, Pickel thought, and he hoped the Government would hold a referendum at a future date to ascertain the wishes of the public. Prohibitionist criticism centred on the enforcement of the act, with the liquor commission and Dr. Nicol being singled out. The harshest censure came from the Leader which editorially castigated the Government for its "utter lack of leadership displayed in dealing with one of the most serious problems facing the province." Charging that the Government lacked the courage to deal with a situation it knows should

61 Leader, March 15, 1923.
be remedied," the Leader insisted that the electorate should be polled, as was being done in Alberta and Manitoba during the current year.62

While the Moderation League spent the rest of the year 1923 working to increase its membership and secure a larger number of signatures for a second petition to be presented to the Government, those in favour of the continuance of prohibition fought a rearguard action, doing their utmost to postpone as long as possible any change in the liquor law or any consultation of the electorate. When the Premier confidentially informed a leading prohibitionist, the superintendent of missions for the Saskatchewan Conference of the Methodist Church, that "everything points to an exceedingly strong demand for a referendum at an early date, a demand which in all probability cannot be refused,"63 the latter urged that the vote "be held off as long as possible."64 Later, the mission superintendent stated that the people of the north would not object to a vote in the summer of 1924, at the earliest; by then both the wets and drys would be prepared. Withdrawal of political support was threatened in the event of an earlier vote, in which the wets would have an advantage, he claimed.

Personally if that vote is take this year [wrote the mission superintendent] I shall have lost confidence in the Government and shall be forced to the conclusion that we have not been dealt with fairly in the matter and should suppose that the Temperance people would be quite right to do to the Government Control Act what the Moderationists have done to the present Act.65

The Social Service Council, as a body, pressed for a longer delay.

62 Leader, March 17, 1923.
63 Dunning to Endicott, July 9, 1923, Dunning papers, p. 7821.
64 Endicott to Dunning, July 20, 1923, Dunning papers, pp. 7822-23.
65 Endicott to Dunning, Dunning papers, pp. 7845-47.
In a manifesto issued by their prohibition committee, presented to the Government on September 13, support was voiced for the principle of the referendum, but three years from December 15, 1922, the date on which the export houses closed, was held to be a "minimum period for a fair test of the Saskatchewan Temperance Act."\(^6^6\)

There was pressure, too, for the Government to forsake its policy of not altering the liquor law in any major way without first taking a costly poll of the electorate. Because both the liquor commission and the police force had been subjected to ridicule, even in the Liberal Leader, for their inability successfully to enforce the liquor law, the Mayor of Wolseley suggested to the Premier that if "the law cannot be enforced surely it would be better to make the impossibility a plank in the Liberal platform and go down fighting in that way rather than to have a continuance of the present conditions."\(^6^7\) The Leader commented caustically on the "new constitutional practice" where "anything goes that the public opinion of the moment will tolerate." In referring to the votes which had been held on the liquor question in each of the prairie provinces, the editor wrote:

Quite likely there are cabinets in the British Empire that have ideas of their own and have the courage to defend them, but the days when the prairie provinces had such cabinets appear to have gone forever. A new constitutional practice has grown up which requires that cabinets shall first ascertain in what direction the cat is going to jump. Then they take up a strategic position and hold the sack open - and pussy lands squarely in it.\(^6^8\)

To such criticism the Premier reiterated that he was committed

\(^{6^6}\) Dunning papers, p. 7833.

\(^{6^7}\) Hord to Dunning, Feb. 13, 1923, Dunning papers, p. 6585.

\(^{6^8}\) Leader, Mar. 17, 1923.
to consulting the electorate, despite whatever misgivings he might have concerning the constitutional aspects of such a procedure. "By a combination of circumstances years ago," he explained, the "referendum course" had been started "in connection with this particular issue," and on the occasion of the last General Election in this Province, 1921, the Government definitely undertook that no radical change should be made in the Saskatchewan Temperance Act without consulting the people, inasmuch as the people had created the present position by referendum vote.

Although he had "no doubt that the referendum system raises very grave questions relating to our system of government," Dunning indicated that he really lacked any choice in the matter.

Having regard to the fact [he wrote] that the ordinary principles of responsible Government were departed from in the first instance by adopting the referendum principle, I think you can appreciate my difficulty in giving constitutional leadership at this time.

By 1924 the main question in the highly contentious liquor issue had been narrowed down to settling on a date for consulting the opinion of the electorate as to the continuance of prohibition. A delay of at least two years was sought by the Saskatchewan Prohibition League, which had been formed in November of 1923 for the purpose of rallying the drys in the fight against liquor. The SGGA and the Saskatchewan School Trustees Association passed resolutions asking for a similar postponement. The Moderation League, on the other hand, presented to the Government a

---

69 Dunning to Horsfield, Nov. 24, 1923, Dunning papers, 7911-12.
70 Dunning to Elliott, Nov. 22, 1923, Dunning papers, p. 6697.
71 Dunning to Horsfield, Nov. 24, 1923, Dunning papers, pp. 7911-12.
72 Dunning to Brown, Dec. 13, 1923, Dunning papers, p. 7924.
petition bearing 79,004 signatures which asked that "immediate provision be made whereby the people of this province may express their desire in regard to the liquor policy by their votes." The Synod of the Anglican Diocese of Qu'Appelle also wanted an immediate referendum on the liquor question.

A compromise proposal was put forth by the Principal of the Collegiate Institute in Yorkton. Pointing out that a referendum would be costly and the result was almost certain to be a defeat of prohibition since both adjoining provinces were now wet, this educator suggested that legislation be prepared that would "fairly meet the demands of the Moderation League"; at the same time the Government should give a guarantee to the prohibitionists that a vote on prohibition would be held within, say, four or five years' time, at their request. A new system of liquor management would thus be given a fair trial in the four western provinces and Saskatchewan electors would be in a position to make an intelligent choice between two systems.

In his reply the Premier stated:

I would have welcomed some such idea before the House met, but I am afraid there is not a sufficient "spirit of sweet reasonableness" on the part of those on either side of the controversy to make any such arrangement possible. Such proposal, to have any force, should, of course, come from the recognized leaders of the prohibition forces in the Province, but I feel reasonably sure, from my conversations with these gentlemen, that there would be no likelihood of such an agreement on their part.

---

73 McLeod to Latta, Feb. 22, 1924, Latta papers.

74 The Anglican Church was divided on the matter. While the Bishop of Qu'Appelle felt that the temperance cause was being harmed under existing conditions and advocated that the Government assume responsibility for the sale of liquor, the Bishop of Saskatchewan was urging that the Government keep out of liquor traffic.

75 Finlay to Dunning, confidential, Feb. 22, 1924, Dunning papers, p.6728.

76 Dunning to Finlay, Feb. 25, 1924, Dunning papers, p. 6729.
In the speech from the throne the Government announced its intention of introducing a bill to provide for the taking of an early plebiscite throughout the province, with the exception of the northern constituencies of Ile à la Crosse and Cumberland. During the ensuing debate a number of members who the previous year had objected to the holding of a vote revealed that, although perhaps still reluctant to see the Government enter the liquor business, they were now ready for it. A request of almost 80,000 voters could hardly be refused, as E. R. Ketcheson, Liberal member for Hanley, acknowledged,77 and there was general agreement on both sides of the House that the vote should be taken soon.

On March 4, 1924, the Attorney General introduced Bill Number 41, "An Act to provide for a Plebiscite on Questions relating to the Control and Suppression of Traffic in Alcoholic Liquors."78 Despite the Government's uneasiness about the prospect of embarking on a system of government sale of liquor, because of the great divergence of opinion on the liquor problem the electorate was to be asked to vote on July 21, 1924, on two questions. The first was: "Are you in favour of the principle of the Saskatchewan Temperance Act?" The second question was divided into two parts and asked the voters to indicate whether, in addition to government sale of liquor, they wished "the sale of beer in licensed premises."79

In moving second reading of the bill, before crowded galleries,

77 Leader, Feb. 9, 1924.
78 Journals of Saskatchewan, 1924, p. 64.
79 Leader, March 22, 1924.
the Attorney General emphasized that the proposal was for a plebiscite, not a referendum, and drew a clear distinction between the two:

A referendum is the submission of a proposed public measure or law which has been passed upon by a legislature or a convention, to a vote of the people for ratification or rejection. If ratified by the vote it is bound to become law. The system of referendum is foreign to our constitutional form of government. The legislature must remain free and supreme.

A plebiscite, on the other hand, is an expression of the popular will on a given matter of public interest by means of a vote of the whole people. The result of a vote on the plebiscite does not place any obligation on the government to introduce or upon the legislature to enact any law as a result thereof. It is merely a means of gaining an expression of public opinion.80

The Premier explained that Saskatchewan would not repeat the experience of Manitoba where a "referendum vote" had been held in 1923 and now, a few months later, the question had arisen as to the extent to which the Legislature could amend the act which had been "voted into existence by referendum." Dunning claimed that "the constitutional right" of the Legislature "to amend an enactment passed on by the people by referendum is a very debatable point and has never been definitely settled." In employing the plebiscitary method, he averred, Saskatchewan was "on safe constitutional ground." After the vote had been held the Legislature, having been made aware of the public's wishes, would retain "the responsibility of any legislative enactment which follows."81

In view of the fact that, as the Premier pointed out, "both sides of the controversy in Saskatchewan agreed the people should be consulted,"82

80 Ibid., March 8, 1924.
81 Loc. cit. March 8, 1924.
82 Loc. cit.
the plebiscite bill, not surprisingly, received unanimous approval in principle.\textsuperscript{83} There was, however, considerable debate in Committee of the Whole concerning two points in the proposed measure. Both inside and outside the House objections were raised as to the wording of the first question, on which a variety of meanings were placed. Only eight members voted for an amendment which would have substituted "Are you in favour of the continuance of the Saskatchewan Temperance Act?", after the Premier had explained that such a question might be interpreted as continuation of the act in its present form, precluding amendments which many people felt were desirable. Finally, on the motion of the Attorney General, and with only three negative votes cast, the first question was amended to read: "Are you in favour of Prohibition in Saskatchewan."

Differences of opinion were also expressed as to the exact date for the poll. Reasons for not having selected the time of the municipal elections, as a number of people had requested, were outlined by both the Premier and the Attorney General. Although certain financial savings had been possible in 1916, when municipal officials acted as returning officers and deputies without extra remuneration, such savings would be much less in the future since, as a result of changes in the municipal law, acclamations were frequent. In addition, due to the greater uncertainty of the weather in the winter, women might find it impossible to get to the polls at that time. The harvest season was also ruled out as impropitious because of the large influx of farm labourers then, some of whom might cast a ballot and thus give rise to "justifiable

\textsuperscript{83} \textit{Loc. cit.}

\textsuperscript{84} \textit{Ibid.}, March 22, 1924.
The government is most anxious [declared the Attorney General] that the plebiscite when taken should be fair and just to all, and that it represent a true and frank expression of public opinion. The larger the vote the more accurate will be the expression. While the date mentioned should not be regarded as arbitrary it represents our best judgment after most earnest deliberation and after taking all known factors into account. It should allow reasonable and ample time for free and frank discussion.

Various dates were discussed by the members and suggestions were forwarded to the government from the community. The Prohibition League objected to any date earlier than July 21, on the grounds that they would not be prepared before then. The Board of Social Service and Evangelism of the Methodist church did not want the vote before June 30, but preferred that date to any time in July, when the teachers would be away and the ministers and their families moving to new posts. Other church groups also objected to June because their annual meetings would be held during that month. The month of June was opposed by the Government member for Canora but favoured by the Government member for the two northern constituencies. The date was finally moved from July 21 to July 16 in order to avoid collision with the opening of the Saskatoon exhibition.

The debate was marked by a general absence of extreme prohibitionist views, although G.W. Robertson, Independent member for Wynyard, moved that the date by changed to July 16, 1925, in order that the Temperance Act might be given a "fair trial"; J.A. Maharg, Opposition member for Morse, who was also opposed to government sale of liquor, seconded the motion.

A third change in the bill effected in committee was elimination

---

85 *Leader*, Mar. 8, 1924.
of the clause which excluded the two northern constituencies from the plebiscite. Although these had been exempted from the 1916 vote, when they were sparsely settled, the Government accepted the suggestion of the northern member, J.O. Nolin, that they now be included since the population had grown considerably in recent years. An amendment to the Saskatchewan Temperance Act was also passed at this session, giving the police the right to search public places for liquor without a search warrant; the vote on second reading of this bill was 42 to 13 on division.87

The results of the voting on July 16 under The Plebiscite Act, 1924,88 were as follows:89

Question 1. Are you in favour of Prohibition in Saskatchewan?

(a) number of votes in the affirmative of Question 1 ... 80,381
(b) number of votes in the negative of Question 1 ... 119,337

Majority against prohibition ... 38,956

Question 2. If a Liquor System under Government Control be established which of the following do you favour?

(A) Sale by Government Vendors in Sealed Packages of all Spirituous and Malt Liquors

or

(B) Sale by Government Vendors in Sealed Packages of all Spirituous and Malt Liquors and also sale of beer in licensed premises

(c) number of votes in favour of System A in Question 2 ... 89,011
(d) number of votes in favour of System B in Question 2 ... 81,125

Majority for System A ... 7,886

87 Leader, Mar. 13, 1924.

88 Statutes of Saskatchewan, 1924, cap. 50.

89 Dunning papers, pp. 6759-61; Executive Council file 785.
Total vote on Question 1 ... 199,718
Total vote on Question 2 ... 170,136
Number who voted on Question 1 but not on Question 2 ... 29,582
Number of spoiled ballots ... 7,628
Total vote on Question 1 ... 199,718
Total ballots cast ... 207,346

Electoral divisions voting "dry" - 15
Electoral divisions voting "wet" - 45

Twenty-three of the "wet" constituencies voted for the sale of beer by the glass and 22 against such sale. Weyburn was the only city in the province to give a "dry" majority. Saskatoon, Regina, and Prince Albert voted for system B whereas the four remaining cities voted against the licensed sale of beer to be consumed on the premises.

The failure of 29,582 persons who voted on the first question to express a preference on the second question was variously accounted for. The Reverend C. Endicott of the Methodist Church stated that many prohibitionists had refrained from voting on the second question for "conscientious reasons". The Prohibition League claimed to have advised all its supporters to vote on both questions but some had refused to indicate a preference on the second part of the ballot because they were equally opposed to government sale of liquor and to beer bars. The Moderation League attributed the lighter vote on the second question to

90 Spoiled ballots included all those on which there was no answer to Question 1.
91 Endicott to Dunning, Aug. 29, 1924, Dunning papers, p. 8329.
92 Dobson to Dunning, Sept. 2, 1924, Dunning papers, p. 8367.
"much misunderstanding and intentional misrepresentation" during the campaign.93

Premier Dunning, who interpreted "the tremendous vote cast" as evidence of the soundness of the Government's decision to accede to requests for a popular vote in 1924,94 issued the following statement to the press upon his return from a visit to the United Kingdom:

By the plebiscite the people have plainly expressed their wishes regarding liquor legislation. It remains for the Government to present to the Legislature in due course such legislation as will give effect to the clearly expressed views of the electorate.95

Advice as to how best to carry out the wishes of the people was plentiful, as meetings were held and the Premier was deluged with letters, resolutions and delegations bearing an assortment of recommendations. As pointed out by the Attorney General in the house, the result of the plebiscite gave the Government "an undoubted mandate to introduce legislation providing for some form of sale of liquor for beverage purposes. The main contention was as to degree."96

Delegations from the Saskatchewan Hotelkeepers' Association and the Moderation League urged the Government, in the interests of temperance, to follow the Alberta practice and provide for the sale of beer by the glass on licensed premises. The hotelmen asked that at least in those districts where system B had received a favourable majority the people be allowed to have the licensed sale of beer. The Moderation League,

93 Hunter to Gardiner, May 18, 1925, Dunning papers, pp. 6938-40.
94 Dunning to Evans, Sept. 3, 1924, Dunning papers, p. 8334.
95 Dunning papers, p. 8302.
which took the view that the easy accessibility of beer would result in a decrease in the consumption of hard liquor, in bootlegging, and in the manufacture of home brew, argued that, since their organization had been principally responsible for having the plebiscite taken, their views should be heeded by the Government.97

The results of the plebiscite were interpreted by the Prohibition League as precluding the sale of beer on licensed premises and their delegation recommended a non-profit system of liquor sale. Many prohibitionists, alarmed at the possibility of the sale of beer by the glass, wrote to the Premier expressing strong opposition to the establishment of "beer bars" and to the expense of local option campaigns so soon after the plebiscite. They argued that in addition to the majority of 7,886 which favoured government sale of liquor without the sale of beer by the glass, there were the 29,582 electors who had voted on the first question but not on the second; since these did not vote for any sale whatever they were assumed by prohibitionists to have been opposed to system B, making a total majority of 37,468 against the sale of beer under license. The only local option privilege of interest to prohibitionists was the opportunity not to have a liquor or beer store in their district.98

The fifth session of the fifth Legislature met early, on November 13, 1924, in accordance with the Premier's promise to act expeditiously upon the results of the plebiscite.99 The new liquor legislation

97 Hunter to Dunning, Oct. 18, 1924, Dunning papers, pp. 7259-63.
98 Dobson to Dunning, Sept. 2, 1924, Dunning papers, p. 8367.
99 Leader, March 8, 1924. Premier Dunning had stated that the Government had no intention of calling a special session but, if further legislation was indicated as a result of the plebiscite, would probably call the next session early.
introduced by the Government provided for the setting up of a liquor board which would have "the general control, management and supervision" of all liquor and beer stores. The province was to be divided into city and numbered districts. Fifteen per cent, of the municipal voters in any numbered district might, following notice of the board's intention to establish a beer store in that district, present a petition opposing such establishment. If a majority of the voters cast a negative ballot the store would not be established. Similarly the closing of a store in any district might be requested by petition, with a vote following. No provision was made for the licensed sale of beer and liquor could be consumed only in a dwelling house, or by a hotel guest in his own room, unless a special permit was obtained.  

In discussing the bill in the Legislature the Premier repeated what he had told the Hotelkeepers' Association three months earlier: "...38,000 who voted wet in not supporting Question (b) indicated, among other things, that they did not want to see private interests in the community engaged in the liquor business." The beer stores were being set up in response to a considerable body of opinion that wanted the lighter beverages to be easily accessible, on the grounds that they were less harmful than the spirituous liquors.  

The bill received the enthusiastic approval of prohibitionists throughout the province but was harshly criticized by the moderationists and the hotelmen. The leader of the Opposition in the House, Harris Turner, shared their dissatisfaction with the "many technicalities and

100 Statutes of Saskatchewan, 1924-25, cap. 53.  
restrictions" which surrounded the consumption of liquor and said of the measure:

It gives me the impression that the Government is convinced that moderate drinking is a sort of nefarious business, and I do not think that was the intention of the 119,000 people who voted against The Temperance Act.

Referring to suggestions that those constituencies which had voted dry should be kept dry and those which had voted for system A or system B should be given such a system, or that beer licenses be granted on a local option basis, the Premier stated that the plebiscite had been taken on a provincial basis, on the understanding that any resultant legislation would be provincially applied, and not as a question to be settled in each constituency according to its own vote. The local veto provisions in the bill did not depart from this principle, contended the Premier when emphasizing that the rules should not be altered after the vote had been taken.

Giving the people the right to veto the establishment of stores in their community under sale by the Government of liquor in sealed packages, [Dunning maintained] is different from giving them the right to determine to have in their community what the whole people declared should not be allowed in any community.

The Premier concluded his defence of the principle of the measure as follows:

Those who are asking the Government of this province to inaugurate again a liquor license system are asking me to go down in the history of Saskatchewan as the man who defied the expressed will of the people by again bringing into being a liquor license system... If the people had voted for it I would not stand in their way for a moment; I would rather go down to defeat than impose it on the people against their expressed desire.

102 Saskatchewan Sessional Papers, 1924-25, p. 130.
103 Ibid., p. 132.
104 Ibid., p. 144.
105 Ibid., p. 146.
CHAPTER V
PLEBISCITE ON BEER BY THE GLASS, 1934

When moving second reading of the Government's liquor bill of 1925, the Attorney General stated:

I do not in any way claim perfection for the Bill. It will be too dry for the extreme wets and too wet for the extreme drys. I am, however, hopeful that it will commend itself to the good judgment of and find favour with the great body of the more moderate of our people on both sides of this troublesome question.

I am not so optimistic as to think that the measure ... will solve the problem. History will not justify this conclusion. Public opinion on this issue ebbs and flows with the tide. We can only hope that it is another step towards a solution.¹

Although, as Premier Dunning explained, the government was trying "to hold a steady course between the two extremes of opinion" on the liquor question,² members of the Moderation League of Saskatchewan claimed that the Liquor Act of 1925 entirely favoured the prohibitionists. The league described the measure as "unfair and unworkable", one which would not "tend towards sobriety or respect for the law."³

In May, 1925, the moderationists sent a letter to each candidate in the forthcoming provincial general election asking the question: "Are you in favour of the retail sale of beer by the glass?" Claiming to have more than 4,000 active workers scattered in every constituency throughout the province, the league offered to assist, quietly and judiciously, those candidates who would "seek to promote the welfare of the Province by subscribing to its principles." The lack of a reply

¹ Saskatchewan Sessional Papers, 1924-25, p. 124.
² Dunning to Magee, Dec. 8, 1924, Dunning papers, p. 8716.
³ Statement dated Dec. 8, 1925, Dunning papers, p. 7270.
within a week would be considered to constitute a negative answer and the League would govern itself accordingly.⁴ Later in the year the Moderation League announced that it would not take any official action regarding local votes on the establishment of beer stores but would continue in its endeavour to "influence legislation" towards a "sane, reasonable and workable liquor act."⁵ Accordingly, representatives of the league interviewed the government in December to request once again provision for the sale of beer by the glass. In 1925, too, a small group of hotel-men circulated publicly a petition asking for another vote on the beer parlour issue.⁶

While the Government was being pressed by the Moderation League, the hotel keepers and brewers, and private citizens to establish beer parlours, it was also receiving letters of congratulation for having withstood the pleas of the moderationists and others for such parlours. The United Church, in particular, strongly favoured the return of prohibition. Despite the small margin by which the electorate had decided against the sale of beer by the glass in the plebiscite of 1924, and the persistent pressure to have the question re-opened, which was unfailingly opposed by the prohibitionists, it was another ten years before the voters again had the opportunity to indicate whether or not they favoured the sale of beer to be consumed on the premises. Meanwhile the provincial Governments of Premier J.G. Gardiner and Premier J.T.M. Anderson refused to take the responsibility for a major change in the

---

⁴ Hunter to Gardiner, May 18, 1925, Dunning papers, pp. 6938-40.
⁵ Statement dated Dec. 8, 1925, Dunning papers, p. 7270.
liquor law.

In 1928 the Liberal Government was subjected to strong pressure from the two opposing forces. In a concerted effort to obtain licensing privileges, the Saskatchewan Hotelkeepers' Association circulated a petition asking that legislation be enacted permitting the sale of beer by the glass in licensed premises; or in the alternative that the desire of the electorate for or against the enactment of such legislation be ascertained by way of plebiscite with a view to such desire being implemented by legislation.7

Opposing the hotelkeepers' request was a counter-petition distributed by the Saskatchewan Prohibition League. Both were submitted by the end of the year, the former containing 64,801 signatures and the latter 47,220. The principal demand for beer by the glass came from urban voters; from the three major cities there were 24,920 names on the hotelmen's petition but only 13,524 names on the prohibitionists' petition. The rural voters were fairly evenly divided: the hotelmen secured 39,881 signatures and the prohibitionists 33,696. In addition, attached to the petition of the prohibitionists the Government received 37 resolutions from 30 points protesting against the hotelkeepers' petition; these had been adopted by church boards, missionary societies, temperance unions, public meetings, two rural municipalities, one lodge of the United Farmers of Canada, and one branch of the Young Men's Christian Association. The government also received, from 39 points in the province, 68 protests against the proposal to sell beer by the glass from young people's societies, girls' groups, boys' groups, Sunday

7 Executive Council, file 929, A.S.
schools and religious educational councils.\textsuperscript{8}

Under the auspices of the Prohibition Federation of Canada, prohibitionists from all parts of Canada gathered for a two-day convention in Toronto to discuss the general situation with regard to the liquor traffic in the various provinces. The Saskatchewan prohibitionists were highly critical of the system of government control and sale of liquor. According to the secretary of the Prohibition League of Saskatchewan, the solution for the problem of drunkenness was "an energetic programme of scientific education," and "an appeal ... to all the people in Saskatchewan for the sake of our youth to become total abstainers."\textsuperscript{9} With such strong objections from temperance quarters Premier Gardiner declined to initiate any major alteration in the Liquor Act or to grant the requested plebiscite.

The Government was not, of course, able to escape entirely the usual criticisms levelled at the administration of a liquor law. In 1928 the Opposition Leader moved the following amendment to the motion for the Address in reply to the Speech from the Throne: "... we regret that there is no expressed desire or intention to deal with the question of stricter enforcement of the present liquor laws in the Province ... ."\textsuperscript{10} Following a speech in which the Honourable J.F.

\textsuperscript{8} Undated memorandum signed by the Clerk of the Executive Council, Executive Council, file 929. (From its location in the file this memorandum appears to have been written on Dec. 28, 1928, for the information of Premier Gardiner.

\textsuperscript{9} Dr. W.J. McIvor to editor of the Saskatoon Star-Phoenix, Oct. 13, 1928.

\textsuperscript{10} Canadian Annual Review, 1928-29, p. 471.
Bryant, Minister of Public Works in the new coalition Government, read statutory declarations outlining, among other matters, irregularities in connection with the enforcement of the Liquor Act, a Royal Commission was appointed in 1930 to inquire into the administration of justice in the province. The report, which was presented to the Legislature in February, 1931, stated that under the previous Liberal Government there had been improper political interference with the administration of justice; in particular, the Attorney General's department had interfered with the enforcement of the provisions of the Liquor Act.

In 1930 the Legislature passed a motion expressing opposition to the advertising of intoxicating liquor in any form in the province, after a similar motion had failed to carry the previous year. In 1931 the Government abolished the advertising of hard liquor, for which action it was applauded by the prohibitionists and criticized by the moderationists. In the same year it inaugurated a liquor permit system, from which an annual revenue of $200,000 was expected. The effect of depressed economic conditions on beer sales resulted in the closure in 1932 of 30 stores which sold beer only, whereas only 11 new stores were opened. At their annual meeting that year the Saskatchewan Prohibition League passed

---

11 O.C. 1068, June 7, 1930; O.C. 1430, Sept. 6, 1930.

12 Saskatchewan Sessional Paper, no. 88; the findings are fully reported in the Leader-Post, Feb. 27 and 28, 1931.


14 Journals of Saskatchewan, 1929, pp. 85-6.

15 Canadian Annual Review, 1931, p. 250.
a resolution requesting the Government to close the beer and liquor stores for the duration of the depression, and that previous to re-opening them a vote be taken in each district. The league also asked that "pressure be continued for the elimination of beer and wine advertising." A resolution condemning the public advertising of beer and wine was also passed that year by the United Church women at their annual convention.

The only significant alteration effected in the Liquor Act at this time was a provision to permit the sale of domestic wines in beer stores, effective May 1, 1932. Although a number of members of the Legislature voiced support for the amendment on the ground that such sale would have the effect of decreasing the consumption of hard liquor, certain Liberal members sought to avoid committing themselves on the issue. The former Attorney General, T.C. Davis, argued that members should be given an opportunity to ascertain the views of representative bodies in their constituencies before being asked to vote on the amendment, and the Opposition Leader, J.G. Gardiner, moved that the clause containing the "drastic" change be withdrawn and brought up again at the next session.

Along with the deep concern of Saskatchewan residents with such matters as foreclosures and evictions, the administration of relief, debt adjustment, tariffs and trade, there was mounting agitation in 1932 and 1933 for the sale of beer by the glass. On December 29, 1932, the Saskatchewan Executive of the Trades and Labour Congress of Canada, in presenting a number of requests to the Government, asked for the

---

17 Ibid., Jan. 28, 1932.
18 Statutes of Saskatchewan, 1932, cap. 69.
19 Leader-Post, Apr. 12, 1932.
"institution of beer parlours in conformity with the Trades Congress
decision" of the preceding six years.20 At the annual provincial conven-
tion of the Trades and Labour Councils in 1933 only one small union, with
a total membership of a dozen men, voted against the resolution urging
the sale of beer by the glass on licensed premises.21

In March, 1933, a body calling itself the Non-Partisan Indepen-
dent Political Association of Saskatoon presented a petition bearing
14,000 signatures22 to the Lieutenant-Governor, asking for his "inter-
position for amendments to the Liquor Act 1925 to permit the sale and
consumption of beer and light wines in licensed and regulated beer parlours in hotels and other suitable places . . . ." The petitioners
called attention to the unemployment and business stagnation, and the
impending bankruptcy of most hotels, and claimed that the establishment
of regulated beer parlours would "provide employment for hundreds of
persons and stimulate the building, manufacturing, decorating, and
commercial industries, and increase public revenue.23 A plea for the
relief of hotels was also made in the Legislature by two Liberal members,
A.J. Marion, of Ile à la Crosse, and James Hogan of Vonda, when they
spoke in support of their motion favouring the sale of beer by the

20 Regina Daily Star, June 12, 1934.
21 Ibid., June 12, 1934.
22 Leader-Post, March 9, 1933.
23 The petition, which is on file in the Archives of Saskatchewan, shows the officers of the association to be R.P. Campbell, president, Peter R. Kroutzwieser, organizing director, and J.P. Colloton, director of research. This seems to have been an ad hoc group which existed for the one purpose of applying pressure on the Government to permit the establishment of beer parlours in hotels.
At their annual convention in September, 1933, the Saskatchewan Hotelkeepers' Association unanimously decided, as the first step in a renewed public campaign to obtain licensed premises, to circulate a petition asking for a plebiscite on the establishment of beer parlours to be taken at the next provincial general election; in the event that a plebiscite carried they would expect whatever Government was elected to initiate revisions in the Liquor Act which would permit the sale of beer by the glass in those districts where the vote was favourable. Wishing to keep the matter out of partisan politics, the hotelmen agreed to ask the support of all parties in the Legislature on this issue. When presented to the Cabinet early the following January this petition bore 58,000 signatures.

Opposition to the extension of beer outlets was expressed in resolutions submitted to the Government and to all members of the Legislature by the Saskatchewan Temperance League (the new name chosen for the Saskatchewan Prohibition League) following a convention of temperance workers held in mid-December. The league took strong exception to any move to introduce the sale of beer by the glass, particularly in view of the difficult economic conditions, and definitely opposed the surrender of any portion of the liquor trade to private interests. The resolutions which the league presented to the Government stated, in part:

1. That we are unconditionally opposed to any extension of

24 Leader-Post, Mar. 3, 1933.
25 Leader-Post, Sept. 23, 1933.
26 Star-Phoenix, Jan. 4, 1934.
facilities for the sale of alcoholic beverages in this province.

2. That, specifically, we are opposed to the sale of beer by the glass, believing that such would be detrimental to the moral and economic well-being of the province.

3. That until such time as the people of Saskatchewan express themselves in favour of the manufacture, importation and sale of liquor we are not in favour of any extension of private interests and private profits in the liquor business, such as is proposed in the petition now being circulated throughout the province, inasmuch as this would be receding from the principles of government sale and the surrender of a portion of the retail liquor trade to private interests.27

Opposition also came from the United Church, which prepared the following resolution to be sent to various organizations in all parts of the province for their endorsement:

That the plebiscite being requested in the petition of the Hotelmen's Association, on the establishment of beer parlours (or saloons), be deferred, owing to present economic conditions in the province, and that we further express our unconditional opposition to any extension of facilities for sale of alcoholic beverages in this province, and urge that if a plebiscite be taken at a later date, the electors be given an opportunity to express their judgment on the question of the complete elimination of private interest and private profit, both on the manufacture and sale of alcoholic liquors for beverage purposes.28

By the end of January, 1934, the Social Service Council, some locals of the Women's Missionary Society, church boards, the Saskatchewan Temperance League, one or two rural councils, and at least one wheat pool local had endorsed and forwarded to the Government this resolution or one very similar.29

Early in February the Government received two delegations. A large temperance deputation urged that no move be taken which would lead to the inauguration of the sale of beer by the glass. On the other hand,

27 Leader-Post, Dec. 19, 1933.
28 Ibid., Jan. 31, 1934.
29 Regina Daily Star, Jan. 29, 1934.
representatives of the Saskatchewan Restaurant Association requested that bona fide restaurants in the cities be licensed to serve beer with meals. A petition requesting this privilege, in the event of a favourable popular vote, was circulated throughout the province once the plebiscite had been announced.30

With an election approaching, the Government had to contend with the strong pressure being brought to bear by those wishing a relaxation of the liquor laws, as well as the unyielding opposition of the "dry" forces. The Premier was determined not to allow the matter to become a party issue. At the Conservative party conference held at Saskatoon in October, 1933, a lengthy discussion had taken place on a resolution advocating the sale of beer by the glass. Although it was freely admitted that there was a strong and insistent demand for a change in the existing system of beer sales in the province, it was considered "dangerous" to take a stand on the question because then the party would be open to attack by church organizations. For this reason the resolution was tabled and the Conservative party platform drawn up at that time contained no mention of the alcohol question.31

In an interview with the press shortly before the legislative session opened, the Premier stated that the Government had no intention of allowing the proposals for the sale of beer by the glass to become an election issue. He said that the only thing the Government would decide on the matter was whether or not to submit the question to the

30 Text of the resolution passed at the annual meeting of the Saskatchewan Restaurant Association and presented to the Government, as well as the text of the petition, is given in the Leader-Post, Feb. 24, 1934.

public in the form of a plebiscite. In the Speech from the Throne on February 15 no reference was made to the subject of beer outlets, but the following day Premier Anderson announced that the Government would introduce an enabling bill to permit the taking of a vote for or against beer sales by the glass at the time of the forthcoming provincial general election.

The Government had some difficulty deciding on the nature of the question or questions to be voted on by the electorate. Three possible questions were considered.

Are you in favour of beer by the glass?
Are you in favour of licensed premises?
Are you in favour of government owned premises?

The ballot suggested by the hotelmen contained a single question:

Are you in favour of the sale of beer by the glass under government control and regulation in licensed hotel premises without bar?

When Bill No. 33, An Act to provide for a Plebiscite respecting the Sale of Beer on Licensed Premises, was introduced by the Premier on March 8, 1934, provision was made for only one question to be placed before the voters: "Are you in favour of the sale of beer by the glass on licensed premises?"

There was little controversy in the House when the plebiscite

32 Saskatoon Star-Phoenix, Feb. 12, 1934.
33 Leader-Post, Feb. 16, 1934.
34 Leader-Post, Feb. 28, 1934.
35 Leader-Post, Feb. 19, 1934.
36 Journals of Saskatchewan, 1934, p. 64.
bill received second reading on March 16. The Premier explained that he proposed having the plebiscite taken coincidently with the general election as an economy measure, the estimated cost at that time being $40,000 whereas it would cost approximately $200,000 if held at the time of the municipal elections. The Opposition Leader stated that it had always been a matter of Liberal principle that whenever there was a considerable body of opinion in favour of a plebiscite, that plebiscite should be given. He was as anxious as the Premier that the question of establishing beer parlours be kept out of partisan politics and stated that he was prepared to make compromises in respect to the details of the ballot and the time of the plebiscite in order that "no political aspect might be injected into the question before it got before the people." Although J.G. Gardiner had received numerous petitions from various church organizations urging that the plebiscite be deferred owing to the difficult economic conditions, he did not argue that the plebiscite should be taken at any time other than that suggested. He stated, however, "From a purely political standpoint I would sooner see it taken on some other day." 37

The principal objector to the bill was J.V. Patterson, Independent member for Milestone, who contended that the petition received by the Government did not represent the majority opinion of the electorate and that the enabling bill had been drafted with a view to satisfying one particular group in the community - the hotelkeepers. The Conservative member for Souris, W.O. Fraser, shared the view that the request for a plebiscite came from only a minority of the population, a "minority who

37 Leader-Post, March 17, 1934.
use strong drink."38

Having lost the battle to delay the taking of a plebiscite, the Temperance League urged Government to offer a second question on the plebiscite ballot so that the public might have an opportunity to indicate a preference between government operated beer parlours and licensed parlours. During consideration of the plebiscite bill in Committee of the Whole, S.N. Horner, Progressive member for Francis, moved an amendment providing for the submission to the voters of a second question: "Are you in favour of elimination of private profit in the manufacture and sale of intoxicating beverages?" A number of members on both sides of the house mentioned that such a question might be difficult to answer: a negative vote might mean that the Government should cease selling liquor and let private firms do it, whereas an affirmative reply would put the Government in the brewing and distilling business. A suggestion was made that the question be broken into two parts, one relating to sale and the other to manufacture. The amendment was defeated, however.39 To Jacob Benson, (Progressive) of Last Mountain, it appeared that the original question proposed by the Government was a double-barrelled one, in that the electorate might be in favour of the sale of beer by the glass without being in favour of such sale on licensed premises. He did not submit an amendment and the clause was adopted unchanged.

The original draft of the bill presented to the Legislature provided for the appointment for each poll of two agents representing the "dry" interests and the "wet" interests. Because of criticisms that

38 loc. cit.

39 Western Producer, Apr. 5, 1934, p. 17.
such a system would prove unduly cumbersome, an amendment was introduced by the Premier during the committee stage making the returning officer responsible for the proper conduct of the plebiscite and entrusting to the deputy returning officer the work of counting the ballots.40

After the passage of the bill enabling the plebiscite to be held, the campaigns of those favouring the plebiscite and those opposing it were intensified. Under the leadership of its president, the Reverend Dr. Archibald Young of Prince Albert, the Temperance League organized two campaign committees: one for the portion of the province south of the South Saskatchewan river, with headquarters in Regina; and one for the northern part of the province, located in Saskatoon. Each of these central committees was to appoint key men to form local temperance committees and the campaign was to be organized on the basis of provincial constituencies. Speakers were to travel throughout the province prior to the date of ballotting, urging a vote against the establishment of beer parlours. The Temperance League had the full support of the Saskatchewan Conference of the United Church and amongst the speakers who travelled widely soliciting a negative vote were the Reverend Dr. H. Cobourn of Toronto and the Reverend Dr. Hugh Dobson of Vancouver, both on the staff of the Board of Evangelism and Social Service of the United Church of Canada. Employing such devices as white ribbon teas in Regina and a door-to-door canvass in Saskatoon, the Women's Christian Temperance Union campaigned against beer parlours, and there were kindred organizations which assisted the temperance cause.

40 Leader-Post, Apr. 4, 1934.
Within the temperance forces varying shades of opinion existed, as evidenced by the discussions which took place at the meetings of the Saskatchewan Conference of the United Church held in December, 1933, and May 1934. Some speakers argued that the church was lowering its colours in its fight for temperance by not being more outspoken in its condemnation of the existing government liquor control system, and considerable debate took place before the following statement of the Conference's position was agreed upon: "The sale of beer by the glass for private profit in licensed premises would be a reversal to the open saloon with all its attendant evils." 41 A considerable number of the temperance workers remained convinced prohibitionists to whom alcohol was an evil, a menace to the moral, social and economic life of society. While some United Church ministers preached sermons advocating the establishment of national prohibition other temperance people, like the group of over 1000 citizens in Moose Jaw which passed a resolution in March, 1934, calling for the complete socialization of the entire liquor traffic, 42 focussed their efforts on ensuring strict control of the manufacture and sale of beverage alcohol. An attempt to clarify the position of the Temperance League was made shortly before the plebiscite by C.E. Little, K.C., chairman of the temperance campaign committee for southern Saskatchewan, when he emphasized that the issue was not prohibition; the Temperance league wanted only that beer sales be left as they were, in the hands of the government, and not turned over to private interests. 43

The holding of the plebiscite was criticized by its opponents on

41 Regina Daily Star, June 1, 1934.
42 Saskatoon Star-Phoenix, Mar. 22, 1934.
43 Leader-Post, June 12, 1934.
several grounds: the timing was inopportune because of the extreme hardship which the people were suffering; the public had not been sufficiently educated as to the disastrous effects of alcohol; the majority of the electorate did not wish the plebiscite; it was demanded by a minority of the population, a group who stood to gain financially at the expense of the general public; and there was some criticism of the Government for having allowed its hand to be forced into holding the vote, although, as the president of the Temperance league pointed out, the Opposition members had not been less to blame.

From pulpit and lecture platform temperance speakers argued that the experience with beer parlours in British Columbia, Alberta and Manitoba had demonstrated them to be a failure in the promotion of temperance; they had not eliminated bootlegging nor had they, as the moderationists claimed, reduced the consumption of hard liquor. On the contrary, through beer parlours young people were introduced to the beer-drinking habit which in turn created a thirst for a stronger beverage. More money was thus spent on alcohol and families were deprived of the necessities of life. The temperance advocates dismissed the claim of the moderationists that the establishment of beverage rooms would be economically advantageous to the province; instead of bringing back prosperity, beer parlours would help only those who made profits from the sale of beer. The rest of the population would suffer, morally and economically.

Opposed to the temperance forces were the Saskatchewan Hotelkeepers' Association and the Moderation League. The Saskatchewan Hotelkeepers' Association was now a strong organization and it had the assistance

44 Leader-Post, April 9, 1934.
of C.A. Tanner, managing director of the Manitoba Hotel Association and secretary of the Hotel Association of Canada, who undertook a speaking tour of the province on behalf of the hotelmen. In his addresses Tanner pointed to the success which had attended the operation of beer parlours in Manitoba: hotel accommodation had improved dramatically and drunkenness had markedly decreased despite an increase in population. By adopting the system in Saskatchewan a great deal of money that at present left the province for the purchase of "fortified wine" would be kept in the province. Revenues would increase, thousands of workers would be given employment, and farmers as well as hotel owners would benefit.45

Assisted financially by the Hotelkeepers' Association46 was the Moderation League, headed by its honorary president, the Anglican Bishop of Qu'Appelle and its president, General G.S. Tuxford, C.B., C.M.G., D.S.O.. The Reverend Canon Irwin, M.A. served as vice-president. The active leadership was assumed by the secretary, A.T. Hunter of Regina. With its organization spread throughout the cities and towns of the province, the league declared that its objects were:

1. To support constituted authority and promote obedience to the laws of the Province.
2. To safeguard the right of self-determination for the individual within the limits imposed by the best British traditions.
3. To promote, by education, temperance in all matters of life and conduct and to encourage high ideals of public service and citizenship.
4. To insist on such legislation respecting the sale and use of alcoholic beverages as will command the respect and obedience of the people.
5. To maintain and defend at all times the liberties and rights of

45 Regina Daily Star, Apr. 28, 1934.

the people.\textsuperscript{47}

According to its secretary, the Moderation League believed that it spoke for the majority of the adherents of the various churches in the province, including many within the United Church who were "firm believers in true temperance."\textsuperscript{48} Brewers, restaurateurs, commercial travellers, and organized labour, as well as the hotelmen, were in agreement with the league's aims.

Contending that the moderationists had the true temperance approach, Hunter called on the ministerial profession to "renounce their extreme fanatical opposition and assist the Moderation League in its endeavour to get safe, sound and workable temperance legislation."\textsuperscript{49}

In a number of their very effective paid newspaper advertisements the league quoted from a survey made under the direction of a well-known abstainer, John D. Rockefeller, to support their argument that "the consumption of fermented beverages of low alcoholic content should be subject to little restraint but that distilled liquor should be strictly regulated to discourage consumption." The survey stated, in part:

\begin{quote}
We find no definite evidence to support the theory that satisfying a taste for beer develops a craving for whisky. On the contrary, we believe that if beers and wines are more easily obtainable than distilled liquors and are sold in different places and under different conditions there is reasonable ground to expect that the taste of those who wish to drink will be diverted to the lighter and less harmful beverages.\textsuperscript{50}
\end{quote}

Evidence was cited by the moderationists in support of the claim that the

\begin{itemize}
\item[47] Paid advertisement in the \textit{Regina Daily Star}, June 18, 1934.
\item[48] \textit{Leader-Post}, Mar. 13, 1934.
\item[49] Letter to editor, \textit{Leader-Post}, Mar. 31, 1934.
\end{itemize}
establishment of beer parlours in the neighbouring provinces and in British Columbia had met with success as a temperance measure.

Like the temperance workers, the moderationists presented economic as well as moral arguments. The licensed sale of beer would help business generally, improve hotel accommodation, increase public revenue, give employment, and aid the tourist trade since the Americans, following the repeal of the eighteenth amendment to the constitution, were able to buy beer by the glass at home and would expect the same facilities in Saskatchewan. As for the moral issue, a league advertisement stated:

It is a queer commentary on the persistence of prohibitory philosophy and the hypocrisy that ever attends it, that under the present Liquor Act, the state refuses to trust the citizens with the liberty to buy a drink of beer, while permitting him to buy gallons. What is the moral difference between buying a glass of beer in a properly-supervised Beer Parlour and purchasing two gallons to be consumed in the home? Rather than being demoralized by the existence of licensed beverage rooms, in which they would not be allowed, young people would gain new respect for the law.

On June 11 the two sides met in a rare confrontation. Before an audience of the Trades and Labour Council of Regina and the general public, A.T. Hunter and C.E. Little debated the beer-by-the-glass issue. Hunter charged that the ministerial profession were hiding behind their pulpits, afraid to meet him. Little claimed that the brewers were behind the move for beer parlours. In one of their few newspaper advertisements the Temperance League, in calling on the farmers and their families to turn out and mark their ballots "No", asked the question: "Will you

51 Paid advertisement, Regina Daily Star, June 13, 1934.
52 Leader-Post, June 12, 1934.
support, by your ballot on June 19, the young people or the brewer?"\textsuperscript{53} With both sides continuing their campaigns up to the time of the plebiscite, the moderationists added two province-wide radio broadcasts in support of their cause, one with only women participating.

Throughout this vigorous campaign for and against the liberalization of the beer policy of the province, which stirred a great deal of public interest and was not without acrimony, the press on the whole remained non-committal, although the Leader-Post, in an editorial early in the campaign, had commented that the Government should have "clarified the issue before asking the people for a pronouncement."\textsuperscript{54} The political parties, too, maintained a neutral position. When, on more than one occasion, the Farmer-Labour leader was asked about the position of his party, M.J. Coldwell replied that a C.C.F. Government would "carry out the decision of the people as expressed in the plebiscite." However, "since the pushing of the sale of intoxicating liquor for private profit is a real danger to temperance, ... whether the plebiscite carries or not the brewing industry should be socialized immediately."\textsuperscript{55}

In the voting which took place on June 19 (in the Athabasca constituency it was July 24), on the question: "Are you in favour of the sale of beer by the glass on licensed premises?", the results were as follows:\textsuperscript{56}

\begin{tabular}{lcc}
\textbf{Affirmative} & \textbf{Negative} & \textbf{Spoiled} \\
197,630 & 164,752 & 20,441 \\
\end{tabular}

\textsuperscript{53} Western Producer, May 31, 1934.
\textsuperscript{54} Leader-Post, Apr. 6, 1934.
\textsuperscript{55} Western Producer, June 7, 1934, p. 17.
\textsuperscript{56} Saskatchewan Gazette, Aug. 31, 1934, p. 31
The number of valid votes cast in the plebiscite (362,382) was less than the 378,989\textsuperscript{57} polled on the same day for candidates; the number of spoiled plebiscite ballots was high at 5.3%.

During the weeks following the taking of the plebiscite the Government received numerous petitions from communities which had voted dry, opposing the establishment of beer parlours. Other representations were made pointing out that the vote was a province-wide one and that, since the proposal to inaugurate beer parlours was endorsed by the people as a whole, it should be given uniform application. In September the Temperance League requested the Government not to admit the sale of beer by the glass in constituencies where the majority had voted against it, and that where permitted, this sale be restricted to government-operated stores or parlours. The Government received a number of requests that no provision be made for the accommodation of women in beer parlours. Preparatory to the framing of new liquor legislation, the Attorney General met with representatives of the dry and wet groups and also visited Manitoba to consult with those responsible for the administration of the liquor law in that province.

The Speech from the Throne opening the 1934-35 session of the Legislature announced: "The vote on beer by the glass will be acknowledged through a bill to be introduced as an interpretation of the intention of those voting."\textsuperscript{58} During debate on second reading of the lengthy Bill No. 11, An Act to amend The Liquor Act, which had been introduced in the House on November 26, 1934, the new Premier, the Honourable J.G. Gardiner, was care-

\textsuperscript{57} G. Chamberlain, Assistant Chief Electoral Officer, Province of Saskatchewan, to Chambers, Sept. 2, 1965.

\textsuperscript{58} Journals of Saskatchewan, 1934-35, p. 12.
ful to point out that the Liberal Government took no responsibility for the bill; it was anxious that the measure be speedily referred to committee where, after a long period for study, it could be discussed in detail.  

The new legislation made provision for the granting of licensing privileges to approved hotels, in accordance with a population formula, and to certain clubs, but not to restaurants. Hotels in which a brewery had acquired an interest since January 1, 1925, were not eligible for beer parlour licenses. Beer parlours would purchase their liquor from the Saskatchewan Liquor Board. They were to be permitted to sell wine and beer for off-premises consumption, but no beer parlour facilities were to be provided for women. Local option was to be retained but in order to have a vote on the exclusion of licensed premises those opposed were required to muster a petition containing the signatures of 35 percent of the registered voters, in urban areas, or 15 percent in rural areas.

Predictably, the dry elements in the province were critical of the bill, contending that the Government was exceeding the mandate given it in the plebiscite when it proposed the transfer of a portion of the liquor business to private hands, since the electorate had never expressed dissatisfaction with government control. They also argued that by making beer parlours attractive there would be a catering to inebriacy. Opposition to the off-premises sale of wine came from various quarters, after first being expressed in a petition from a branch of the Canadian Legion.

In January, 1935, formal representations were made to the Govern-

59 Regina Daily Star, Nov. 29, 1934.
60 Regina Daily Star, Nov. 28, 1934; Leader-Post, Nov. 29, 1934.
61 Leader-Post, Dec. 28, 1934.
ment by the drys and the wets. The Moderation League delegation, headed by A.T. Hunter, asked that accommodation for women in beer parlours be provided, that wine sales be restricted to government liquor stores, and that the permissible alcoholic content of beer be substantially reduced, in the interests of temperance.\textsuperscript{62} The vigilance committee of the Temperance League, headed by C.E. Little, asked for a considerably reduced alcoholic content for beer and for numerous restrictions on the sale of beer: that it be sold only in government-operated parlours in order to exclude the element of private profit; that off-premises sale of beer and wine be prohibited; that all beer parlours be clearly visible from the street and not be within 500 feet of a church or school; and that no hotels be licensed in summer resorts. The committee also requested the removal of the clause requiring the dry forces in any community to show a 35 percent voting strength on their petition before a vote could be taken to decide the local option feature of the bill.\textsuperscript{63}

During prolonged discussion in Committee of the Whole a number of amendments were effected. The maximum alcoholic content of beer sold by the glass was reduced from 4\% percent to 4 percent; and further restrictions were placed on the issuance of beer parlour licenses to clubs. Removed from the bill was provision for the sale of wine, but not beer, for off-premises consumption: The population formula was revised to permit a greater number of beer parlours in the larger centres.\textsuperscript{64} An amendment introduced by Henry Mang (Liberal) of Lumsden, providing for separate

\textsuperscript{62} Ibid., Jan. 11, 1935.

\textsuperscript{63} Leader-Post, Jan. 14, 1935; Jan. 16, 1935.

\textsuperscript{64} Ibid., Jan. 15, 1935.
beer parlour facilities for women, was carried, but an amendment moved by H.H. Kemper, C.C.F., member for Gull Lake, which would have required beer parlours to have windows facing the street and tables in full view of passers-by, received only Kemper's vote. A proposal to have soft drinks sold in beer parlours was narrowly defeated.

The changes effected in the liquor law in 1935 remained in force without major alteration for over 20 years. Although women's beer parlours were made permissible in 1935, no application for the licensing of such a parlour was ever submitted during succeeding years. In 1947 the Provincial Treasurer, the Honourable C.M. Fines, denied a report that at the next provincial general election the Government planned to ask the electorate by plebiscite whether they favoured the introduction of women's beer parlours.

By 1958, when a committee was set up by the Government to inquire into the matter of sales outlets for alcoholic beverages in Saskatchewan, there seems to have been a general abandonment of the plebiscite method of settling questions relating to the management of the liquor traffic. The report of the Liquor Sales Outlets Inquiry Committee states:

no representations favouring a province-wide plebiscite on the

---

68 Statutes of Saskatchewan, 1934-35, cap. 71.
70 Leader-Post, Nov. 15, 1947.
question of new outlets were made, either orally or in writing, by any witnesses who appeared at the public hearings. The opinion seemed unanimous, co-inciding with that of the Committee itself, that the normal democratic procedure of local option voting was the best and surest method of ascertaining the wishes of the people in any community.\textsuperscript{72}

\textsuperscript{72} Report of Liquor Sales Outlets Inquiry Committee 1958, p. 20.
CHAPTER VI

PLEBISCITE ON THE TIME QUESTION, 1956.

As the controversy over the management of the liquor traffic abated, the lack of a uniform time system within Saskatchewan grew to be an increasingly contentious issue. Owing to the inconveniences arising from local variations in time the provincial Government, after the second world war, was subjected to considerable pressure to standardise time for the entire province. From different segments of the population and the various regions of the province came conflicting views as to what the uniform time should be.

The variations in time in the province arose from several factors: the operations of the railway companies, provincial legislative enactment, local custom, and the adoption by some communities of daylight saving time in the summer months. Theoretically Saskatchewan falls entirely within the mountain standard time zone, the centre of which is a line running north and south near Pense, Saskatchewan, and the eastern and western boundaries of which fall near Brandon, Manitoba, and Calgary, Alberta. The Interpretation Act of 1907 made mountain standard time the legal time for the whole of the province:

The time known as "mountain standard time" (being the local time at the one hundred and fifth meridian of west longitude and being seven hours behind Greenwich time) is hereby declared to be the standard time of the province; and when any Act refers to any particular time of day such standard time shall be considered to be meant.1

For the convenience of their own operations, however, the

1 Statutes of Saskatchewan, 1907, cap. 4, sec. 31.
railway companies extended the use of central standard time, which was employed throughout Manitoba, into the eastern portion of Saskatchewan, changing over to mountain time at divisional or repair points west of the Manitoba-Saskatchewan border. Residents in that south-easterly part of the province became accustomed to using central standard time and an amendment to the Court Officials Act passed in 1913 provided that the judicial districts of Estevan, Cannington, Moosomin, Melville, and Yorkton would be officially on central standard time.2 Subsequently the observance of central standard time spread westward, the westward progress being accelerated after the second world war. By 1952 it had invaded Saskatchewan almost to its centre at Watrous but followed an irregular line, being linked with the convenience of the railway companies in their operation of trains.3

Another complicating factor in the time situation was the increasing use of daylight saving or fast time in the central part of the province in later years. In 1918 the federal Parliament passed the Daylight Saving Act which required the adoption of daylight saving during the summer of that year. Passed as a wartime measure, over the strong protests of members representing farming constituencies, the act was interpreted as lapsing at the end of 19184 and was not renewed in 1919.

After the war, under authority granted by the City Act5 and the Town

---

2 Statutes of Saskatchewan, 1913, cap. 32, secs. 1 and 2.
5 Statutes of Saskatchewan, 1915, cap. 16, sec. 4(2).
Act, which gave urban communities the power to adopt by bylaw a time other than mountain standard time for regulating business hours within their respective jurisdictions, a number of urban centres from time to time approved the advancing of clocks by one hour during the summer months. The interest taken in fast time immediately after the war appeared to die out for a number of years and then to revive again in the early 1930s.

A few examples will illustrate the kaleidoscopic time pattern in the province. In Saskatoon, where daylight saving time had first been in effect from June 1 to July 6, 1914, fast time was adopted during the summer in 1919, 1921, 1932, and 1933 but was disapproved by the electors at the municipal elections of 1920, 1921, 1923, and 1933. With the exception of 1927, Regina used fast time in the summer from 1914 to 1934. The voters in the neighbouring city of Moose Jaw, however, although they approved fast summer time for the years 1919 and 1921, rejected it for future years in votes held in December of 1921 and 1923 and in May of 1925. The electors of the city of Weyburn, which had operated on mountain standard time through the years, approved a bylaw adopting daylight saving time for the summer in May, 1933. Swift Current voters approved fast summer time in 1918 but in 1920 voted to repeal

---

6 Statutes of Saskatchewan, 1916, cap. 19, sec. 4(2).

7 Later, the approval of a majority of the electors voting on the by-law was required. See Revised Statutes of Saskatchewan, 1920, cap. 86, sec. 94, and cap. 87, sec. 86.

8 City of Saskatoon, 1963 Municipal Manual.

9 Leader-Post, Jan. 10, 1935.


11 Bylaw no. 405 of the City of Weyburn.
the fast time bylaw, and the city remained on standard time until 1938.\textsuperscript{12} Bylaws could be submitted for the approval of the electors at any time of the year; sometimes provision was made for fast time to be used for one year, sometimes for each succeeding year. The dates between which mountain daylight saving time was made effective varied considerably.

The time system in Saskatchewan was indeed far from being uniform or stable. Part of the province was on central standard time, part on mountain standard time. Certain centres in the mountain time zone employed fast time, i.e. mountain daylight or central standard, for some months of the year, while adjacent areas remained on mountain standard time. In the communities using fast time the railways, of course, continued to operate on standard time so that, not only were there time differences between adjoining communities, there were also urban centres where dual time was in effect. Compounding the time situation was the fact that school districts were permitted to depart from the legal time after obtaining the permission of the Minister of Education.\textsuperscript{13}

The exercise of local autonomy on the time question gave rise to considerable confusion and inconvenience. Railroad employees objected to the adoption of fast time owing to the disruption it caused in their personal lives, and parents often complained of the difficulty in getting their children to sleep when it was still light. Although it was the urban residents who were likely to support the adoption of daylight saving time, some merchants in cities operating on fast time complained that they were handicapped by the existence of a local city time and a standard time in the rural areas. Livestock firms were opposed to fast

\textsuperscript{12} G.J. McLeod, City Treasurer, Swift Current, to Chambers, Aug. 5, 1965.

\textsuperscript{13} The School Act, Revised Statutes of Saskatchewan, 1920, cap. 110, sec. 175(2).
time. Farmers, on the whole, objected to the adoption of daylight saving time, contending that their work was geared to the movements of the sun which could not be altered. The discrepancy in time between neighbouring communities might mean that a farmer's property lay in two time zones, that his children came home for meals an hour early, and that business establishments in town were closed when he wanted to transact business.

In order to do away with the annual debate on daylight saving time and the expense and inconvenience of the recurring submission of bylaws on the subject, and at the same time eliminate the confusion and inconvenience of time variations in at least a good portion of the province, movements were begun in 1934 in Regina and Saskatoon to have the year-round use of central standard time extended westward. In fact, the Saskatoon Board of Trade urged that provincial legislation be enacted to extend the central time limit to a divisional point not east of Biggar.14

At the same time, in Regina, which in 1934 was the only city west of Ontario where daylight saving time was in force,15 the Standard Time Association sponsored a campaign against fast time in that city. At the municipal elections in 1934 civic voters approved a bylaw discontinuing fast time for Regina. Bylaws proposing the adoption of daylight saving time for 1935 in Saskatoon and Moose Jaw were defeated at the same time, so that in 1935 no western city changed over to fast time.16

After the voting out of daylight saving time in Regina, fast time adherents immediately began to discuss means of enlisting sufficient

14 Leader-Post, Dec. 11, 1934.
15 Regina Daily Star, Apr. 9, 1934.
16 Star-Phoenix, Apr. 17, 1935.
public support to have fast time reinstituted in that city. In addition, continuing the movement for the western extension of central standard time, a group of business men and sportsmen in Regina joined forces to consider plans for having the change from central to mountain standard time made west of Moose Jaw instead of at Broadview. Similar groups advocating a uniform time for the major cities were organized in Moose Jaw and Saskatoon.

At a meeting in Regina on January 9, 1935, the Central Standard Time Association was officially organized, with the object of obtaining central standard time as the legal time for Saskatchewan or, failing that, for Regina for the entire year.¹⁷ The new body decided to petition the Legislature to amend the Interpretation Act to place the entire province within the central standard time zone, and hoped to receive support from local associations which it envisaged being formed in all urban and rural municipalities. Later in the year the city council appointed a committee to deal with the question of a uniform time for the province. This Uniform Time Committee was to include two representatives from the following local organizations: the Regina Board of Trade, the Local Council of Women, the Fast Time Association, the Central Time Association, the Standard Time Association, and any other interested groups.

The move to obtain uniform central standard time on a year-round basis met with immediate opposition from the Saskatchewan Association of Rural Municipalities (SARM) which, in 1935 and again in 1936, passed resolutions asking that the Government make no change in standard time, since it was necessary for agricultural work and for rural schools in

¹⁷ Leader-Post, Jan. 10, 1935.
the winter months. Opposing the advocacy of mountain daylight saving time for the summer were anti-daylight saving associations which sprang up in several urban communities. In cities which did not approve fast time for the summer, however, a number of business establishments chose to open and close an hour earlier during the summer months. In 1938 village councils were authorized to adopt daylight saving time by bylaw, provided the approval of a majority of the electors voting thereon was secured, a privilege that had been requested in 1932 and again in 1937 by the Saskatchewan Urban Municipalities Association (SUMA). In 1939 this association passed a resolution requesting that the two railway companies make their change to mountain standard time at the Alberta-Saskatchewan border.

With the outbreak of the second world war further impetus was given to the movement for fast time. Previously proponents of daylight saving time had pointed out that it effected a reduction of one hour daily in the consumption of electric light, gave an extra hour of light for evening recreation and sports; and, according to some business men, was beneficial because it brought the Saskatchewan office of certain firms "more into line with the times observed on the principal markets of the continent," with which they must keep in close touch. In wartime it was also claimed that the adoption of daylight saving time would be of assis-

18 *SARM convention proceedings*, A.S.
19 *The Village Act, Statutes of Saskatchewan*, 1938, cap. 27, sec. 3(4).
20 *SUMA convention Reports*, A.S.
22 *Star-Phoenix*, May 8, 1937.
tance to the war effort in that it would conserve power and give more daylight hours for the training of troops in the evening. The urban municipal association in 1941 went on record in favour of daylight saving time throughout the Dominion.23

This system was instituted in 1942 with the passage of an order-in-council, under the War Measures Act, which required that, until otherwise ordered, "the time for all purposes in Canada shall be one hour in advance of accepted Standard Time."24 The purpose was stated to be the conservation of electrical power, making as much as possible available to war industries.25 This advance of the clock by one hour throughout the year did not meet with the approval of SARM which, at their annual convention in March, 1945, passed the following resolution:

Whereas the so-called "Daylight Saving Time" is ineffective in Western Canada, and causes much confusion in school hours and on farms;

Therefore be it resolved that our Executive urge upon the Federal government the restoration of Standard time in the province, and be it further resolved that in case of refusal by the Federal government, we ask the Provincial government to put the western half of the province on Pacific Time.26

With Canada's reversion to standard time following the end of the war,27 there were immediate demands that daylight saving time be reinstated in Saskatchewan on a province-wide basis for the summer months. In 1946, and again in 1947, the urban municipalities association passed the follow-

23 SUMA convention reports.
24 PC 537, Jan. 26, 1942.
25 Star-Phoenix, Jan. 27, 1942.
26 SARM convention proceedings.
Whereas the institution of Fast Time during the war years, as a Dominion-wide measure, was found to be of great value from the point of view of economy, health and recreation; and

Whereas the adoption of Fast Time by individual municipalities tends to create confusion and loss, particularly in agricultural and railway centres;

Be it therefore resolved that the Dominion Government be requested to institute Fast Time, effective throughout Canada during the summer months.

That copies of this resolution be forwarded to the Prime Minister and to each of the Members of Parliament representing Saskatchewan; the Provincial Government also to be requested to support this petition.28

Having failed to obtain action on the time question at the federal level, the urban municipal association asked the provincial Government to adopt mountain daylight saving time throughout the province from the last Sunday in April until the last Sunday in September. Similar resolutions were presented to the Government at Regina in 1950 and 1951.29

Rural groups were also anxious to obtain a uniform time system but the solution they pressed for was the prohibition of the use of daylight saving time. After presenting the Cabinet, in 1948, with a resolution reiterating its opposition to daylight saving time, the rural municipal association in 1949 passed a strong resolution at its annual convention. In part, this read:

And whereas the present haphazard pattern of Daylight Saving legislation in force in this Province is causing great and totally unnecessary inconvenience and loss of time and money to the predominantly larger part of the residents of this Province, viz. the rural population and great inconvenience to the Railways and Transportation systems of the Province who must operate on Standard Time;

28 SUMA convention reports.

29 SUMA convention reports.
And whereas daylight saving time as at present in force in this Province is class legislation in that it benefits a very small part of the population, viz. the sporting element;

Now therefore be it resolved by this Convention, assembled, and representing the major portion of the residents of the Province, that we condemn the whole idea of Daylight Saving Time as being useless, unnecessary and a nuisance and that we petition the Provincial Legislature to pass an Act, at the present session of the Legislature, making Standard Time the law in this Province.30

The following year this group again asked the provincial Government to abolish daylight saving time.

The Government was also urged by other rural organizations to prohibit the use of daylight saving time. In 1949 the United Farmers of Canada, Saskatchewan Section, presented a brief which asked the Government to abolish fast time.31 Briefs from the Saskatchewan Farmers' Union in 1950, 1951, and 1952 made the same request.32 The farmers saw no reason why individual firms could not alter their hours if they wished but objected to municipalities being empowered to compel their citizens to set their clocks ahead.

With the rural areas consistently urging that any departure from standard time be prohibited, and some of the cities, as well as the urban municipal association as a body, pressing for mountain daylight saving time to be made compulsory, the Government was in a difficult spot politically. The division of opinion concerning fast time was not only between rural and urban residents but within the urban centres as well. Complicating the situation was the fact that part of the province observed central standard time throughout the year whereas the rest of

30 SARM convention proceedings.
31 See T.C. Douglas to George LeBeau, Secretary, United Farmers of Canada, telegram dated Apr. 2, 1949, UFC General file, 1949, A.S.
32 SFU Submissions, A.S.
the province operated on mountain standard time.

When the Saskatoon Trades and Labour Council passed a resolution requesting the provincial Government to prohibit the use of daylight saving time, a CCF member for Saskatoon warned of the political repercussions which might follow if the labour organization embarrassed the Government by pressing this request, instead of petitioning the city council to submit a local vote on the matter. "Personally, I feel that if this issue is re-introduced it will mean the loss of every city seat to our party," he wrote to the secretary of that body.33

During these years the Government maintained the position that "this is a matter for the people themselves in each community to decide, rather than having someone else tell a community what time it should get up and what time it should go to bed."34 In the face of strong pressure to relieve the chaotic pattern of standard and daylight saving time it became increasingly difficult for the Cabinet to insist on local autonomy with regard to time. The Government indicated, however, that corrective action was unlikely unless some basis of agreement could be reached between the rural and urban municipal associations.35 Accordingly, representatives of the two groups met. Because it appeared unlikely that standard time would be applied throughout the province, the rural representatives concurred in the request of the urban municipal association that the entire province be placed on mountain daylight saving, or central


34 T.C. Douglas to Candline, Feb. 15, Loc. cit.

standard, time during the summer months; this arrangement would at least lead to uniformity which was preferable to the existing system.\textsuperscript{36} The compromise proposal was endorsed by the Saskatchewan Federation of Labour at its annual meeting in 1952.\textsuperscript{37}

A different proposal was put forward by the Moose Jaw Chamber of Commerce, which suggested that central standard time should be made the legal time on which the entire province should operate with the exception of a narrow strip on the west side; daylight saving time should be outlawed. As the \textit{Moose Jaw Times-Herald} pointed out editorially, this proposition would provide uniformity of time on the Main Line of the Canadian Pacific Railway from Broadview to Swift Current. It would mean uniform time on the C.N.R. from Manitoba through Saskatchewan to the railway's divisional point nearest to the Alberta border, rather than a change at Watrous, the Centre of the province.\textsuperscript{38}

This plan was said to have the approval of many organizations in the province, including Boards of Trade, Chambers of Commerce, organized labour bodies, commercial travellers, and others, although it was opposed by the rural municipality of Moose Jaw.\textsuperscript{39}

In October, 1952, the Premier informed a delegation from SUMA that the government might set up a legislative committee to consider that body's request that central time be adopted throughout the province during the summer months.\textsuperscript{40} It was a CCF backbencher, R.A. Walker of Hanley, and not a member of the Government, however, who, early in the next session,

\textsuperscript{36} \textit{Loc. cit.}
\textsuperscript{37} \textit{Leader-Post}, Nov. 24, 1952.
\textsuperscript{38} Feb. 23, 1953.
\textsuperscript{39} \textit{Loc. cit.}
\textsuperscript{40} \textit{Moose Jaw Times-Herald}, Oct. 28, 1952.
proposed that a special committee of the legislature be set up "to study the problem of time differences in Saskatchewan with a view to finding some basis of uniformity." Upon being assured by the Premier that the resolution had the Government's support, the House gave its unanimous approval to the appointment of a Select Special Committee on Time. In speaking to his resolution, Walker stated that because the members were confronted with this "demand for uniformity" he thought it desirable that a legislative committee explore ways and means of bringing about uniformity. He believed that there were a number of remedies which might be placed before the public; then public reaction could determine what action was to be taken, if any, "but it may very well be that the people of Saskatchewan will say they don't want anything of it." The committee's examination of a map of Saskatchewan showed that many of the south-eastern and east central centres were on central time, with several of them on fast time, or central daylight saving time, from late April until late September. In the western half of the province, however, where mountain time was observed, only North Battleford, Swift Current and Neville were shown to have daylight time in the summer months in the area lying west of Saskatoon. Scattered points in central Saskatchewan employed fast time, or mountain daylight saving, for several months.

41 Journals of Saskatchewan, 1953, p. 33.
42 Leader-Post, Feb. 20, 1953. Members of the 11-man committee were to be: N.L. Buchanan (CCF - Notukeu-Willowbunch), H.C. Dunfield, (Lib. - Meadow Lake), A.J. Feusi (CCF - Pelly), R.A. McCarthy (Lib. - Cannington), T.R. MacNutt (Lib. - Nipawin), Hon. L.F. McIntosh (CCF - Prince Albert), A.T. Stone (CCF - Saskatoon), A.P. Swallow (CCF - Yorkton), R.A. Walker (CCF - Hanley), M.J. Willis (CCF - Elrose), and Mrs. M. Cooper (CCF - Regina City). Journals of Saskatchewan, 1954, p. 43.
43 Loc. cit.
each year. Stone informed the committee that the railway companies had been approached and he understood that they would not be opposed to any changes in the time arrangements.44

The lack of agreement among the members of the Select Special Committee on Time as to a solution to the problem of time differences, which was evident at their first meeting on March 5, 1953, was reflected in the heavy mail sent to the committee from various organizations and individuals throughout the province. Most of the communications from rural municipalities and farmers' union locals expressed opposition to daylight saving time. Some of the groups and persons objected to central standard time and others supported uniform time either on a mountain or central time basis.45

In order to facilitate its study, the committee decided to invite a limited but representative number of Saskatchewan organizations to present proposals to solve the time problem, beginning March 11. The Moose Jaw Chamber of Commerce put before the committee its proposal for a central time zone across the province as far west as Swift Current and North Battleford, which, it claimed, would bring 90% of the populace under central time; the adoption of daylight saving time by any community in this zone was to be forbidden. This plan found support in a resolution presented by the Executive Secretary of the Saskatchewan Boards of Trade, on behalf of the provincial executive of that organization. A brief from the Saskatchewan Farmers' Union suggested that the committee recommend to the Legislature that it "follow the policy of the Alberta government

44 Leader-Post, Mar. 6, 1953.
45 Loc. cit.
46 Leader-Post, Mar. 12, 1953.
by placing the entire province on mountain standard time the year around. The brief of the Regina Chamber of Commerce urged the retention of mountain daylight saving time; if fast time for at least part of the year was not possible, then the freedom of local option should be preserved. Meeting in annual convention during the deliberations of the committee, SARM passed a resolution asking the provincial Government to "make it compulsory for all in each time zone to remain on their standard time." Their resolution also requested that the Government hold a province-wide plebiscite before contemplating any change in the time system. The Saskatchewan Teachers' Federation informed the committee that most teachers were in favour of daylight saving time.

After holding nine meetings the Select Special Committee on Time presented its third report to the Legislature, based on the following definitions:

**MOUNTAIN STANDARD TIME;** the legal time for all Saskatchewan.

**DAYLIGHT SAVING TIME;** that time which is one hour faster than Mountain Standard Time in summertime only.

**CENTRAL STANDARD TIME;** in the area in which it is used the year around.

An analysis of the opinions presented by "177 groups or organizations" revealed these preferences:

- 6 or 3.4% favoured local option
- 63 or 35.7% favoured uniform Mountain Standard Time
- 49 or 27.7% favoured uniform Central Standard Time
- 34 or 19.2% favoured prohibition of Daylight Saving Time
- 5 or 2.8% favoured uniform time regardless of system adopted
- 20 or 11.2% favoured Daylight Saving Time for the whole province.

---

47 *Leader-Post*, Mar. 27, 1953.
48 *Leader-Post*, Mar. 12, 1953.
49 *Journals of Saskatchewan*, 1953, pp. 178-79.
The committee noted that the "greatest centre of opposition to Daylight Saving Time lay in the rural areas. Both rural and urban groups seemed to agree on the desirability of having a uniform or standard time zone system in the province."

Asserting that it did not feel "justified at this time in recommending whether Mountain Standard Time should prevail throughout the year, or whether Mountain Standard Time for the winter months with Daylight Saving Time for the summer months should be adopted," the committee recommended that

a Committee of Members of the Assembly be appointed by the Lieutenant-Governor in Council to continue the Time Study after prorogation, the said Committee to report to the Assembly the result of its study within the first ten sitting days of the next Session.  

The Legislature concurred in the report.

In November, 1953, the chairman of the legislative time committee, N.L. Buchanan, stated that when the inter-sessional time committee reconvened early in 1954 he would propose a compromise solution. Since the evidence indicated that a big percentage of the rural population of the province favoured mountain standard time and was particularly opposed to central time because of its effect on farm areas during the winter, and a major percentage of urban areas were in favour of central standard time or mountain daylight time during the summer, he thought the most reasonable solution might be to establish mountain standard time during the winter months and central standard time during the summer. This plan would be applied to both rural and urban areas, with the exception of a strip down the eastern side of the province where central time was observed all year;

50 Journals of Saskatchewan, 1953, pp. 178-79.
this territory would remain unaffected by the proposal.51

When a Select Special Committee was again appointed during the 1954 session to continue the time study, with Buchanan resuming the chairmanship and A.T. Stone serving as vice-chairman, it found it impossible to arrive at any specific proposals to place before the House. In order to obtain a wider and more representative canvass of opinions throughout the province than it already had received, the committee recommended that

the Government be requested to ascertain the preferences of all Municipal Councils in Saskatchewan by means of a Questionnaire in ballot form, the said Questionnaire to be accompanied by an explanatory letter as hereinunder shown, together with a map clearly indicating the districts using Mountain Standard Time, those using Central Standard Time, and those which use Mountain Standard Time with Daylight Saving during the summer months.52

The report of the committee having been concurred in by the Legislature, the questionnaire was distributed by the Department of Municipal Affairs to 296 rural municipalities, 381 villages, 98 towns and eight cities, with the request that the councils indicate their preferences, in order of choice, of: Mountain standard time, mountain standard time with daylight saving time in the summer months, and central standard time. The returns received, amounting to 72.8% of the forms sent out, were tabled in the House on February 17, 1955, by the Minister of Municipal Affairs, the Honourable L.F. McIntosh, and referred to the Select Standing Committee on Municipal Law, the membership of which was augmented by the addition of five members, Buchanan, Donald, Feusi, Walker, and Mrs. Cooper, for the purpose of the time study.53

51 Leader-Post, Nov. 21, 1953.
53 Journals of Saskatchewan, 1955, p. 33.
Almost all rural municipalities voted for central standard time if near Saskatchewan's eastern border and for mountain standard time if they were situated in the west. In general the same was true for the villages and most of the towns. Seven of the eight cities responded, five preferring central standard time, with daylight saving as their second choice; one chose daylight saving time, one mountain standard time, and one did not reply. Taking the province as a whole, 68% of the rural municipalities were in favour of mountain standard time, as were 51% of the villages. The majority of cities and towns preferred central standard time. Although the response to the questionnaire was good, 80% of the municipalities replying did not state whether or not they would accept an alternative time in the interests of uniformity; however, most of those which did answer this question indicated their willingness to accept an alternative time.

The committee noted in its report that "numerically and percentage-wise, the results were weighted heavily, as was to be expected, in favour of Mountain Standard Time." Although "the tabulated returns reflected the same confusion, the same diversity of opinion and variety of choice, as had appeared in representations and submissions made to the Select Special Committees of 1953 and 1954," after the preferences had been transferred to maps of the province a "fairly coherent" geographic pattern emerged.

Map-plotting [the report stated] showed the entire eastern area, comprising roughly one-third of the province, without a single municipality, rural or urban, dissenting from Central Standard Time. Confronted with this evidence of unanimity of opinion throughout this area, the Committee concluded that any policy adopted should merely confirm the pattern presently existing within it.

54 Leader-Post, Feb. 18, 1955.
55 Leader-Post, Mar. 29, 1955.
56 Journals of Saskatchewan, 1955, pp. 129-130.
Adjoining this eastern area was a strip varying in width up to 50 miles, in which agreement was less pronounced, and this applied particularly around Weyburn. The report continued:

The Committee is of the opinion that certain parts of this fringe area should be treated separately, and that the resident voters within each part should be given an opportunity of expressing their preferences, through the medium of a plebiscite, independently of the rest of the province. The Committee is also of the opinion that it should be made clear that, in such plebiscites, the majority preference established by transferable ballot, shall determine whether they join the Eastern area on Central Standard Time, or form a special Daylight Saving Time district, or be included in the Western area where, it appears, Mountain Standard Time is strongly favoured.57

In this area to the west, however, unanimity of view was less pronounced than on the eastern border. With three exceptions, all the rural municipalities which replied to the questionnaire were in favour of mountain standard time. Of the "334 towns and villages in this area, 237 submitted returns, and of these 147 favoured Mountain Standard Time, 54 Daylight Saving Time, and 36 Central Standard Time."58 Of the cities in this sector of the province, only Swift Current preferred mountain standard time. Regina's choice was mountain time with daylight saving in the summer; central time was its second choice. Moose Jaw, Saskatoon, and Prince Albert voted for central standard time, with daylight saving as their second choice. North Battleford failed to send in a return.

Owing to the lack of a clearly defined picture, the committee stated that it was not prepared to recommend, on the basis of Council preferences alone, that Mountain Standard Time should be adopted throughout this Western two-thirds of the province. Here, also, decision should be reached by plebiscite of the individual electors, with the proviso previously

57 Journals of Saskatchewan, 1955, p. 130.
58 Loc. cit.
suggested that the majority decision, established by transferable ballot, be accepted and adhered to within the area designated.\textsuperscript{59}

According to the recommendations of the committee, whose members were by no means unanimous in bringing in their report, the province was thus to be divided into three Time Districts. The eastern one was to remain on central standard time throughout the year. The adjacent strip and the western two-thirds of the province were to comprise separate Time Districts, in each of which a plebiscite was to be held. The time favoured by the majority of those voting was to be defined as the legal time throughout each of these two Time Districts. As R.A. Walker stated in the House, the many complaints about Saskatchewan's complicated time system arose mainly from the lack of uniformity, and from the fact that "rural people felt that urban centres were deciding for everybody what time should be accepted." If the House approved the recommendations of the committee, the major portion of the province would have an opportunity to vote on the time system desired, probably at the time of the municipal elections in 1956.\textsuperscript{60}

In the debate which followed the presentation of the committee's report, A.T. Stone remarked that he was not satisfied about the benefits of a plebiscite, since as few as 15\% of those eligible voted in municipal elections and in some rural municipalities there were no elections, the officials being elected by acclamation. Mrs. Marjorie Cooper, CCF member for Regina, opposed the holding of plebiscites on the ground that they would only emphasize the divergence of opinion which already existed; she was certain that Regina would resent any change in its present system of

\textsuperscript{59} Loc. cit.  
\textsuperscript{60} Leader-Post, March 29, 1955.
daylight saving through the summer. Mrs. Cooper stated that if the session had not been nearing its end she would have moved that the report be referred back to the committee for removal of the proviso requiring compulsory adherence to the time decided on by majority vote. The Honourable C.M. Fines, Provincial Treasurer, asserted that although he would not oppose the report he reserved the right to use his discretion concerning various recommendations and the right not to consider them binding. He made the point that plebiscites did not provide a good indication of public sentiment unless there was a good turnout at the polls.

Among those who announced their intention of voting against the report were the Honourable T.J. Bentley, Minister of Health, who considered that the time question was a matter to be settled locally, and the Honourable C.C. Williams, Minister of Labour, who disliked seeing the issue placing rural against urban communities, and preferred letting the municipalities use their own judgment concerning time. W.J. Berezowsky, CCF member for Cumberland, took the opposite viewpoint: no municipality should have the privilege of interfering with "a right that was the prerogative of the legislature." The Liberal member for Arm River, C.H. Danielson, asserted that he opposed the report because it solved nothing. The committee's report was finally concurred in on an unrecorded division of 18:15.

The mixed reaction in the members to the proposal that there be three time zones established in the province was echoed outside the Legislature. At their fiftieth annual convention in June, 1955, delegates of

---


SUMA agreed to a committee report suggesting that the province constitute one time zone, the entire province to observe central standard time in the summer and mountain standard time in the winter months. In their resolution on this subject the urban delegates requested that the provincial Government allow the electorate to vote on whether or not they were in favour of the plan:

For the sake of harmony and utmost flexibility the executive committee of the Saskatchewan Urban Municipalities Association and the same committee of the Saskatchewan Association of Rural Municipalities might meet at the request of the government and determine the wording of the referendum.63

The plebiscite ballot which the Government decided to submit to the voters at the time of the municipal elections in 1956 departed from the recommendations made by the legislative committee in 1955 and represented a compromise between the suggestions of that committee and those of the urban municipal association made the same year. The electors were to be given the opportunity, in part A of the ballot, of indicating whether they were in favour of a uniform time for the province, namely central standard time, throughout the year; in part B they were to be asked whether they preferred central standard, daylight saving, or mountain standard time for their own community. "We set up the ballot in two parts," the Minister of Municipal Affairs explained, "in the hope that it would reveal whether there were any solid blocks in the province that had a strong preference for a particular time zone."64

The Government refused to commit itself to any course of action following the taking of the plebiscite. In reply to questioning, McIntosh stated: "We cannot guarantee that any action will be taken at all unless

63 Western Producer, June 9, 1955.
64 Star-Phoenix, Oct. 18, 1956.
there appears to be a practical solution in the results of the poll."

Asked whether the Government would base its action on a simple majority preference in the province as a whole or whether majorities in individual areas would be the guide, the Minister replied:

I can't answer that yet. We have no idea of what will happen or how it will be settled. We will have to wait until the results are in before we decide such matters as whether or not there should be one, two or three time belts in the province.65

It was intended that the results of the poll would be turned over to the House for study and possible legislative action.

Twelve days before the vote was to take place a pamphlet entitled *What Time for Saskatchewan* was distributed to all householders, for the purpose of acquainting "Saskatchewan residents with the Oct. 31 plebiscite on a uniform system of time for the province, and to emphasize the importance of every citizen exercising his right to vote on this question,\(^6^6\) as the Minister explained. The pamphlet gave the reasons for the differences in time in Saskatchewan and recounted the efforts made by legislative committees to study the problem, and presented a map showing the time preferences throughout the province; it also contained a sample ballot, and explained its intent and who was eligible to vote.\(^6^7\)

The taking of a plebiscite on this thorny question was generally welcomed as a step towards bringing some order out of the existing confusion. The editor of the *Star-Phoenix*, hardly a friend of the Government, commented approvingly:

A general plebiscite such as the one now proposed seems to be the proper

---

\(^{65}\) *Star-Phoenix*, Oct. 18, 1956.


\(^{67}\) *Loc. cit.*
way to handle the matter. No great principle is at stake; the question is simply a matter of convenience and preference; and the one way to determine what the majority of people want is to ask the people.\footnote{Star-Phoenix, Oct. 4, 1956.}

The Government was criticized, however, for not specifying what action would follow the plebiscite and for not having made public at an earlier date the form of the plebiscite ballot. The wording of the ballot met with criticism, too. It was said to be confusing, the editor of the \underline{Saskatoon Star-Phoenix} describing it as "complicated enough to confound an Einstein."\footnote{Oct. 23, 1956.} Although the \underline{Leader-Post} considered that for the sake of uniformity, central standard time was a most practical proposal,\footnote{Oct. 22, 1956.} the Saskatoon paper charged that under part A a voter was in effect disfranchised if he wished the whole province to be on mountain standard time throughout the year. Many residents in the west, particularly those in rural areas, objected to the Government selecting central time as the uniform time offered. To them the issue was simply whether or not urban centres should have the option of adopting daylight saving time in the summer months; mountain standard was the legal time and should remain so, they contended.

One outspoken resident of Shellbrook wrote to both major newspapers charging that if, by its complicated ballot, the Government was "hoping to appease the cities," it was doing so at the cost of the "good will of over 200 municipalities."\footnote{Saskatoon Star-Phoenix, Oct. 27, 1956.} Another critic from Biggar claimed that no
trouble with the time zones had been experienced until the "bane of day-light saving time was invented"; this was "an imposition and a hardship and an inconvenience" both to the rural population and to the railway workers. Since the province derived its living from the farming industry and "animals know nothing whatever of the changing of clocks," the time should be left "as God and the sun created it." According to this resident of Biggar, the Government was ignoring the "mandate" given by the survey of municipal councils and setting out to get another.\(^72\) Although not critical of the plebiscite, the editor of the Shaunavon Standard pointed out that the provincial general election earlier in the year would have been a much better time for the holding of the plebiscite; at municipal elections far more rural than urban offices were filled by acclamation so that a higher percentage of urban electors could be expected to vote on the time question.\(^73\)

Despite the apathy surrounding the municipal contests in many areas, at least until very shortly before the day of voting, the time plebiscite commanded considerable public interest, as evidenced by the space devoted to news articles and editorial comment in the press, as well as the letters written to newspaper editors. As the date of polling drew near, a compromise suggestion was injected into the debate between the supporters of the various time systems, namely, that the province should adopt "half-past time". The claim was made that a time one-half hour behind central standard time (used in Manitoba) and one-half hour ahead of mountain standard time (used in Alberta) would give the province a uniform time system which would be in general harmony with the sun's daily movements.

\(^{72}\) ibid., Oct. 30, 1956.

\(^{73}\) Quoted in Leader-Post, Oct. 22, 1956.
In its editorial support of this compromise proposal the *Star-Phoenix* pointed out that such a system would not be without precedent, since the province of Newfoundland and nearby Labrador were in a time zone one-half hour ahead of the Atlantic standard time zone.\(^74\)

On October 31, 1956, Saskatchewan voters were asked to give an affirmative or negative answer to Part A and to indicate their choice on Part B of the following ballot:

**A.** Are you in favour of only one time, namely Central Standard Time for the entire Province of Saskatchewan throughout the year?

**B.** Are you in favour of Central Standard Time for your community throughout the year?

Are you in favour of Daylight Saving Time for your community? (This means one hour ahead of Standard Time for five months—May to September.)

Are you in favour of Mountain Standard Time for your community throughout the year?

The results of the voting were as follows:\(^75\)

<table>
<thead>
<tr>
<th>Part A</th>
<th>&quot;Yes&quot;</th>
<th>&quot;No&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>36,331</td>
<td></td>
</tr>
<tr>
<td>Urban - Cities</td>
<td>38,551</td>
<td>101,292</td>
</tr>
<tr>
<td>Other</td>
<td>26,410</td>
<td>64,961</td>
</tr>
</tbody>
</table>

| Majority for "Yes" | 33,342 |

\(^74\) Oct. 31, 1956.

\(^75\) *Saskatchewan Sessional Paper* No. 75, 1957.
An analysis of the vote on Part A shows that opinion was divided in accordance with the existing time zones. Approximately the eastern third of the province voted solidly for central standard time. In the western two-thirds there was also a favourable majority for central time because, although the rural voters were generally opposed to it, favourable "islands" of urban and rural voters existed in and around the cities of Regina, Prince Albert, North Battleford, and, to a lesser extent, Saskatoon. A number of scattered urban points in the western part of the province also added to the majority for central standard time. A breakdown of the votes on the B part of the ballot showed much the same division of the province as did part A. There was a sprinkling of urban centres in both sections that did not favour the same time as their surrounding areas. The western portion of the province voted predominantly for mountain standard time, the communities favouring daylight saving time being widely scattered.

As had been predicted by those who charged that the form of the ballot was confusing, there were a large number of spoiled ballots, despite the fact that on the eve of the election the Government issued a directive

<table>
<thead>
<tr>
<th>Part B</th>
<th>Central Standard - Rural</th>
<th>Urban - Cities</th>
<th>Other</th>
<th>Urban - Cities</th>
<th>Other</th>
<th>Urban - Cities</th>
<th>Other</th>
<th>Urban - Cities</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>26,090</td>
<td>27,014</td>
<td>19,457</td>
<td>46,471</td>
<td>72,561</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daylight Saving - Rural</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,244</td>
<td></td>
<td>10,210</td>
<td>14,146</td>
<td>18,390</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mountain Standard - Rural</td>
<td></td>
<td>54,306</td>
<td></td>
<td>11,616</td>
<td>28,961</td>
<td>83,267</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17,345</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
relaxing the requirements concerning strict compliance with the regulations governing the marking of ballots.76 The 174,218 persons who voted in the plebiscite was a considerably smaller number than the 427,91877 who had voted in the provincial general election earlier in the year. The cost of the plebiscite was $26,864.12.78

The results of the plebiscite having confirmed the division of opinion on the time question within the province, there remained the problem of the interpretation of the electorate's wishes and the determining of what consequent action should be taken, if any. Observing that the majority in part A was nearly cancelled out by the result in part B, the Star-Phoenix concluded that "the only definite directive which could be taken from the contradictory results was that the great majority are against seasonal changes to daylight time, preferring a uniform time – whatever it is – the year round." The "reasonable compromise" which this newspaper supported as likely to be acceptable to most citizens was the institution of a province-wide uniform time which was one-half hour between central standard time and mountain standard time.79

To the Leader-Post, which noted that despite the overall majority for central standard time a considerable number of voters were opposed, the

76 Although an X was to have been the only acceptable marking, the Government ordered that a "yes" or "no" vote be accepted, or "any other clear indication of the voter's wishes." Leader-Post, Nov. 1, 1956. (See paragraph 16 of a mimeographed form of instructions to deputy returning officers supplied by the Department of Municipal Affairs to the municipalities prior to the voting.)

77 Chief Electoral Officer, Summary of the Vote of the Saskatchewan Provincial Election, June 20, 1956.

78 Journals of Saskatchewan, 1961, p. 27.

best solution appeared to be the implementation of central standard time across the entire province on a trial basis for one year. If it proved unacceptable, the situation could be re-examined at the end of the trial period. Rather than letting the matter rest, the Leader-Post stated that the Government ought to "take a courageous constructive step and at least try out Central Standard Time." 80

Yet a third solution was preferred by the Minister of Municipal Affairs. He envisaged the province being divided into two time zones, the half west of 106° longitude being placed on mountain standard time and the eastern half operating on central standard time. One of the drawbacks the Minister recognized in such an arbitrary division was that the dividing line would split four municipalities and give mountain standard time to Saskatoon where the vote had been three to one in favour of central time. McIntosh was also concerned that this apparently easy solution of ordering each half of the province to keep to its own fixed time was not a democratic one. He stated that the Government would make no decision on the matter until an exhaustive survey of the results had been made by his department, and "every avenue explored." 81 The Minister discounted the feasibility of a "half-past" uniform time, pointing out that Newfoundland's geographical position placed that province in a position quite different from the one occupied by Saskatchewan, which was situated in the heart of the country. He stated that railways had expressed in the past an unwillingness to adopt a half-past time on their routes through the province. Another factor militating against such a compromise was the heavy voting in favour of central time throughout the eastern part of the province and the wide-

80 Dec. 5, 1956.

81 Leader-Post, Dec. 7, 1956.
spread desire for mountain time in the western half, with certain exceptions.

The motion of the Minister to have the results of the time plebiscite referred to the Municipal Law Committee at the 1957 session of the Legislature gave rise to considerable debate. The Liberal leader refused to support the motion on the ground that the Government had spent a considerable sum of money to get the advice of the electorate and now did not seem prepared to act on it. The Liberal member for Cannington, R. McCarthy, argued that the question had been thoroughly examined from every angle by successive legislative committees, the conclusion having been reached that there was not very much that could be done about this annoying problem. "I think the results of the plebiscite were very much in line with our conclusions," he stated, "and I don't see why we should go into all that again . . . . I don't think there's any point in giving the question back to the committee."82 A.C. Cameron, Liberal member for Maple Creek, also suggested that the whole question be dropped:

We've looked at the problem from every angle for three years. The government has played around with the time question so long that everyone is confused. I would say this is a hot potato the government is not prepared to deal with so let's drop it.83

Blaming R.A. Walker for having thrown the problem into the lap of the Legislature, Cameron concluded: "As far as I'm concerned, the government can play around with time in the rest of the province so long as the people west of Swift Current can have the Mountain Standard Time they want."84

Another Liberal, J.W. Gardiner of Melville, asserted that the

82 Leader-Post, Mar. 12, 1957.
83 Loc. cit.
84 Leader-Post, Mar. 12, 1957.
plebiscite indicated that 65 per cent. of the voters wanted central standard time, but the Government lacked "the courage to undertake the wish of the clear majority of the province." According to Gardiner:

The government accepted the responsibility of asking the people what they wanted and now it comes back and says it can't figure out the answer. It's one of the most ridiculous suggestions I've heard to say that the committee must sit to figure out what the majority want when the answer is so clear.85

Premier Douglas denied that the time issue was a "hot potato" and defended the wording of the ballot against Cameron's charge that it was confusing. Claiming that the results of the plebiscite had provided a great deal of information, the Premier stated:

This is not a political question. All we have to do is find out what the people want and we have the plebiscite results. If the members don't want it to go to the committee then the government will have to bring down legislation fixing time zones. I'm sure that some of the members wouldn't care to report to their constituents that they were placed in a certain time zone because the members didn't bother to take a hand with the problem.86

When it reported on April 3, 1957, the Select Standing Committee on Municipal Law, again augmented by the addition of certain members, including the Honourable R.A. Walker, E. Kramer, and A.C. Cameron, for the purpose of the time study, suggested the same solution proposed by the urban municipal association two years earlier.87 The committee recommended:

1. That the whole Province of Saskatchewan be placed in the same time zone, and that Mountain Standard Time obtain during the winter months and Central Standard Time during the summer months.

2. That the necessary legislation to give effect to the said recommendation be prepared with all convenient speed for presentation to the Assembly at the earliest date possible.88

85 Loc. cit.
86 Loc. cit.
88 Journals of Saskatchewan, 1957, p. 144.
The report was agreed to on division by a vote of 28 to 21. The Cabinet was split, with Bentley, Brown, Lloyd, Nollet and Walker voting against acceptance of the report. Three Government backbenchers from constituencies in the eastern half of the province also voted in the negative. The three Social Credit members voted in favour of the report. All the Liberals were opposed.

At the 1958 session of the legislature the Honourable R.A. Walker introduced Bill No. 27, An Act to amend The Statute Law, which removed from municipalities the power to fix the time in their own areas and provided for uniformity of time throughout the province. The legal time from 2 a.m. on the last Sunday in October until 2 a.m. on the last Sunday in April was to be mountain standard; for the balance of the year central standard time was to be observed. According to the Attorney General, in drawing up the recommendations embodied in this bill the committee had paid no attention to the results of the plebiscite, but the majority of the population, he explained, were already living under the proposed time arrangements. Admitting that he introduced the measure with some hesitation, the Attorney General suggested that it be given a year's trial; if it was found unsatisfactory, the Government would reconsider the problem.

89 Both R.A. Walker and I.C. Nollet, at least, were in favour of dividing the province into two time zones, with uniformity of time maintained in each. (See Leader-Post, Feb. 28, 1958; and memorandum from I.C. Nollet to L.F. McIntosh and R.A. Walker, May 26, 1959, Walker papers.)

90 H. Begrand of Kinistino, F. Meakes of Touchwood, and C. Thurston of Lumsden.

91 Journals of Saskatchewan, 1957, p. 152.

92 Journals of Saskatchewan, 1958, p. 27.

93 Statutes of Saskatchewan, 1958, cap. 99, sec. 2.

94 Leader-Post, Feb. 28, 1958.

95 Leader-Post, Feb. 25, 1958.
The House was almost in an uproar during the second reading of the bill. The CCF accused the Liberals of "chicanery, knavery and dishonesty," while the Liberals described the Government as "a satellite of the cities."96 The Liberal leader, A.H. MacDonald, who held the view that the Government had no right to dictate to any individual or community what time should be used, claimed that if the electorate had been asked to vote on the present proposal the result would have been a negative one. The Liberal member for Gravelbourg, L. Coderré, charged that the measure amounted to "a totalitarian action by the government;" he claimed that "the government by this bill is showing an utter disregard for local governments."97 On the other hand, D. MacFarlane, Liberal member for Qu'Appelle-Wolseley, complained that the bill had no teeth, and the Social Credit house leader, A.P. Weber from Meadow Lake, urged the Government to put some teeth in the bill.

Making the observation: "Next to liquor and Elvis Presley I know of no question on which you can get a street corner argument started so quickly as time," the Premier argued that the opponents of the bill offered no alternative. According to the Premier, the bill embodied a reasonable kind of arrangement that the people would accept.

If after giving it a fair trial [he stated] it is found not acceptable, there is nothing to prevent us going back to the patchwork and chaotic position we are in today, or trying some other solution. We have a community of interest in Saskatchewan, and cannot have it with differences in time.98

With regard to the criticism that there was no penalty for breaking the proposed law, the Premier replied: "If we included a penalty they would

96 Ibid., Apr. 2, 1958.
98 Loc. cit.
say 'they are just like Russia.' ” Denying that the bill lacked teeth, the Attorney General explained that liquor and other stores would be obliged to close according to the time legally established in the measure, if it passed, or be subject to a penalty. There would, however, be no bar to a person running his own clock or watch at any time he chose. "The Government has no ideological bonds with this proposal, and when the house gets into committee I hope I will hear more suggestions from the opposition which may help," concluded the Attorney General.99

The bill passed second reading by a recorded vote of 32 to 15. The three Social Credit members voted with the Government, and there was only one CCF defection, the member for Kinistino.100 On third reading it passed without a dissenting vote.101

Since a majority of the population observed central standard time in the summer and a majority adhered to mountain standard time in the winter months, it appeared that the proposal adopted by the Legislature had a reasonable chance of being accepted by the public. Indeed, the entire province duly operated on central standard time during the summer of 1958, but when the day come to revert to mountain standard time, on October 26, opposition to the change grew quickly in the eastern sector of the province. Boards of Trade, Chambers of Commerce, and other associations organized public meetings and sent protests to the provincial Government, asking either that the uniform time legislation be repealed or that the municipalities which so desired might be made exempt from its provisions. Kamsack was one of

---

100 Journals of Saskatchewan, 1958, p. 54-55.
101 Leader-Post, Apr. 2, 1958.
the few communities which ignored the switch to mountain time on October 26; later it changed to mountain and then reverted to central time once again. Sturgis returned to central standard time on November 19. Yorkton decided to revert to central time on December 7, and a number of other communities between Spy Hill and Wapella also reverted to central time. From Bienfait to Wadena came requests to be allowed to remain officially on central standard time.

In those communities which returned to central time great confusion ensued; while businesses operated on central standard time those offices which were regulated by statute, such as courts, land titles offices, and beer parlours, remained on mountain standard time. Some school districts obtained permission to start classes at 8 a.m.

In the midst of the controversy the Saskatchewan Farmers' Union, meeting in convention, called for another plebiscite on the time question "to allow voters to express more clearly the system of time they prefer the year round." 102 Three months later the rural municipal association almost unanimously passed a resolution urging that the 1958 time legislation be rescinded and that the province revert to the standard time zones previously in existence, with the use of daylight saving time in the summer being prohibited. 103 Radio station CJGX in Yorkton circulated a petition, which contained over 5,000 signatures when it was tabled in the legislature on March 2, 1959, asking for the restoration of local option on the time question. 104 The Government did not accede to the demand of the Opposition

102 Leader Post, Dec. 8, 1958.
104 Journals of Saskatchewan, 1959, p. 74.
Leader for a special session of the Legislature.

At the 1959 session the time question was again referred to the Select Standing Committee on Municipal Law which recommended that the Statute Law Amendment Act of 1958 be repealed, and that all pre-existing legislation relating to time be reinstated. This recommendation was promptly followed. Local autonomy on the time question was restored to urban municipalities, with the use of daylight saving time not prohibited.

To subsequent requests that the Government take action to remove the annoying time variations in the province, the Government took the following position:

... there will have to be unanimity of views on the part of all the major provincial organizations such as ... [the Saskatchewan Association of Rural Municipalities, the Urban Municipal Association, the Chamber of Commerce, the Farmer's Union, and other province wide organizations as to the solution of this problem before there is any possibility of the government entertaining any other legislative proposals.]

In 1962 the Cabinet was requested to set up a committee consisting of representatives of the provincial Government and local government associations to study the time question. Declining to be represented on the committee, the Government proposed that the local government organizations undertake to form a joint committee to conduct the task. In August, 1962, the nine-man Time Committee was established, consisting of three members appointed by each of the Saskatchewan Urban Municipalities Association, the Saskatchewan Association of Rural Municipalities, and the Saskatchewan School Trustees' Association. In its report presented to the

105 Ibid., p. 92.
106 Walker to McLennan, Mar. 16, 1959, Walker papers.
107 A Submission to the Government of Saskatchewan on Behalf of the Time Committee of Saskatchewan, June 7, 1963, Walker papers, (Foreword).
Cabinet on June 7, 1963, the committee made seven recommendations. No action has been taken on these to date. As observed in the report, the use of central standard time is gradually spreading westwards, so that perhaps in due course the problem will cease to exist, or, as Premier Douglas told the House at the time of the repeal of the uniform time legislation, the province will eventually get a uniform time "by adaption [sic] if not by legislation."109

The legislative attempt to achieve uniformity of time had obviously failed; existing social habits were too strong. It had been hoped that in matters not regulated by statute, bylaw or private contract the people would follow the legal time prescribed in the legislation. As the Attorney General explained, "The government thought it should be a matter of persuasion rather than compulsion."110 It became apparent, however, that there is no way of making people adopt any particular time set by the government except to fine them or put them in gaol and this, in the opinion of the Legislature, is not an important enough matter to justify such action.111

---

111 Walker to Davis, Apr. 14, 1959, Walker papers.
CHAPTER VII
OBSERVATIONS AND CONCLUSION

The direct legislation movement in western Canada arose from a desire on the part of the electorate to obtain a larger measure of control over legislation and over the administration of their affairs than is provided in a general election every four to five years. However, the attempt to effect a major constitutional change in Saskatchewan by the institution of a system of direct legislation proved abortive when the Direct Legislation Act passed in 1913 failed to receive the required support at the polls. Because the measure failed to become operative there is no experience with the use of the initiative and referendum as a regular part of the legislative process on which to base any conclusions about the effect of these devices upon our system of representative, responsible parliamentary democracy.

Since the years 1912 to 1913, when enthusiasm for direct legislation reached its peak in Saskatchewan, there has been a noticeable trend on the part of succeeding Governments away from any devices, such as the initiative and referendum, which would have the effect of restricting the freedom of the Cabinet and Legislature. In 1913, implementation of the direct legislation measure was made conditional upon its endorsement by a specified percentage of the electorate. In 1916 the continuance of the government liquor stores system was left to the electors to decide in a referendum vote; when the system was not sustained at the polls, the Government introduced new legislation which provided for the prohibition of the sale of intoxicating liquor.
In succeeding years there has been no recurrence of a Government submitting a legislative measure to the electors in order to determine whether or not the enactment should go into force. Instead, when the Government of the day has wished to consult the voters directly on an issue it has chosen to hold not a referendum vote, the result of which would have determined the issue, but a plebiscitary vote, where the result would be only advisory to the Cabinet and Legislature.

This change in approach and method was exemplified in the metamorphosis which C.A. Dunning underwent. A champion of the initiative and referendum and a member of the executive committee of the newly formed Direct Legislation League in 1912, Dunning some ten years later admitted rather apologetically that perhaps his Government was indeed failing to give leadership in the matter of a provincial liquor policy. He contended that since "the ordinary principles of responsible Government were departed from in the first instance by adopting the referendum principle" he was obliged to continue with the practice of consulting the electorate before initiating major changes in the liquor law.\(^1\)

The Premier emphasized, however, that a plebiscite, not a referendum, would be held in order to learn the wishes of the people concerning the abandonment of prohibition. In stressing to the House afterwards the fact that in taking the plebiscite the Government had not abandoned "the prerogatives of this Legislature or the responsibilities of government which would have been the case if there had been a referendum,"

\(^1\)Dunning to Brown, Dec. 13, 1923, Dunning papers, p. 7924.
Premier Dunning alluded to the two concepts of the role of the elected member, that of a delegate and that of a representative:

I have an idea that we are here in a representative capacity and while we are not compelled, any of us, to take note and be guided absolutely by a plebiscite, at least we should be, in my judgment, sufficiently serious in our work of representing the people to endeavour to really represent them when they express themselves so clearly as they have done on the subject now before the House.2

A decade after the voters, while approving the termination of prohibition, had rejected the sale of beer by the glass, the Government of Premier Anderson, in 1934, again referred the matter to the electorate for an opinion; he followed Premier Dunning in holding a plebiscite rather than a referendum. Similarly, the poll taken by the Government of Premier Douglas in 1956 on the question of a uniform time system was of an advisory nature only. According to the then Attorney General, no consideration was given to employing the referendum.3

More recently, when the province's liquor legislation was to be completely reviewed, a committee was appointed by the Lieutenant-Governor-in-Council to study the matter of new sales outlets during the intersessional period.4 After the report of the committee had been received by the Legislature, the Government introduced legislation providing for new liquor sales outlets, leaving to local communities the

---

privilege of deciding, by majority vote, whether the new types of outlets for the on-premise sale and consumption of alcoholic beverages should be permitted in their local option area.

Whether or not the matter of arriving at decisions concerning public control of the liquor traffic and of the removal of variations in time within the province would have been more advantageously handled without resort to a popular vote is difficult to assess, although in one case at least, the question of terminating an unenforceable system of prohibition, the postponing of a decision until a popular vote had been taken would appear to have been disadvantageous. Both issues, a provincial liquor policy and a uniform time system, were highly contentious ones on which the elected members and the general public were deeply divided. From territorial days, when the liquor question caused the sharpest divisions of any local issue, succeeding Governments found this problem extremely difficult to cope with.

One member of the British Parliament described the trials presented by the liquor issue in this way:

From the Parliamentary point of view what is known as the Drink Problem is notoriously one of the most difficult and dangerous questions that any government can touch . . . . The difficulty of interfering effectively with the daily personal habits and social customs of a large number of people will always be sufficiently great without added to it the organised and organising opposition of hundreds of thousands of persons who, as publicans or other retailers of intoxicants, or as brewers or distillers, or as "allied trades" or as employees of any of these, or as shareholders in any

---

of their undertakings, have a direct personal interest in preventing anything being done that would reduce the sale of those intoxicants upon which their livelihood and income more or less depend.6

A sumptuary law, which infringes on the liberty of the individual, requires a large measure of public support. The establishment of a system of time, like the establishment of a system of public control of the sale of liquor, affects a great many lives directly and intimately. Although much of the legislation which is passed by governments is of immediate benefit to only a small segment of the population, the burden imposed is indirect and diffuse, so that no great outcry usually ensues. It is doubtful if many of these legislative measures, for instance federal enactments providing for assistance to prairie farmers or maritime fishermen, would, if submitted to separate referendums, win majority support.7

It is necessary, however, for laws which affect a great many lives intimately, such as those providing for a system of time or of the public control of the sale of liquor, to have the approval of the great majority of the population.

In Saskatchewan the Government has been subjected to strong pressures to interfere with the social habits of the people in the matter of their access to liquor and of the time they were to observe. The organized interests seeking legislative action on these subjects attempted to influence public policy largely through the passage of resolutions at

---


7 Corry and Hodgnett, op. cit., p. 140.
their annual meetings and the presentation of these to the Cabinet in the form of briefs during regular meetings between representatives of such organizations as the SGGA, SARM, and SUMA and members of the Government. These regular contacts have been supplemented by further personal contacts with the Premier and his Ministers.

Other groups, such as the temperance organizations and those associations whose members had a financial interest in the liquor trade, in addition to passing resolutions, sent special deputations to the Government to plead their case. Resolutions and memorials were distributed, particularly by the prohibitionists and the anti-prohibitionists, throughout the province for endorsement by various groups, and petitions were circulated for the collection of signatures. In addition, the lobbies have applied their influence at the legislative stage, seeking to affect the measures introduced and to get the amendments they wanted at the committee stage. They have circularized the candidates prior to an election, for example, in 1912 and 1925, asking for a pledge that their cause would be supported, but there is no record of a Private Member's Bill having been introduced on either the liquor or time questions. In the main, although attempts have been made to influence all the elected members, most of the pressure has been directed at the Government. The lobbies have also operated directly on the electorate.

---

8 See, for example, a memorial addressed to The Honourable Members of the Legislative Assembly of Saskatchewan from The Wholesale Dealers' Association of Saskatchewan, May 8, 1915, Bradshaw papers, Temperance Reports. This memorial protested against what was described as the confiscatory liquor policy of the Government and endorsed the request of the Brewers' Association that hotels be granted beverage licenses enabling them to sell light beers and light wines.
by means of pamphlets, public meetings, sermons, letters to the editor, and paid advertisements, and through the medium of official organs such as Saskatchewan Labour's Realm, for a few of the early years, and the influential Grain Growers' Guide.

In a democracy a Government is expected both to give leadership and at the same time to remain responsive to public opinion. A number of methods exist whereby a Government is made aware of public opinion or can ascertain what opinions are held by the electorate, in addition to the verdict of the ballot box at general elections. In the intervals between elections public opinion may be gauged through the results of by-elections, representations made by interest groups, editorial comments in the press, letters to the editor, soundings in the constituencies, debates on Private Member's Bills, and through public opinion polls. Attitudes of the public may also be discovered by means of the instruments of direct legislation or by plebiscitary votes taken either coincidently with elections or separately therefrom. If information is sought, as well as the views of interested persons, a Royal Commission or committee of inquiry may be appointed.

With most issues, a Government is expected to consider the various viewpoints presented and then to try to arrive at some compromise proposal which the contending organized interests will not find unacceptable, which will not lead to any group resorting to the deliberate obstruction of law or administration, and which will promote the public interest. On the liquor and time questions, however, such a compromise solution for many years appeared unattainable, the positions of the rival groups being irreconcilable. When the demands for action on these matters
became so strong that the Government of the day could no longer ignore them, the problems were referred to the electorate for decision or at least for an expression of opinion by which the Cabinet and Legislature could be guided. Since the enforcement of legislation on these topics is dependent upon the existence of substantial public support, it is not surprising that the Government might have wished to check to see whether the various lobbies represented the strength of opinion which they claimed to speak for.

Such an investigation was often warranted. The federal member for Humboldt gave this description of the passing of a resolution at a farmers' meeting.

He had attended . . . a district Grain Growers' Convention at Wadena, where a Banish-the-Bar Resolution was adopted. To my personal knowledge this resolution was put in a delegate's hands by a clergyman of this town, this delegate moved it, another seconded it, there was no discussion, a vote was taken with perhaps half a dozen voting for it and none against it, yet I am sure from hearing the comment and watching the conduct of most of the delegates the sentiment was strongly against the resolution, yet such resolutions, passed in such a way, are quoted as evidence of the feeling of the people.9

Other accounts are to be found of gatherings being manipulated by interested persons, of resolutions introduced late in the evening when most delegates had left and those remaining were anxious to get home. At the height of the prohibition fervour many who were opposed to such a policy were unwilling to voice their opinions publicly because of the threats of the "drys" to withdraw their trade from their opponents. And thus it sometimes happened that some of those who had voted for a resolution

9 Neely to Scott, Nov. 28, 1914, quoted by Premier Scott in the Legislature and reported in the Leader, May 12, 1915.
advocating the abolition of the bar were heard outside the meeting afterwards inquiring where a drink could be obtained.

In 1928 and again in 1933 the moderationists and hotelkeepers were told by the Government, when they demanded a liberalization of the liquor law, that if they were able to present a largely signed petition their requests would be considered further. Here again it is questionable if the prevalence or intensity of opinion on a certain matter can be gauged accurately from the number of signatures on a petition. The signing of a petition which has been placed in a store or hotel for the attention of customers and patrons may reflect very little thought or conviction on the part of the person affixing his signature. The signatory may not have read the petition, or he may disagree with its position but not have the courage to have this fact known. Wishing still further evidence of public opinion, or perhaps even to demonstrate that opinion is fairly evenly divided on an issue, or that little real interest exists in a subject, the Government may wish to take a plebiscitary vote.

Some of the advantages and disadvantages usually claimed for the referendum and plebiscite have been demonstrated in Saskatchewan's experience with the popular vote. The chief theoretical advantage of a vote by the electorate on a subject matter, that of enabling the elector to vote for a party and against a policy supported by that party, was realized only in the case of the referendum on the liquor stores system in 1916. This was the only occasion on which a popular vote was taken following the adoption by the party in power of a policy which was opposed by the other major political party. In 1912 both parties had included a direct legislation plank in their election platforms, and the
three plebiscites in the years following the 1916 vote were held with no declaration of policy from the parties.

Implementation of the new liquor policy proposed by the Scott Government in 1915, involving the abolition of all bars and the elimination of private business interests in the sale of liquor, was opposed by the Conservatives unless the voters were first given an opportunity to vote on the plan. This issue became the subject of heated partisan controversy. With the liquor interests allying themselves with the Conservative party,¹⁰ the matter played a large part in the Shellbrook by-election held some two months after the announcement at Oxbow, and no doubt would have done the same in the provincial general election of 1917 if the referendum had not intervened. The vote taken on the question of continuing the liquor stores system which the Government had established the previous year gave the electors a chance to consider this one matter separately from other questions of party policy. They were thus spared having to choose, in 1917, between their party and their preferred liquor policy. The exclusion of party considerations was not complete, however, since allegedly some Conservatives voted against the government dispensary system in the hope of embarrassing the Government.¹¹

With regard to the special position of moral issues, for which a plebiscite is sometimes said to be of particular advantage, it is true that the effective enforcement of a law which affects the social habits and touches the conscience of the vast majority of the population requires

¹⁰ Scott to Laurier, June 11, 1915, Scott papers, p. 48698.
the presence of widely shared attitudes to the matter. During the wartime fervour for the legislative suppression of the sale of liquor, Premier Scott felt that he would suffer politically if he did not adopt a more restrictive liquor policy. Later, pointing to the expressions of approval which he had received and the victory in the Shellbrook by-election, Scott claimed that he had received an overwhelming mandate for the position he had taken. Public opinion does not remain static, however, and the door was left open for the electorate to vote later on the continuance of the liquor stores system and the reopening of the bars. Unfortunately, the dry majorities in the provincial referendum of 1916 were not large and the turnout scarcely more than half that prevailing at federal and provincial general elections. Difficulties with enforcement, which had existed from the inauguration of the prohibitory system in 1917, increased, and a system was maintained that lacked the support of the necessary consensus. Premier Scott had taken steps to guard against such an eventuality in 1913 when he stipulated that the proposed legislation to abolish the bar, insisted upon the temperance forces, should have the endorsement of a minimum of 50,000 voters in a referendum on the measure. In this respect, a plebiscite has a distinct advantage over a referendum in that it leaves the Cabinet and Legislature free to act or not to act after the results of the poll are known.

Another of the advantages claimed for the plebiscite is that its employment for a contentious issue may avert a party split; that is, a Government may avoid legislating on an issue because such action would result in dissenting members leaving the party. A plebiscite on such questions shifts the onus for decision onto the public. If the plebiscitary
vote is favourable to the action the Government wishes to take, it may then be possible to overcome members' individual scruples and frame legislation on the subject without disruption of the party. It is difficult to be certain whether such a split was seriously threatened in the case of any of the three votes on liquor or the vote on time. Party lines were definitely blurred on both questions.

When the Government in 1915 did initiate a new liquor policy, the decision was taken following a series of daily Cabinet meetings\textsuperscript{12} and, according to the Premier, was fully agreed to by each member. Some dissension in the Liberal party followed when, in the Shellbrook by-election soon afterwards, the official Liberal candidate was opposed by an Independent Liberal candidate who was supported by three Liberals from the federal arena. Fortunately for the Government, the official Liberal contestant was the victor. In piloting the legislative measure through the House the Premier was able to hold his support intact, although not without difficulty.\textsuperscript{13}

The circumstances of war were unusual, however. Whether or not in subsequent years the governing party could have maintained such a solid front if it had taken a clear-cut position on the regulation of the liquor trade remains in doubt. One would suspect that with all its difficulties caused by the depression, the coalition Government of Premier Anderson could perhaps not have stood the strain of initiating the


\textsuperscript{13} Scott to West, April 17, 1915, Scott papers, p. 48574.
sale of beer by the glass when there were such strong feelings held on the subject. A decade earlier, however, the position of the Government of Premier Dunning appears to have been strong enough\textsuperscript{14} to have allowed him to give leadership, without serious damage to the party, in abandoning an obviously unenforceable prohibitory law. In retrospect it seems that the introduction by the Government of a system of local option with regard both to government liquor stores and beer parlours would have been the preferred course of action. This would have avoided a heated public campaign by prohibitionists and anti-prohibitionists prior to the plebiscite of 1924, and also avoided a denial by the Government of beer parlours to those districts which wanted them, on the ground that the whole province had voted against their introduction.

On the time question, strong differences of opinion within the Government party and the Opposition party were immediately evident upon the appointment of the first legislative committee to inquire into the time question. Succeeding committees were unable to agree upon a solution, except the recommendation that more information be sought, and even after the plebiscite in 1956 the disagreement persisted. The rift in the Cabinet and the divergence of opinion amongst Government backbenchers, evident when the recommendations of the legislative committee dealing with the problem were presented to the House in 1957, no longer were apparent when the uniform time legislation was introduced

\textsuperscript{14}In the provincial general election of 1925 the Liberals received 53.4\% of the popular vote, the Conservatives 19.0\% Howard A. Scarrow, \textit{Canada Votes}, p. 218.
by the Government in 1958; at that time only one CCF backbencher failed
to vote with the Government. Perhaps if the matter had not first been
thoroughly investigated by successive legislative committees and made
the subject of a plebiscitary vote, party solidarity might have been
seriously threatened. Members were under great pressure from their
constituents to vote in accordance with the preference prevailing in
their respective constituencies. If the plebiscite had not been held,
this pressure might have proved almost impossible to resist.

A plebiscite is alleged to have an educative value, promoting
public debate and discussion and encouraging an interest in public
affairs. Judging from the turnout at the polls, voter interest would not
appear to have been very high in the case of four of the five popular
votes. The only occasion on which the number of ballots cast in a
popular vote approached the number of votes cast in a general election
was in 1934 when the election and plebiscite were held simultaneously;
and even in 1934, the number of spoiled ballots indicates that the voters
apparently had not bothered to inform themselves as to the instructions
for voting. When more than one question was asked in a popular vote, a
considerable number of persons who voted on one part of the ballot failed
to express an opinion on the other part, due perhaps to indecisiveness, in-
difference, ignorance, or some other cause. Since calls upon the voters
have been infrequent, their failure to vote at all, or to cast a valid
ballot, can hardly be attributed to apathy induced by weariness.

Rather than illustrating the educational effect of popular votes,
experience in Saskatchewan tends to substantiate the claim that they have
the disadvantage of being an unsuitable method of arriving at a solution of a matter of public policy in a complex pluralistic society, and that public issues cannot be fruitfully discussed and decided at the polls, in isolation from other relevant matters. On the liquor issue, the important question of individual liberty and the need for alternative methods of raising public revenue, if tax revenues from the liquor trade are to become non-existent, are only two of the topics which are usually ignored when a decision is arrived at by the voters themselves rather than through the deliberations of their elected representatives.

Instead of intelligent public discussion, with the various organized interests presenting different viewpoints and replying to one another's arguments, often no real dialogue takes place, a situation that was clearly illustrated in the 1934 campaign preceding the beer-by-the-glass plebiscite. At that time the moderationists repeatedly attempted to arrange private meetings or public debates with temperance leaders, almost entirely without success. Instead of a dialogue, in which the general public might participate, the populace was subjected to competing monologues and harangues. Premier Dunning complained of the personal abuse heaped by prohibitionists on those attempting to administer the law, and reference to Dunning booze shops was unlikely to elevate public discussion. The fact that the moderationists had vastly more money to spend than did the temperance interests was made quite clear in 1934 by the expensive advertisements which the former groups were able to put in the daily and weekly press as against the very rare advertisement financed by their opponents.
It has been claimed that the interests of minorities are likely to be overlooked when decisions are made at the polls rather than by elected members.\textsuperscript{15} It has also been stated that popular votes increase the influence of minorities and of extremists, and exacerbate differences within the population. The fact that prohibition legislation remained in effect from 1917 until 1924, despite widespread open defiance of the law and the cheerful committing of perjury in order not to give evidence against those accused of having broken the liquor law,\textsuperscript{16} testifies to the fact that a determined and vociferous minority was being allowed to dictate to the rest of the population. The number of dry votes obtained in 1916 and 1920, although constituting sizeable majorities, represented a relatively small proportion of the total electorate; yet these achievements of the organized prohibition interests were allowed to stand in the way of the formulation of a new and more reasonable policy.

Premier Dunning contended that prior to the era of prohibition, and mainly responsible for it, the liquor interests had repeatedly violated the law and had exerted a strong influence on Governments, to the extent that the integrity of the provincial Legislatures was threatened.\textsuperscript{17} Then the pendulum had swung far in the other direction, as prohibitionists had insisted upon the total suppression of the liquor

\textsuperscript{15} Clifford D. Sharp, \textit{The Case Against the Referendum}, Fabian Society, Tract No. 155, London, 1911, p. 10.

\textsuperscript{16} Donald Maclean, speech to the Legislature, \textit{Saskatchewan Sessional Papers}, 1919-20, p. 213; Harris Turner, speech to the Legislature, \textit{ibid.}, p. 224.

\textsuperscript{17} Speech to the Legislature, \textit{Saskatchewan Sessional Papers}, 1924-25, pp. 134 and 135.
traffic. The ordinary citizen remained unorganized, wooed by the opposing organized interests, in what were invariably acrimonious campaigns, to cast his vote in their favour.

The main disadvantage attributed to the plebiscite is that it permits the Government to avoid taking a decision on a controversial and difficult question, to shirk responsibility for a political "hot potato". Evidence of this political expedience can be discerned in each of the popular polls held. The contention can perhaps be made, however, that this refusal by the political parties to adopt a policy with regard to the liquor and time questions was not entirely reprehensible. In defense of his position, Premier Dunning offered this explanation: "It had always been the desire of the government that the liquor question should not become the foundation upon which two political parties in Saskatchewan might be created, one wet and the other dry."18

From the year 1912, for almost the next decade there appears to have been general agreement that the electorate should be consulted before a major change in the liquor law was effected. Accordingly, the Government took the view that what the people wanted they should have. It was not until 1920 that this approach was seriously criticised. In arguing in the House that the prohibitory law should be replaced, Harris Turner stated that he doubted if the majority of the people were in favour of prohibition. Even if they were, he said, the Government was

18 Ibid., p. 148.
ethically bound not to bring down a bill that could not be enforced; the massacre of St. Bartholomew was an expression of the will of the people but nevertheless a misuse of power. Turner questioned whether, if a majority of the people were in favour of the unrestricted use of liquor, the Government would introduce legislation compelling every man to take a drink before lunch, and wondered whether the prohibitionists would obey such a law.\(^{19}\) He suggested that a reasonable attitude for the Government to assume would be to say that while a majority of the people might want total prohibition, a bill making provision for this would not be introduced because it could not be enforced. Three years later the Liberal \textit{Leader-Post} castigated the Liberal Government for its "new constitutional practice" of awaiting the expression of public opinion and following it slavishly instead of providing some leadership.\(^{20}\)

On the time question, the Liberal Opposition was divided and inconsistent in its views. The Government was criticised first for failing to adopt a policy, then for having adopted a policy and trying to force its will on the population, and also for having adopted the wrong policy. The Attorney General was blamed, too, for having as a backbencher tossed the whole question into the lap of the Legislature in the first place.

Concerning the charge that the use of the plebiscite and, more especially, of the referendum, weakens the party system and Cabinet


\(^{20}\) Mar. 17, 1923.
responsibility, as well as the position of the Legislature, popular votes have not been held frequently enough in Saskatchewan to yield much useful evidence on this point. One writer has stated that "the temperance appeal to conscience posed dangers for the party system and prepared the way for that political independence in the electorate out of which a third party was to arise." 21 Although it is true that "the advocates of temperance quite bluntly put loyalty to conscience before loyalty to either person or party," 22 there is some evidence pointing to the fact that temperance advocates were not always as reliable at the polls as it was sometimes hoped they would be. W.O. Fraser, Conservative member for Souris, at one time referred to "temperance hypocrites" and complained of "temperance societies always promising great things until it came to election time, and then their interests divide along party lines." 23

Earlier, Premier Scott had remarked on how unreliable temperance people had proved at the polls in 1908. 24 After the announcement at Oxbow and the by-election at Shellbrook, however, Scott was convinced that although the Government's new liquor policy had driven away the liquor interests it had attracted new support from the temperance

22 Ibid., p. 29.
24 Scott to Neely, private, Sept. 15, 1908, Scott papers, p. 48268.
enthusiasts. To the extent, therefore, that voters allowed their views on liquor to override all other considerations at the polls, and insisted, as some of the extreme temperance workers did, that a popular vote be held before each and every change in the liquor law, the effect was detrimental to the party system and also to responsible government. The time question, being a matter of convenience rather than of conscience, was not apt to override other considerations and loyalties.

In summary, it would appear that the first referendum, that on the Direct Legislation Act held in 1913, served some purpose in that it enabled a Government which was unwilling to break its election promise to introduce a direct legislation measure and, by the timing of the vote and its own silence on the matter, to arrange matters in such a way as almost to guarantee the defeat of the act at the polls. Thus a system of direct democracy, felt by the Government to be undesirable, was kept from the statute books.

The referendum held in 1916 enabled the Liberal Government, which had been accused in 1915 of arbitrary and dictatorial action in adopting a restrictive liquor policy without first consulting the electorate, to transfer to the voters the responsibility for deciding whether the system established by the Government should continue. In Canada it was virtually impossible for any provincial Government during the first world war, except in Quebec where conditions were different, to withstand the pressure to enact prohibitory legislation. It would have taken a very

---

25 Scott to Martin; private, Mar. 25, 1915, Scott papers, pp. 48474-76.
courageous Government, perhaps one bent on political suicide, to have refused at least to allow the voters to express their wishes on the matter. The Scott Government gave them the opportunity of voting on a system of liquor sales which had been in existence for over a year; when the electors voted it out the Martin Government introduced a prohibitory measure, upon which the voters did not pronounce at the polls.

The refusal of the Dunning Government to take responsibility for terminating an obviously unenforceable prohibitory system is somewhat difficult to defend. The plebiscite of 1924 would appear to have been disadvantageous in that, by yielding a province-wide verdict, it imposed a single policy on the entire province and retarded the introduction, on a local option basis, of a system of beer sales by the glass which a majority of those voting in many communities wanted. The plebiscite a decade later seems to have served no useful purpose other than permitting a hard-pressed Coalition Government to avoid making a decision on a highly controversial issue on which action was demanded by a sizeable proportion of the electorate.

Experience had demonstrated that there was actually no solution to the problem of a uniform time system which would prove acceptable to all of Saskatchewan. The plebiscite of 1956 perhaps served to keep the matter out of the 1956 provincial election campaign and to give the Government a reprieve of two or three years before it was obliged to initiate some action, which in the end proved unacceptable. It may also have prevented disruption of the party, but there is no evidence on this point. The vote at that time does not appear to have been in any way a
hindrance to good government.

The liquor and time questions no longer occupy the prominent place in Saskatchewan politics which they filled for a number of years. In each case the issue has been settled by allowing the local communities to decide matters for themselves. Although this solution may not be entirely suitable for the time question, when no overall solution is feasible a system of local option seems a satisfactory method of settling certain contentious issues. A local option vote has been described as a "species of referendum". It does not have the disadvantage of a decision as to whether or not legislation should be implemented being left to the electorate. The Government assumes full responsibility for the coming into force of a measure, but leaves to local voters the opportunity of deciding whether the law shall be made applicable to a given area.

A system of local option would appear preferable to the holding of a province-wide referendum for those issues which can be settled locally and on which regional diversity within the larger community is feasible. However, for such controversial issues as the abolition of capital punishment, the sale of contraceptives, and similar matters of conscience, decisions by local option vote are obviously unsuitable. In order to test public attitudes on such questions, the use of a Private Member's Bill, introduced by a Government backbencher, rather than the plebiscite, would seem to be the preferred course of action.

BOOKS, PAMPHLETS AND ARTICLES


Hunter, A.T. Chronicle of Alcoholic Beverages in the North West Territories and Saskatchewan. Published by Commercial Printers, Limited, Regina, Sask.


Pope, Sir Joseph (ed.). *Correspondence of Sir John Macdonald*. Toronto, 1921.


GOVERNMENT PUBLICATIONS

Ottawa

The Canada Gazette.


House of Commons Debates.

House of Commons Journals.

Senate Journals.

Statutes of Canada.
Regina

Debates and Proceedings, Legislative Assembly of Saskatchewan.

Journals of the Council of the North-West Territories.

Journals of the Legislative Assembly of the North-West Territories.

Journals of the Legislative Assembly of Saskatchewan.

Ordinances of the North-West Territories.


The Saskatchewan Gazette.

Sessional Papers of the Province of Saskatchewan.

Statutes of the Province of Saskatchewan.

Quebec


PRIVATE PAPERS

Various references in the following collections held by the Archives of Saskatchewan, Saskatoon.

The Papers of J.E. Bradshaw.

The Papers of Charles A. Dunning.

The Papers of S.R. Latta.

The Papers of W.M. Martin.

The Papers of W.R. Motherwell.

The Papers of Walter Scott.

The Papers of W.F.A. Turgeon.
Records of the Executive Council of Saskatchewan.
Records of the Saskatchewan Grain Growers' Association.
Records of the Saskatoon Labour Council.
Records of the United Farmers of Canada, Saskatchewan Section.
Two files on the Time Question in the possession of R.A. Walker, Q.C.

NEWSPAPERS

Various issues of the following newspapers:

The Leader (Regina), 1905-1930.
The Leader-Post (Regina), 1930-1963.
The Daily Standard (Regina), 1905-1913.
The Daily Province (Regina), 1910-1915.
Evening Province and Standard (Regina), 1913-1916.
The Regina Daily Star, 1928-1940.
The Phoenix (Saskatoon), 1906-1928.
Saskatoon Daily Star, 1912-1928.
Saskatoon Star-Phoenix, 1928-1960.
Saskatchewan Labour's Realm, 1907-1910.
Western Producer, 1923-1960.
Winnipeg Telegram, 1914.
REFERENCE SOURCES, UNPUBLISHED THESES AND
MISCELLANEOUS ITEMS

Directory of Saskatchewan Ministries, Members of the Legislative
Assembly, Elections, 1905-1953. Saskatchewan Archives Board,
1954.

Saskatchewan Archives Board, 1951.

The Canadian Parliamentary Guide.

Statement of Election results, 1956, issued by the Chief Electoral
Officer for Saskatchewan.

Saskatchewan Grain Growers' Association, Limited, Annual Convention
Reports, A.S.

Saskatchewan Association of Rural Municipalities, Convention Proceedings,
A.S.

Saskatchewan Urban Municipalities Association, Convention Reports, A.S.

Saskatchewan Farmers' Union, Submissions, A.S.

Western Weekly Reports, 1917.

City of Saskatoon, Municipal Manual 1963.

City of Weyburn Time Bylaws.

City of North Battleford Time Bylaws.

Correspondence with City Clerks of Moose Jaw, Prince Albert, North
Battleford, Regina, Saskatoon, Swift Current, Weyburn, and
Yorkton.

Correspondence with Assistant Chief Electoral Officer, Province of
Saskatchewan.

Interview with R.A. Walker, Q.C., former Attorney General, Province of
Saskatchewan, June 28, 1965.

Interview with an official of The Hotels Association of Saskatchewan,
who wished to remain anonymous, July 7, 1965.