

**THE ARCHIVAL CONCEPT OF COMPETENCE:
A CASE STUDY OF THE FEDERAL ADMINISTRATION OF
AGRICULTURE IN CANADA, 1867-1989**

by

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Abstract

This thesis sets out to explain how spheres of responsibility or competences are assigned in the administration of government functions in order to assess the ways in which archivists can come to terms with increasingly rapid rates of administrative change in the performance of their work. It examines statutes and government publications to present a picture of the evolution of the competence of agencies of the government of Canada given responsibility for carrying out activities in administration of the function of agriculture.

It is found that knowledge of the assignment of functional responsibility is essential to a number of archival tasks. It is vital to know all the bodies participating in carrying out the function when appraising records. A vital part of identifying the external structure of a fonds lies in determining the competence of the agencies creating records in it, and this knowledge must be effectively communicated in archival description. Finally, the concepts of function, competence, and activity, if clearly understood, can guide the development of vocabularies to assist users of archives to find loci of administrative action relevant to searches they are undertaking.

Accumulating information about the functions, competences, and activities of organizations and keeping it current can serve many purposes in the administration of records during the entire life cycle. Organizations need this information to control and provide access to records for administrative purposes and to facilitate secondary access under freedom of information and privacy legislation or for historical research purposes. The method of analyzing how functional activity employed in this study can be used for all government organizations in Canada.

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Introduction

Government activities expand directly in response to laws passed by the sovereign legislature. These laws define spheres of activity and assign them to a responsible person or body. The structure of government then grows to accommodate the management of such activities. This growth has had a tremendous effect on the production on public records. With new activities ultimately follow new records. It is a principal task of archival science to provide an explanation of the facts of the matter of how structure evolves so that all users can approach archives with a proper understanding of their context of creation. Often what makes it difficult to understand the nature of the records in any given functional sphere is that the agencies which have created them have been so many and varied. The lines of government responsibility are so fluid that over time activity in any functional sphere could be assigned to many different agencies. The statutes which bring activity into existence will state generally the responsible agency, but that agency may have any number of branches and divisions which are organized and re-organized year after year. Thus, the attempt to identify records with administrative structure must deal with the fact that structure constantly evolves. What is needed is a conceptual link between record and structure that allows the user to travel through the shifting structure. This thesis maintains that a large part of the solution is to understand administration as an evolving system of delegation of function and activity, and to examine how functional responsibility is carried out as a means of explaining changing structures.

Bell's and Pascoe's book *The Ontario Government: Structure and Functions* is a description of the various agencies of a government and their spheres of functional activity.¹ Such studies are useful only to gain a snapshot of the government at one particular point in time. By the time such a book is published the study is out of date because of the evolving nature of government structure and activities. Because archival systems must deal with the records of organizations over time, the problem for archivists is how to characterize administrative change over time and understand and communicate how such change effects the records.

The notion that function and records creation are linked has long been recognized in archival literature. Muller, Feith and Fruin's *Manual for the Arrangement and Description of Archives* recognizes the link between records and function: "if the function or rights of one administrative body passes to another, the archives accompany them."² Sir Hilary Jenkinson also states that the records of an organization follow function. If a new agency carries on the function, the records of a predecessor are usually placed in the custody of the new administration which takes over that function.³

Continuing in this tradition, American archivist Margaret Cross Norton observed: "It is a rule in government that records follow functions. That is to say, when a department is abolished, merged into another department or otherwise reorganized, its functions are generally transferred to another department, which of course must have the old records at hand to carry on the

¹G.G. Bell, Andrew D. Pascoe, *The Ontario Government: Structure and Functions*, (Toronto: Wall & Thompson Ltd., 1988).

²S. Muller, J.A. Feith, and R. Fruin, *Manual for the Arrangement and Description of Archives*, (New York: H.W. Wilson Company, 1968, 2nd. ed.), p. 24.

³Hilary Jenkinson, *A Manual of Archive Administration*, (Oxford: Clarendon Press, 1922), p. 33.

old functions."⁴ She also observed that "records shall be considered as being a part of the last department which exercised the functions."⁵ Her study of administrative change led her to believe that "for the most part ... functions are fairly well expressed by division or subdepartmental headings," that is, that the name of the creating body would indicate the nature of its functional responsibility.⁶ Norton's rule that records are associated with the latest entity to have responsibility for a particular functional sphere and her reliance on structure to facilitate understanding is very traditional.

Michel Duchein, in his 1977 article on *respect des fonds*, makes the distinction between external structure, how an organization organizes itself for business, and internal structure, how records are organized in the various branches and divisions of the organization.⁷ This thesis looks at how external structure evolves by the delegation of authority to act in defined functional spheres of responsibility. Duchein recognizes that the essential problem of identification of archives is to come to terms with changes in external structure and the effects of those changes on internal structure. He identifies four types of changes in the powers, or competences, of agencies creating records. They are: a) abolition of powers when they are no longer needed; b) assignment of new powers to an agency; c) transfer of powers from one agency to another within the organization; d) temporary assignment of powers to an agency.⁸ It is

⁴Margaret Cross Norton, "Classification and Description of Archives", from *Norton on Archives: The Writings of Margaret Cross Norton on Archival and Records Management*, Thornton W. Mitchell, ed., (Society of American Archivists, 1979), p. 110.

⁵*Ibid.*, p. 111.

⁶*Ibid.*, p. 113.

⁷Michel Duchein, "Theoretical Principles and Practical Problems of *Respect des Fonds* in Archival Science, *Archivaria* 16 (Summer 1983).

⁸*Ibid.*, p. 71.

these changes that will be documented within the realm of agriculture in this thesis.

Duchein recognizes that structure, while unstable, plays a "definite part of the powers of the agency."⁹ He proposes two solutions to instability. The first solution is the arrangement of the fonds chronologically, to show a stable structure for a period of time and then show the new structure. The second is to avoid using administrative units as a basis for arrangement in cases where changes are frequent.¹⁰ While Duchein does not go into detail on what should be used in place of structure in the latter case, he does acknowledge that some means of dealing with structural change needs to be found in order to portray the dynamic quality of the archival fonds.

The series system, conceived by Australian archivists, to which Michel Duchein was responding in his article, divides information about agencies from information about records, and tries to record all the facts about administrative change in descriptions of agencies. Peter Scott, C.D. Smith and G. Finlay, writing about the effects of administrative change on archives as experienced in Australia, speak of " 'functional sovereignty' over records, in that a department becomes responsible for the records documenting a function allocated to it."¹¹ However, they advocate a careful tracing of all the agencies which had a hand in creating records in any given functional sphere of activity as a means of indicating the history of each series and recording the true facts of administrative change. They argue that administrative change is so common, and its effects so varied and unpredictable, that the only solution is to link series with all the

⁹*Ibid.*, p. 78.

¹⁰*Ibid.*, p. 79-80.

¹¹P.J. Scott, C.D. Smith, G. Finlay, "Archives and Administrative Change: Some Methods and Approaches (Part 2), *Archives and Manuscripts* Vol.7, number 4, April 1979, p. 151.

agencies which created them, had control over them, or took custody of them. There is no lasting place to put them, either physically or intellectually, for they have a complicated "multiprovenanced" history, which archival systems of arrangement, description, and access must record. Thus, they see a tracing of change in functional responsibility as a means of explaining how records move about in administration, and believe that function can be used as a means to assist researchers to find the various locations in administration over time of records generated in any given functional area.¹²

In the end, the series system simply links all agencies with all the series of records which they have had a hand in generating, controlling, or had custody of. While the series system attempts to deal with the maze of structural change, it does so in a manner which fails to place records in their administrative structure, creating free-floating records entities. The series system lacks the context that the traditional system has built in. Thus, concentration on function does not make the problem of structure disappear. Records must still be associated with the agency or agencies that generated them.

Part of the problem of dealing with function is that the term is used in so many different senses in archival literature. In his book, *Modern Archives: Principles and Techniques*, the American archivist Theodore Schellenberg, defines the term and shows how it relates to the activities carried out by organizations. He defined function as "all the responsibilities assigned to an agency to accomplish the broad purposes for which it was established."¹³ Functions for each agency are usually defined in a law or directive that establishes it. Functions can be broken down into activities which are "classes

¹²Scott, "Archives and Administrative Change", (Part 5), p. 14.

¹³T.R. Schellenberg, *Modern Archives: Principles and Techniques*, (Chicago: University of Chicago Press, 1956, reprint 1975), p. 53.

of actions that are taken in accomplishing a single function."¹⁴ There are two main types of activities: substantive, the technical and professional work, and facilitative, the internal management of agencies. An activity can then be further divided into transactions. A transaction may be defined as: "an act or several interconnected acts in which more than one person is involved and by which the relations of those persons are altered".¹⁵ According to Schellenberg there are two types of transactions. Policy transactions determine the courses of action followed in all transactions of a single class. Operational transactions apply to specific individual transactions taken in line with policy decisions.¹⁶

This hierarchy offers a comprehensive manner of categorizing the types of actions that can occur in organizations and their constituent agencies. An organization may be defined as "a social system that has an unequivocal collective identity, and exact roster of members, a program of activity, and procedures for replacing members."¹⁷ In this study the government of Canada is an organization. An agency is "an administrative body having the delegated authority to act competently as an agent of a higher body."¹⁸ Thus, the federal Department of Agriculture, which has received its authority to act in a defined sphere through legislation, is an agency of the larger organization, the government of Canada.

¹⁴*Ibid.*

¹⁵Schellenberg does not actually define the term "transaction." This definition is taken from the University of British Columbia, School of Library, Archival and Information Studies, "Select List of Archival Terminology", n.d., p. 19. See also Society of American Archivists, *A Glossary for Archivists, Manuscript Curators, and Records Managers*, (Chicago, 1992), s.v. agency, competence, fonds, function, transaction.

¹⁶Schellenberg, *Modern Archives*, p. 54.

¹⁷"Select List of Archival Terminology", p. 13.

¹⁸*Ibid.*, p. 2.

While Schellenberg offers a system for classifying administrative activity, his view of the hierarchy of function is as it is actually carried out in administration. By function he in fact means the authority of a body to administer a defined realm of activity. For this thesis a theoretical definition of function is adopted. Function is therefore defined as "all of the activities aimed to accomplish one purpose, considered abstractly."¹⁹ In the actual administration of affairs the activities of a single function may be assigned to various bodies, that is, to more than one agency or to various administrative units of a single agency. The assignment of responsibility is referred to as competence and may be defined as "the sphere of functional responsibility entrusted to an office or officer."²⁰ It is the real expression of the functional responsibility of government agencies.

Thus, archivists have widely recognized the value of using function as a concept of access. Most recently, the Art and Architecture Thesaurus, a project headed by Toni Peterson and funded by the Getty Institute, has included a functions vocabulary and hierarchy: "the Functions hierarchy contains descriptors for activities which are considered in order to accomplish specific purposes, as well as methodologies associated with specific areas of endeavour."²¹ The functions are divided into two sections. The first section, functions by general context, "consists of activities common to a wide range of institutions, professions and occupations."²² The second section, functions by specific context, "includes activities usually found in a particular context, i.e.

¹⁹*Ibid.*, p. 8

²⁰*Ibid.*, p. 5.

²¹*Art and Architecture Thesaurus, Vol. 1*, Toni Peterson, Director, (New York: Oxford University Press on behalf of The Getty Art History Information Program, 1990), p. 324.

²²*Ibid.*

educational functions (e.g. teaching)."²³ With such a rapid pace of administrative change, there is the realization by archivists that agency name cannot provide as reliable access as can function. The functional activity which generates the records can be characterized or represented in an information system to provide access to records independently of structure.

Competence, then, can be seen to be the concrete apportionment of responsibility to carry out activities for part of some abstract function. Each administrative body of government acts "to carry out activities functional to the broad purposes of the organization and to the specific responsibilities assigned to the body."²⁴ Governments are given authority to carry out several functions as conceived abstractly in the constitution. Constitutions do not say which body shall carry out which activities in pursuit of these functions. That is done by the legislature, whose laws establish the competence of agencies to act in a well defined sphere of one or more than one of the constitutionally designated functions.

In order to fully come to an understanding of how competence is delegated however, it is necessary to use an example. The study of one function of government, examining its specific developments is therefore the focus of this thesis. Agriculture was chosen since it is a major function of the federal government. The choice of agriculture effectively demonstrates an evolution of activities of a function. For the purposes of this study the administration of all agricultural affairs is considered to be a function.

Through the study of statutory legislation this thesis will show how the federal government delegates responsibility to agencies in order to administer

²³*Ibid.*

²⁴Terry Eastwood, ed. *The Archival Fonds: From Theory to Practice*, (Bureau of Canadian Archives, 1992), p. 4.

affairs in one functional sphere. It will explain how structures to carry out activities in the function of agriculture grow and change in response to legislative enactment, but also how structures can be linked across time by careful functional analysis. Having traced how the function of agriculture has been administered in the Government of Canada, this study will assess the significance of findings for the performance of archival work.

Chapter One

Functional Responsibility and the Government of Canada

Democratic nations are subject to the rule of law. The organization of a democratic polity is set forth in the constitution, the law which establishes the workings of governance, the mechanisms by which a sovereign people govern themselves and organizes the rules by which they live. Every time a new law is passed in the legislature a new or amended activity is created for the government to manage and regulate. Generally, a law stipulates the agency to which the new activity is delegated or states the person or agency who will delegate the activity. A new law therefore means that within the government structure, room must be made to accommodate that responsibility. This thesis examines how laws establish functional responsibility for the execution and administration of public affairs and thereby also establish the most immediate context for the production of public archival documents. For the purposes of this study, the administration of all agricultural affairs is considered as one function, whether or not it moves beyond a single department's boundaries.

The Canadian constitution establishes eleven sovereign legislative bodies in Canada. One is the Parliament of Canada and the others are the ten provincial legislatures. Each is limited by their legislative competence, but all are granted legislative authority to enact statutes: "It is important to realize that a sovereign legislative body can enact statutes pursuant only to its legislative

competence."²⁵ Since there are two levels of government, there must be boundaries of responsibility so that, for example, the federal and the provincial agencies responsible for agriculture do not infringe on each other. The British North America Act sets out the jurisdiction, the division of powers, federally and provincially. A review of the structure of the Canadian government will more clearly outline how responsibility is delegated.

There are three branches of government in Canada's federal parliamentary system. The legislature makes the general rules and regulations regarding the administration of government.²⁶ The judiciary offers an independent determination by a judge as to whether a person has contravened the law. Lastly, and most importantly for the purposes of this study, the executive administers the application and enforcement of the legislation to certain people in particular circumstances.

The Parliament of Canada is given "exclusive legislative authority to enact laws in respect of the peace, order and good government of Canada," however that may be interpreted.²⁷ The authority to create legislation relates only to matters of the nation as a whole and also to matters which have not been specifically mentioned in either sections 91 or 92 of the *British North America Act*. Section 91 grants legislative authority and exclusive legislative jurisdiction to the Parliament of Canada. Section 92 likewise gives authority to provincial legislatures. So, for example, the Parliament of Canada under s.92(27) is given exclusive legislative jurisdiction over the regulation of international and

²⁵Gerald L. Gall, *The Canadian Legal System*, 3rd. ed. (Toronto: Carswell Legal Publications, 1990), p. 37.

²⁶David Jones, Anne de Villars, *Principles of Administrative Law*, (Toronto: Carswell Legal Publications (Western Division), 1985), p. 47.

²⁷*Ibid.*, p. 96.

extraprovincial trade, while the provinces have exclusive jurisdiction over the intraprovincial trade. The authority for which the judicial component of government rests is contained within sections 96 to 101 of the 1867 British North America Act.²⁸ Basically the Parliament of Canada is "granted legislative competence to enact laws providing for the establishment of certain courts and tribunals."²⁹ Parliament has authority to create legislation respecting the appointment of judges to the courts as well as for their salaries, their tenure and their removal. As well, the same act allows the federal Parliament to appoint federal judges to county or district and superior courts established by the provinces. Lastly, provincial courts and respective provincial judges are also provided for to act within provincial jurisdiction.³⁰

The third branch of the government of Canada is the executive. Under the Canadian constitution, executive power resides in the Crown in Great Britain. However, the Queen acts only through her representatives in Canada so that the Governor General actually has executive power. However, this transfer of power does not accurately reflect the role of the Queen and her representative the Governor General. In reality, the Governor General only acts on the advice of the Prime Minister and his/her cabinet: "In short, executive power in Canada, with some limited exceptions, lies in the hands of the Prime Minister and his cabinet and , provincially, with the various premiers and their cabinets."³¹ The office of the prime minister then is the actual leader of the nation and the chief authority on government policy. The cabinet is appointed by the prime minister

²⁸This act is also subsequently known as the 1867 Constitution Act.

²⁹ Gall, p.104.

³⁰*Ibid.*, p. 105.

³¹*Ibid.*, p.57.

and is the centre for initiating, approving, and executing government policy to settle the broad direction and priorities of the government. Each cabinet minister is delegated one or more functions to administer under a portfolio. The minister then becomes responsible for the agencies delegated responsibility to carry out these functions.

However, as government involvement becomes more complex, so does legislative procedure. Parliament cannot possibly deal with every detail applicable to every legislative situation. There is neither the time nor the expertise: "as modern technology increases and as social problems become more complex, it follows that there must be, not only a legislative response, but often a complex legislative response."³² Therefore, "acts of Parliament within the last century have more and more delegated extremely wide legislative powers to the executive."³³ This method is known as enabling legislation. Under enabling legislation, power is delegated to an inferior body, which may be cabinet, a minister of cabinet, or an agency, to make subordinate rules in keeping with the wide powers set out in the terms of the enabling legislation. Thus, a minister of cabinet can receive powers under a piece of enabling legislation to administer a certain functional activity. The minister can then propose whatever subordinate rules are deemed necessary to administer that activity. However, the minister must always work within the competency set out in the enabling legislation. He or she cannot exceed the sphere of responsibility for which he or she received authority to act. It is a fixed principle that only competent persons and agencies can act to administer affairs. Moreover, practically speaking, without such a

³²*Ibid.*, p. 45.

³³Mallory, *The Structure of Canadian Government*, p. 154.

principle, conflicts of authority and functional responsibility would regularly occur to the detriment of administration.

In 1867 when Upper and Lower Canada as well as Nova Scotia and New Brunswick were united to form Canada, the British North America Act laid out the division of powers for the Union and for each of the Provinces. Agriculture was one function which the federal and each of the provinces shared:

In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration in to the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.³⁴

Interestingly, the British North America act refers to both agriculture and immigration in the same section, thereby indicating that the architects of Confederation had the idea of a Canada in which immigrants would be drawn to the new nation to practice agriculture, thus building an agricultural base to the economy. At Confederation the primary federal interest in agriculture was in developing and expanding farming into new regions of Canada.³⁵ Formally, the federal government has jurisdiction over agricultural issues that are of national interest, such as international trade, tariffs, the regulation of the agricultural industry of the country as a whole. The provinces, on the other hand, are concerned with trade issues between the provinces. Both federal and provincial governments may enact legislation regarding support of the agricultural

³⁴*British North America Act*, s. 95.

³⁵Vernon C. Fowke, *Canadian Agricultural Policy: The Historical Pattern*, (Toronto: University of Toronto Press, 1947), p. 156.

economy, such as through the farm loan interest acts, which have existed at both levels of government. There is a certain amount of flexibility in these divisions of responsibility, and over time many of the lines of demarcation have blurred considerably, particularly regarding trade issues.

While there were a finite number of functions at Confederation, from time to time, in response to public needs, new areas of responsibility are created to carry out activities in existing functions or to establish new functions altogether. Traditionally, the major functions of government are carried out in separate ministries or departments. At Confederation these departments were grouped into five categories: administrative, financial, defence, education and welfare, and natural resources and development.³⁶ Since 1867 a large range of activities have been added. Just how this process occurs, what its results are, are the subjects of this investigation.

Administrative Law is the realm of law which ensures that "the activities of government are authorized by Parliament and that laws are implemented and administered in a fair and reasonable manner."³⁷ It is one of three areas of public law dealing with the relationship between government and citizens, the other two being Constitutional Law and Criminal Law. There are two basic principles involved in Administrative Law. The first is that the courts have the right to interpret the legislation and the lawfulness of government action. The second is called the doctrine of Parliamentary Sovereignty which "gives the legislative branch authority to delegate powers and the vast bulk of the business of government in fact takes place by virtue of delegated authority instead of

³⁶J.W. Hodgetts, *Pioneer Public Service: An Administrative History of the United Canadas, 1841-1867*, (Toronto: University of Toronto Press, 1955), p. 35.

³⁷J.G. Cowan, "Administrative Law", *The Canadian Encyclopedia*, J.H. Marsh, ed. (Edmonton: Hurtig Publishers, 1985), p. 14.

being contained in laws passed by either the Federal Parliament or one of the provincial legislatures."³⁸ This study will also base its determination of competency on legislation as the primary source of delegatory authority. It does not examine subordinate legislation in the form of orders and regulations because the goal is to achieve a broad view of the expression of competence as relating to agriculture and how that view is useful in archival work. Administrative orders and regulations allow all governments to cope flexibly with changing needs, to manage complex technical details of administering affairs, and to deal with emergencies.³⁹ However, enabling legislation sets out the broad competence of agencies, and provides the main source for tracing the lines of functional activity. Orders and regulations cannot move into realms beyond the powers designated in enabling legislation. In some cases, orders or regulations are examined to illustrate their importance in understanding the extension of activity, but no exhaustive analysis of them has been made.

Once the decision to refer solely to statutes was made, an in-depth examination of the statutes began, beginning with the year of Confederation, 1867. All statutes pertaining to the function of agriculture were examined for every year since 1867 until 1989. Note was made of all new acts pertaining to agriculture, the activity or range of activities created as a result of the act, and to which agency of government the activity was delegated. As well, where stated, the powers of the body created to administer the activity were examined.

All amendments to acts already in existence were also examined. Often amendments greatly expand or limit the scope of activities, thereby virtually rewriting the original act. As well, amendments often transfer functional responsibility from one agency to another. Other secondary sources such as

³⁸Jones and de Villars, *Principles of Administrative Law*, p. 4.

³⁹*Ibid.*, p.58.

annual reports and government reports, were used to explain the reasons behind the creation of the legislation. The annual reports were particularly useful in determining the structural changes in the department of agriculture.

Thus, Canada, as a democratic nation must adhere to the laws passed in the sovereign legislature. Once functional responsibility for an activity is laid out in statute, an agency of the government must administer the act. This thesis is an examination of how laws establish functional responsibility to agencies of government using the example of the administration of agriculture. The following chapters will lay out the evolution of agriculture, the growth of activities, the increase in infrastructure as expressed in the Statutes of Canada.

Chapter Two

The Formative Years: 1867-1918

Agriculture and European settlement in Canada have always been closely linked in Canadian history. Agriculture originated in Canada in the early 17th century in settlements such as Acadia and New France with the production of a few commodities, livestock and grain being the most important. However, in the unfamiliar climate and using the most primitive of tools, settlers in the new colonies were still largely dependent on imported goods from their native nations. Beginning in the mid 18th century, improvements in agricultural technique and implements allowed for a greater diversification of food products and therefore a better balanced economy and increased self-sufficiency. There was little assistance from local governments since their infrastructure was not mature enough and their main purpose as yet was not to dispense fiscal or technical advice. It was not until the 19th century that direct government involvement in agricultural commerce began.⁴⁰

In an effort to promote and encourage agricultural practices, with the hope of attracting immigrants, the colony of Upper Canada formed a Board of Agriculture in 1850, the purpose of which was to dispense aid and advice to those in need. When the statutes of Upper and Lower Canada were consolidated in 1852, a single Bureau of Agriculture was formed. Within the

⁴⁰J.F. Booth, ed. *Economic Organization of Canadian Agriculture*. (Ottawa: The Canadian Council, International Conference of Agricultural Economists, 1934)., p. ix.

Bureau, two sets of three different agricultural boards were created to apply to each of Upper and Lower Canada. The first board was formed to supervise local agricultural societies which also began about this time. The agricultural societies received government grants aimed at improving farming techniques and practices. The purpose of the second board was to organize county exhibits, where farmers displayed the best of the annual harvest to their neighbours. The last board was designed to bring together county township agricultural societies with farmer membership.⁴¹ The administration of these boards was the extent of government involvement in the economy of agriculture before Confederation.

In 1867, legislation establishing a federal department of agriculture was passed. The act was short but direct. It stipulated the nine spheres of responsibility in which the Department had the competency to act. Agriculture was but one of them. The other eight areas of responsibility were: immigration and emigration, public health and quarantine, the marine and emigrant hospital at Quebec, arts and manufactures, the census, statistics and the registration of statistics, patents of invention, copyright, and industrial designs and trademarks.⁴² These responsibilities excluded the supervision of the agricultural boards and societies that were so much a part of the pre-Confederation government activities affecting agriculture.

At first glance, it is difficult to see the relationship between agriculture and the rest of the functions of the Department:

As the [administrative] machinery was expanded a curious assortment of seemingly unrelated matters was attached to it. When the government is

⁴¹Fowke, *Canadian Agricultural Policy*, p. 114

⁴²Canada, *Statutes of Canada*, 1867, c. 53.

uncertain about the appropriateness of undertaking particular functions it is common to find them grouped uncomfortably and somewhat illogically.⁴³

A closer look reveals a certain logic to these groupings. As Hodgetts notes, there were relationships between the various functions. The British North America Act designated responsibility for agriculture and immigration to both the provincial and federal governments in one single paragraph. Public Health and quarantine were connected with immigration. Agricultural statistics were perhaps the most important class at that time, so the census was primarily devoted to agriculture. Patents and copyrights were placed under the department of agriculture since much of this activity was related to agricultural tools. Moreover, administering immigration required access to statistics derived from the census.⁴⁴

Although administering agricultural affairs was the prime function of the Department, it actually moved slowly in this realm. Six years after Confederation, the minister observed that it was "better to delay a little than to rush into a rash organization, the lamentable results of which would be sure to exert an evil influence over many years."⁴⁵ In fact, the Department seems to have concentrated primarily on immigration, patents and statistics. The assumption seems to have been that an influx of immigration had to occur before the function of agriculture could be properly administered. The Department's main concern in the years after Confederation was to promote immigration of an agriculturally-based class of people. In these years, responsibility for agricultural affairs as such was left in the hands of the provinces.

⁴³Hodgetts *Pioneer Public Service*, p. 226.

⁴⁴*Ibid.*, p. 228.

⁴⁵Canada, *Report of the Minister of Agriculture for Canada*, 1873, p.iii.

The first indication that the Department was indeed showing some interest in agriculture occurred in 1869 when the annual report mentioned that the infectious diseases of animals was under review and study with the intention of producing legislation.⁴⁶ At this time Canada was exporting a large number of cattle to Britain for consumption. The spread of cattle diseases threatened farmers with financial disaster. The immediate concern over animal disease came from the cattle plague in the United States, referred to as "Texian Fever." In fact, an Order in Council in 1868 prohibited the importation of horned cattle from the United States into the provinces of Ontario and Quebec.⁴⁷ There was a need for federal regulation of cattle since the disease spread without regard for political boundaries. Finally, in 1885, the Animal and Contagious Diseases Act was passed, administered by the Minister of Agriculture. Every owner of cattle or other animal who detected a contagious disease amongst the livestock was required to give notice immediately to the Minister of Agriculture. If not reported, the owner of the animals could lose the right to claim compensation for the slaughter of the infected animals, also provided for in the act. The Minister was given the power of withholding compensation if the owner was found guilty of an offense against this act as well as to order a post mortem for analysis or to save certain infected animals from slaughter for experimental treatment. Most importantly, the Minister had the power to declare if a place did or did not contain contagious animals. This declaration would be the beginning of an extensive investigation of the infected animals under the Contagious Diseases Act. Powers were also given to inspectors to enter and examine suspected localities as well as vessels without notice.

⁴⁶Canada, *Report of the Minister of Agriculture*, 1869, p. 2.

⁴⁷*Ibid.*, p. 3.

This first piece of agriculturally related delegated legislation was characteristic of legislation to come as the government gradually grew into the role of regulator of the agricultural economy of Canada. Only by means of passing legislation to administer some aspect of agricultural affairs did the department grow. Legislation sets out the rights and obligations of persons engaged in agriculture as well as of the government. Eventually, the Animal and Contagious Diseases Act leads to some amount of administration, to the hiring of staff to administer the affairs regarding animal disease. At first persons were appointed to such administrative roles such as inspection without any administrative offices set up for the activity. However, it is important to note that the growth of the department is a direct result of the need to administer the rights and obligations set out in law by the Canadian people through the sovereign legislature.

Other legislation was created during these early years which related to the general function of agriculture but which was administratively placed outside of the Department of Agriculture. In 1873 the Inspection and Sale Act was passed by Parliament. This act, administered at first by the Department of Trade and Commerce, empowered the government to define inspection divisions and appoint inspectors for each product or group of products listed. For the first time, grades were established for various commodities. This act gathered together pre-Confederation inspection legislation of the various provinces and modified it to suit the new constitutional situation.⁴⁸ The act was a large one, divided into ten parts. The first part was a general section explaining the principles of the act, and that it did not apply to grain. Parts two to ten dealt exclusively and separately with grain, flour and meal, beef and pork, leather and

⁴⁸Fowke, *Canadian Agricultural Policy*, p. 241.

raw hides, pot ashes and pearl ashes, fish and fish oils, dairy products, fruit and fruit marks, and staple commodities. A board of examiners was appointed by law:

The board of trade or chamber of commerce in certain cities in the country shall annually appoint a board of examiners for each class of articles to be inspected in such locality to examine and test the ability and fitness of applicants for the office of inspector or deputy inspector of such articles.⁴⁹

Although the Inspection and Sale Act dealt with agricultural products after harvesting, it was part of the function of agriculture since it regulated a large sector of the agricultural economy. The act was not initially made the direct responsibility of the Department of Agriculture because it was primarily concerned with the quality of the products for distribution and export. This particular distribution of authority over agriculturally related matters to a department other than agriculture is one early indication of the difficulty federal officials experienced to follow strictly functional lines in organizing administration. This particular class of activities to grade agricultural products would eventually migrate to the department of agriculture. It is this kind of situation which Australian archivist Peter Scott and his colleagues say created multi-provenance series, those series made up of documents created by more than one agency over time.

Within the Department of Agriculture, the agricultural sector remained a low priority. The 1872 Annual Report of the Minister fully admitted that the Department had not, except incidentally, dealt with it or even made it one of the branches of its administration, although the report did hint that the planning for

⁴⁹Canada, *Revised Statutes of Canada, 1906*, c.85.

the organization of such a branch was underway. The report also expressed the view that widespread farming could greatly increase the wealth of the nation, but that:

Agriculture may be said to be in a transition state, between the system which is applicable to new and unused lands, and that higher culture which is necessary to be applied to prevent lands that have long been farmed from being altogether exhausted, or at least to make their cultivation profitable.⁵⁰

The Department was reluctant to get more involved in agricultural affairs until such time as both extremes, the cultivation of completely untilled soil on the one hand and the harvesting from land long in use on the other hand, could be successfully balanced so as to develop more comprehensive policies in a more focused administration. Thus, this function had no great administrative structure initially since the provincial sphere of authority was more active and since the department was not yet ready to intervene nationally to regulate the industry except in the area of animal diseases which clearly called for federal action.

For its first ten years the department concentrated on regulating import, export, and quarantine of cattle, but it also concerned itself with the effects of pests on crops which could also be devastating to agricultural economic activity. In 1877, the Minister reported that the department was concerned about the spread of the potato beetle and the possible damage it could do to crops in Canada. However, while there was a recognition of the problem, the government did not take action. As for animals, the potential hazard that could be caused by an outbreak of sheep scab was also a cause for concern. An Order in Council of 1876 empowered officers (under the Contagious Diseases Act) to visit all vessels and to superintend the landing of animals, destroying or

⁵⁰Canada, *Report of the Minister of Agriculture, 1872*, p.3.

disinfecting all goods of a danger to cattle in Canada since another outbreak of cattle infection was underway in the United States.⁵¹ Thus, although there was an awareness of the problems of pestilence on crops, the prime concern was for the health of cattle.

Thus, the biggest complaint directed towards the Department in the first decade after Confederation was that although it was responsible for all aspects of agriculture in Canada, very little time was actually spent on this particular function. In 1884 a committee was formed, headed by George A. Gigault, to determine the state of agriculture in the Dominion. The Secretary of the Department of Agriculture informed the committee at that time that the Department had "performed no agricultural function other than that of cattle quarantine."⁵² The committee gathered evidence that suggested that an Experimental Farm Station be established.⁵³ The reason for establishing such an institution came from the realization that the West was not the focus of agricultural immigration as the architects of Confederation had hoped. In addition, the soil, weather, and general environment of all areas of Canada differed from the conditions in Europe. Study was needed to boost the image of the Canadian Prairies as well as to teach new farmers and immigrants how to adapt methods brought from overseas to the new land.⁵⁴ The early activities of the Experimental Farms would therefore largely become a matter of testing varieties of agricultural methods and building up a body of agricultural knowledge applicable to the local conditions.

⁵¹Canada, *Report of the Minister of Agriculture, 1877*, p.vii.

⁵²Fowke, *Canadian Agricultural Policy*, p. 189.

⁵³Canada, "The Encouragement of our Agricultural Industries", *Journals of the House of Commons of the Dominion of Canada, Appendix 6*, 1884, p. 7.

⁵⁴Fowke, *Canadian Agricultural Policy*, p. 220.

Accordingly, in 1886 the Experimental Farm Stations Act was passed in Parliament. The legislation defined the parameters of experimental farms as both an illustrative model for other surrounding farms to emulate, and an educational tool. Land for farm stations was purchased in Ottawa, Ontario, Nova Scotia, New Brunswick, Prince Edward Island Manitoba, the Northwest Territories and British Columbia and were under the control of the Minister of Agriculture. Land purchased in Ottawa, Ontario served as the central farm station.⁵⁵ There were a number of activities that the Minister was given the competency to administer, which changed very little over the long existence of the act:

- a. research and experiments in stock breeding;
- b. examining economic questions regarding butter and cheese;
- c. testing the merits, and adaptability of cereals;
- d. analyzing fertilizers to test their value with respect to different crops;
- e. examining foods for domestic animals;
- f. experimenting in tree planting for timber and shelter;
- g. examining diseases of plants, trees, ravages of insects;
- h. examining diseases of domestic animals;
- i. ascertaining the vitality and purity of agricultural seeds; and
- j. conducting any other research bearing upon the agricultural industry of Canada.⁵⁶

These activities covered a wide range of agricultural study, well needed for

⁵⁵Canada, *Statutes of Canada*, 1886, c.23(4).

⁵⁶*Ibid.*, s.11.

learning about and providing education in the Canadian agricultural setting. In 1886 an amendment to its act gave the department responsibility to administer experimental farms.⁵⁷ This act is an important area of federal jurisdiction not generally duplicated by the provinces since research and development moves forward the whole agricultural system.

Up to this point no mention of crop conditions or concerns, other than pest control problems were made. In 1888, however, crops were mentioned in the annual report of the Minister for the first time. Although the report merely contained a summary of conditions of the past year, what crops were successful or unsuccessful, and in what regions of the country, this description was important in that the department recognized that crops were part of the realm for which they had responsibility. This beginning is attributed to the Experimental Farms Act which began the process of examination and supervision of field crops. Indeed, there was in this year a detailed subsection accounting for experimental farms, informing the public that the Department was testing cereals to determine when they ripen, their fertility and their quality. There was also detailed information on cattle quarantine, importation and exportation of cattle, as well as other information on animal and vegetable diseases such as hog cholera.

In this formative period, other legislation related to agriculture but not part of the department's mandate was passed. The Fertilizers Act (1890), administered by the Minister of Inland Revenue, was a measure taken to regulate the fertilizer industry to ensure a quality product. Every manufacturer or importer of fertilizers was required to send to the Minister a sample of marketable fertilizer. Inspectors examined the product for certain elements and

⁵⁷Canada, *Revised Statutes of Canada*, 1886 c.24(4).

then attached tags to the samples of fertilizer that contained the correct percentage of ingredients necessary for sale. The fertilizer could not be sold unless it contained a certain percentage of ingredients.⁵⁸ This act was part of the agricultural function because it set the standards for the production of fertilizer that was used for agricultural production. This is another example of an area related to agriculture but not wholly within its sphere. The production and import of goods is not solely or structurally agricultural matters. However, the department of agriculture has a general interest in this activity.

In 1889, the department unofficially extended its responsibilities to the dairy industry by providing information to farmers on the best and most economical methods of manufacturing cheese and butter as well as dispensing advice on feeding cattle for milk production. In 1890, a Dairy Commissioner and a Dominion Dairy Branch were established under the Department of Agriculture. They operated dairy stations, which performed much the same activities as the experimental farms: "to disseminate practical information among the farmers of Canada."⁵⁹ This development points out that departments often respond to the needs of citizens under existing powers without passing legislation. In 1893, by contrast, the Dairy Products Act was passed and placed in the responsibility of the department of agriculture to "prevent the manufacture and sale of filled or imitation cheese, and to provide for the branding [i.e. grading] of dairy products."⁶⁰ These two examples show how neither legislation nor structure can account alone for the expansion of activities. In some cases, new activities can be traced to legislation; in others only the history of how the structure evolved

⁵⁸Canada, *Statutes of Canada, 1890*, c. 24.

⁵⁹Canada, *Report of the Minister of Agriculture, 1892*, p. xii.

⁶⁰Canada, *Statutes of Canada, 1893*, c.37.

and what each agency actually did will tell the story, and lead persons to the records of specified functional activities.

Throughout the last decade of the nineteenth century, interest grew in marketing dairy products such as butter and cheese for export to Britain. The drawback to exporting such items was their perishability. The quality of such products after a long voyage overseas was much diminished. Accordingly, in 1896, under the Cold Storage Act, the department received the authority to offer one hundred dollars as a subsidy to any creamery that would establish an air-circulating cold storage room according to government specifications. Under the same act the government also subsidized refrigeration equipment. This ensured longer storage time and a longer life for products such as cheese and butter for export and consumption overseas.⁶¹

For two reasons, a number of other products were investigated in addition to butter and cheese. The first was the establishment of experimental farms which were beginning to test the durability of certain types of seeds. Canadian hops, flax, and spagnum were but a few of the grains considered, while honey was one of the animal products under review. This was evidence of increased diversification on the part of the department as well as an increased concentration on their primary function of agriculture. Diversification likely also came about because the nineties was a time of drought that previewed the drought years of the 1930's: "the past season was remarkable for drought in some of the more important agricultural districts."⁶² The Department also endeavoured to promote products such as birch oil, fish guano, beet root sugar and cotton seed oil, which were apparently not so affected by drought as grains

⁶¹Fowke, *Canadian Agricultural Policy*, p. 216.

⁶²Canada, *Report of the Minister of Agriculture, 1896*, p. v.

were. While these activities received much attention, they were not sanctioned by legislative initiatives, but were rather evidence of an increasingly sophisticated department able to extend its activities under general terms of its responsibility for the function of agriculture. Only as specific activities matured could the need for legislation and its terms become clear. Usually, it was when rights and obligations had to be set down that legislation occurred.

Livestock continued to be a major part of the department's activities. In 1891, the Livestock Shipping Act was proclaimed and was administered not at first by the Minister of Agriculture, but by the Minister of Marine and Fisheries which dealt with all matters relating to ocean vessels and inspection. The act once again reflected the concern of the government over the spread of animal disease. Inspectors were designated to issue certificates to any vessel carrying livestock or Customs officers could not give clearance. The certificate had to include information on the number of livestock the ship could carry, the number the ship was actually carrying, whether the shelters were strong enough to ensure the safety of the livestock and if the ship met all the prescribed rules and regulations.⁶³

The Department's predominant interest in the cattle trade continued until 1897, when, for the first time, livestock was not mentioned in great detail in the annual report of the Minister. There were only brief remarks on the importation and exportation of livestock including horses, mules, cattle, sheep and swine. By 1899 the importance of the cattle trade was definitely on the decline. Although statistics were still kept on importation and exportation, there was no longer any detail on the types of cattle diseases and the traditional as well as the new methods used for counteracting such diseases. Crops, experimental farms

⁶³Canada, *Statutes of Canada, 1891*, c.36(6).

stations, and dairying were the new areas of concentration of the Department at the beginning of the twentieth century.

However, one last act of parliament was passed in this early period regarding livestock in Canada. While the Livestock Shipping Act provided for animals coming into Canada, the Livestock Pedigree Act of 1901 was constituted for the purpose of regulating bloodlines of livestock within Canada: "Any five or more persons who desire to associate themselves together for the purpose of keeping a record of purebred livestock of any distinct breed or several records of each of a distinct breed of the same class of animals, may make application to ... the Minister of Agriculture for incorporation."⁶⁴ Such associations could hold any personal property necessary to carry out the objects of the association, could make, accept promissory notes or could use the funds of the association for any purpose that was designed to benefit the breed of animals mentioned in the application. The Minister of Agriculture was given the competency to administer the act as well as approve the application and approve the certificates of registration and to declare the corporate powers of the association forfeited if business was not being properly conducted.

Thus, livestock is the most developed activity of the agricultural function at this time. This is reflected in the amount of legislation that was produced to protect and nurture the cattle industry – the Contagious Diseases Act, and later the Livestock Shipping Act and the Livestock Pedigree Act. The nature of such activities was to protect the industry from cattle disease, to ensure the safe delivery of the product to countries receiving the cattle, and to improve the quality of the cattle by legislating the formation of associations for that purpose. This early history of legislation shows the beginning of a general trend to

⁶⁴Canada, *Statutes of Canada, 1901*, c.2(1).

promote, regulate and inspect, all important activities which developed first with regard to livestock but later spread to other agricultural sectors.

In 1902 the Department appears to have made its first broad statement of mandate in the agricultural arena:

The general work [of the Commissioner of Agriculture and Dairying] is to render assistance towards the improvement of all agricultural products and the means of their production, transportation and marketing, with particular regard to those which may be grouped under name of food products...It has also appeared desirable that [the farmer] should receive encouragement, direction and, where necessary, the co-operation of governments at the beginnings of his organized cooperation with other farmers, with merchants, with railway and steamship companies, for the improvement of products, the extension of markets and the improvement of transportation. The Department of Agriculture is trying to provide these forms of help.⁶⁵

This statement was important not only for its content but particularly for its appearance which meant that the Department was beginning to consider its role in Canadian agriculture. That the Department could articulate its purposes signified that it was starting to order and organize itself into a recognizable modern agency of government. Thus, thirty-five years after Confederation. the department of agriculture was finally recognizing its primary responsibility.

The first two decades of the twentieth century, particularly just before the beginning of the first world war, was a time when a number of significant acts were written relating to agriculture. The dramatic opening of the west to immigrant farmers stimulated the need for an increasingly complex variety of legislation. They were primarily to regulate and control various aspects of the agricultural industry in Canada, such as protecting the public against fraud and

⁶⁵*Report of the Minister of Agriculture, 1902, p. xiii*

dishonest practices among manufacturers. As the body of legislation for which the department of agriculture had competency grew, so did its sophistication and infrastructure. Definite subordinate divisions of administration began to grow, were reorganized and streamlined in the succeeding years of the history of the department. Although the structure of the department is alone certainly an unreliable method of perceiving the nature of the department's activities, it does reflect the increasing complication of administering such a growing agency of government. Again, these complications are evident in the new spate of legislation passed in the expansionary years before world war one.

In 1904-5, the Seed Control Act came into force as the responsibility of the Minister of Agriculture. Anyone charged with enforcement of this act could enter any premises and inspect any seeds that were suspected of violating the act. Seeds could not be sold or offered unless they were free from the seeds of weeds. Seed packages which contained weed seeds were detrimental to the crops of the farmer. In addition, each package of seeds had to contain a label with the name and address of the seller as well as the names of the seeds. The purpose of this act was to prevent manufacturers from including into seed packages cheap but useless seeds that were not what they proclaimed to be on the package.

In 1907 the Meat and Canned Foods Act also came into effect. A Canned Goods Act had existed previous to this one, but had not named who administered it. This act blanketed all products which could be canned, from meat to fruit and vegetables. Fish and shellfish, fruit, vegetables, were included, but the majority of the act dealt with meat. All products must be fit for human consumption before being canned, and fish and shellfish must be labeled, and a description of the contents of the canned goods must be included on the packaged product. This act, however, was primarily concerned with the safety of

meat for consumption. All slaughtering and carcasses had to be inspected if the product was intended for export. The legislation expressed an interest in continuing to keep a strong export market. Tainted products would spread fear on the part of the consumers in a foreign market and the demand for the product would decrease, thereby decreasing the production in the host country. Healthy canned foods meant a confident foreign consumer market for such goods.⁶⁶

In 1910 the Destructive Insect and Pest Act was proclaimed, which repealed the San Jose Pest Act (1901), which was a short act that referred to only one type of pest, and extended the coverage to all pests which were a threat to agricultural vegetation in Canada. The goal of the act was to "prevent the introduction or admission into Canada, or the spreading therein, or the shipment beyond her borders, of any insect, pest, or disease destructive to vegetation."⁶⁷ Broad provisions were made for inspection and quarantine measures as necessary for the control and eradication of plant pest diseases.

Another significant act which first came into effect in 1910 was the Dairy Industry Act which dealt with the manufacture and sale of dairy products and butter substitutes, and the grading of dairy products. This act gave broad provisions for the creation of regulations relating to classification, marking and branding of dairy products such as butter or cheese, the registration of cheese factories, the confiscation of illegal dairy products, and other such details. There was a particular concern for butter substitutes:

No person shall manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleo-margarine, butterine, or other substitute for butter,

⁶⁶Canada, *Statutes of Canada, 1907*, c.27.

⁶⁷Canada, *Statutes of Canada, 1910*, c.31(3).

manufactured wholly or in part from any fat other than that of milk or cream.⁶⁸

The act also authorized the appointment of inspectors for enforcement. They had the power to enter "all places where dairy products are manufactured or stored or dealt in...and shall have the authority to take samples of such dairy products or materials."⁶⁹ Ultimately, the Dairy Industry Act gave the Department of Agriculture the competence to regulate the dairy industry quite extensively.

In 1912 and 1913, two acts were passed which were designed to offer assistance to farmers. In 1912 the Agricultural Aid Act was incorporated. The purpose of the act was to legislate giving an annual grant to the provinces to encourage agriculture. The Minister could enter into agreement with any province setting forth the terms and conditions upon which subsidies were granted. This act was as significant as the Agricultural Instruction Act of 1913 in which the government stated in the preamble that it was "desirable that encouragement be given to agriculture in all the provinces of Canada, and whereas great and permanent benefit will result through education, instruction and demonstration carried along lines well devised and of a continuous nature."⁷⁰ The act stipulated that the government was giving ten million dollars in ten years to aid and advance the farming industry by instruction. This act was only in effect so long as there was money to be distributed. Since the money was only distributed for ten years, the act was null and void by 1924.

The year 1914 marked the outbreak of World War I in Europe. The war appears to have had surprisingly little effect was shown within the Department of Agriculture. At the request of British authorities, the Department purchased and

⁶⁸Canada, *Statutes of Canada, 1910*, c.59(3)(a-j).

⁶⁹*Ibid.*, ((15)(1)(2)).

⁷⁰Canada, *Statutes of Canada, 1913*, c.5.

stored certain food supplies to be shipped, if necessary, to Britain. In addition, the Department also assisted in the campaign begun by the British for increased production of agricultural items.⁷¹ The structure within the Department changed remarkably little, with the exception of the loss of employees who went to war. By 1918, all activities that were not related to agriculture (such as copyrights and the Public Archives) had been transferred to more appropriate departments. This marked a significant change in direction for the Department. Where before the assortment of functions under the Department were all very different but tenuously related, a decision had obviously been made regarding the rationalization of the department to its competence for agricultural matters alone.

We can see that almost right from the beginning of Confederation that responsibility for agricultural affairs focused on a few primary activities. The first was the economics of agriculture. The government was obviously interested in projecting an image of wealth and stability in Canada, as we can see from such acts as the Agricultural Aid Act and the Cold Storage Act. Even the Experimental Farms were initiated for commercial reasons, since they were designed to educate farmers to be more productive. There was also a concern to regulate the quality of products of agriculture. The Meat and Canned Goods Act and the Inspection and Sale Act, addressed this concern. Finally, there was a need to dispense advice to farmers, both new and established. The Experimental Farms Act, the Agricultural Instruction Act as well as the general activity of all sections of the Department of Agriculture were charged with providing consultation, advice and support for farmers in the new land. There were three primary activities conducted by the Department of Agriculture in the years up to and including the end of the first world war. Economic assistance to

⁷¹Canada, Department of Agriculture, *Canadian Agriculture: The First 100 Years*, (Ottawa: Information Division, 1967), p. 18.

farmers, regulation of agricultural productions, and education of farmers received about equal attention in these years.

By 1918 six branches had grown up to carry out activities in these three primary operational areas: the Dairy and Cold Storage Branch, the Seed Commissioner's Branch, the Livestock Branch, Dominion Experimental Farms and Stations, Health of Animals Branch, Fruit Branch and the Entomological Branch. By the same time, the department had shed itself of the functional responsibilities only indirectly related to agriculture and established clear lines for its competence to promote and regulate agricultural affairs. In almost all cases, the various activities of the Department follow directly from passage of legislation, which often also lays out the competence of the body undertaking administration of affairs under the act. Only in a few cases, are activities pursued without direct legislative authority in some act, and this is usually soon rectified. Equally, few activities related to agriculture are given to other departments, the one notable exception being the regulation of agricultural products after harvesting expressed in the Inspection and Sale Act, which was eventually transferred to the Department of Agriculture.

Chapter Three

Agriculture in Transition: 1919-1945

The years between the two wars saw great change in Canada as a nation. From the depression of the early 1920's to the optimism of the late 1920's to the Great Depression of the 1930's, to the new world that emerged during and after World War II, the pattern of Canadian lives changed dramatically. New technology such as telephones and automobiles became increasingly common for the average person. Women began to become more active in the political process. The Depression marked the beginning of a new era of social security in Canada that continues today. Following the war the government's involvement in different aspects of society continued to increase. The changes in agriculture were no less dramatic. New technology helped to make the farming process more efficient. Many people came back to their farms after World War I with the intent of settling down peacefully to become farmers once again. In the 1920's, the government continued to pass legislation that regulated and stabilized the agricultural industry. With the economic instability of the late 1920's and 1930's, the character of agricultural legislation changed, since agriculture was the first and possibly the hardest hit industry of the 1930's. New legislation delegated authority to the minister and the department for financial support, for negotiating loans, and for rebuilding farms that had failed.

During World War II agencies were not created by the traditional method of legislation for each agency, but rather under the War Measures Act, a much different way of delegating responsibility. These years were a transition period for the department as it became more involved in economic transactions as well as regulating, educating and promoting agricultural enterprise and disseminated agricultural knowledge. The first act to be passed in the legislature after the end of the war was the Feeding Stuffs Act of 1920. The purpose of the act was to "regulate the sale and inspection of commercial feeding stuffs, bran, shorts, middlings and chop feeds."⁷² The act gave the minister the responsibility to register feeding stuffs and ensure that all packages have the proper information. As well, the minister was able to appoint an advisory board to recommend what regulations should be established under the act. This clause increasingly appeared as the amount of legislation escalated, and as the sphere of activities for which the minister was responsible became ever wider and more varied.

In 1920 the provincial and federal ministers of agriculture met to discuss how greater coordination between the jurisdictions could be achieved. Although there was a general division of powers, in that the federal government was deemed responsible for agricultural activities national in character and the provinces were limited to province-wide activities, the activities of the two jurisdictions inevitably overlapped. They agreed that the grading of dairy products for export was the responsibility of the federal government, while grading for home consumption was the responsibility of the provinces.⁷³ This resolution fell within the general parameters of federal versus provincial jurisdiction.

⁷²Canada, *Statutes of Canada*, 1920, c.47.

⁷³Canada, Department of Agriculture, *Canadian Agriculture: The First Hundred Years*, p. 21.

In 1922, the Root Vegetables Act was proclaimed. This act was very similar to the Feeding Stuffs Act in that its main activity was to regulate the product: "to regulate the sale and inspection of root vegetables."⁷⁴ The act defined how packages were marked and defined potato and onion grades. The act authorized the creation of regulations referring to the form and dimensions of the packages. A similar act was created for grading, marking and packing fruit, with specific parameters for regulations, such as the quality, form and dimension of containers, the types of fruit subject to the regulations and the imposition of fees for inspection and certification.⁷⁵ These acts were very typical of the direction taken during this period. Politically, a need is recognized and legislation is passed to address it, after which the activity of the department arises.

Also in 1922, the Fertilizers Act was rewritten, much expanded and placed under the administration of the minister of agriculture. That act stated that "no person shall manufacture or import any fertilizer to be sold, offered, or held for sale in Canada unless each brand is registered with the minister and a registration number is assigned to it."⁷⁶ Once again the minister was given the authority to delegate responsibility further by appointing an advisory board to recommend appropriate regulations. In this act the activities which are to be regulated are specifically stated, such as the procedures, implements, samples, the size of tags, methods of analysis. This act is an example of the how competency is transferred from one agency to another. Perhaps, as the department of inland revenue saw that the act needed revision, it saw at the

⁷⁴Canada, *Statutes of Canada, 1922*, c.43.

⁷⁵Canada, *Statutes of Canada, 1923*, c.15.

⁷⁶Canada, *Statutes of Canada, 1922*, c.5, s.4(1).

same time the opportunity to transfer the responsibility elsewhere. The direction of the department of agriculture, particularly during this period, was in the activities of regulation and inspection. Thus, through amending the act, competency for inspecting and regulating fertilizers was officially transferred to the department of agriculture.

Other acts began to show more sophistication in their manner of delegating responsibility. The Animal Contagious Diseases Act gave much wider provision in its amended version for making regulations, although the overall duties of the minister remained the same.⁷⁷ Similarly, the Agricultural Pests Control Act, passed to "regulate the sale and inspection of agricultural economic poisons", gave the minister the authority to appoint a board which could prepare and recommend the proper regulations established under the act.⁷⁸ Such increased complexity shows the beginning of a function that can no longer be controlled merely through legislation, but rather needs further specifications of rules in regulations to carry out the department's responsibilities effectively.

In 1925, the Canada Grain Act was passed, administered by the minister of trade and commerce. The purpose of this act was to regulate and inspect the quality of grain. The act established a Board of Grain Commissioners, to supervise the inspection of grain. The board had the power to hold an inquiry if deemed necessary, to appoint people who have technical knowledge for advice, and to act as trustees for the receipt and distribution of money.⁷⁹ Boards like this one would become quite common in the years to come. They act more or less

⁷⁷Canada, *Statutes of Canada, 1927*, c.6.

⁷⁸Canada, *Statutes of Canada, 1927*, c. 40, s. 11.

⁷⁹Canada, *Statutes of Canada, 1925*, c.33, s.12,13,14.

as autonomous bodies, independent of the structure of mainline executive departments, but subject to the authority of a designated cabinet minister. The Board of Grain Commissioners would later be made the responsibility of the Minister of Agriculture. In tracing how activities to administer the affairs of the Board were carried out, such changed in authority relations are important for such things as policy development, but the day to day activities of the Board and the records of those activities are not likely affected. For archivists, it is rather a matter of recording these facts of change as part of the context of records creation so that researchers will know which links of authority to follow, for instance, to examine how policy developed, but the records of the Board constitute a discrete entity for management purposes, unaffected by changes in authority relations.

In 1927, the Canadian Farm Loan Act came into effect. It served "the purpose of establishing in Canada a system of long term mortgage credit for farmers."⁸⁰ This act required the cooperation of the provincial governments, since loans would not be distributed by the federal government but rather through provincial boards acting as agents of the federal government. Like the Canada Grain Act, the Canadian Farm Loan act also established a board, the Canadian Farm Loan Board, with the minister of agriculture to act as chairperson. This board had the power to issue and sell bonds, to make long term loan to farmers, to hold real estate, and to invest in any securities of the government of Canada or the provinces.⁸¹ The establishment of the Federal Board and provincial boards to distribute loans reflects the fact that activities were becoming too complex for the Department alone to administer. Thus, we

⁸⁰Canada, *Statutes of Canada, 1927*, c.43.

⁸¹*Ibid.*, c.43, s. 4(a)(b)(c).

have the spectre of a constellation of quite distinct agencies outside the Department partaking in administration of part of the function of agriculture. This trend alone makes the notion of a record group, that is, all the records relating to a function, quite unmanageable. Rather, fonds of each distinct agency are in order, with the capability to relate the various agencies to the function and show all the relationships of authority and activity necessary for understanding and research purposes. For instance, in this case, records of the Canadian Farm Loan Board are intimately related to those of the provincial boards distributing loans, showing that relationships in areas of shared jurisdictions cross federal-provincial boundaries, and to activities of the Department. Some care careful explanation of these facts have to be built into all sides of the equation. Careful understanding of legislative history is the key to revealing these relationships.

In the decade after the first world war, a number of major changes occurred regarding agriculture in Canada. Firstly, a spate of legislation was passed, somewhere in the area of ten acts, which indicated a much increased involvement on the part of the federal government in agricultural activities. This decade was a real growth era in the history of the function. The primary new activities were regulation, inspection and promotion of agricultural products. Such intervention into the industry had the intent of improving the quality of products as well as their packaging so that foreign markets would continue to buy such products. Secondly, as activities continued to increase, legislation alone was not enough to effectively delegate responsibility, therefore increased detail of regulations, and new agencies were created, such as the Canadian Farm Loans Board.

Thirdly, in the late 1920's a new type of legislation came out, characterized by the Canada Grain Act and the Canadian Farm Loans Act. These two acts were more economic in nature, attempting to become more

involved in financial activities. By the late 1920's "it was apparent that agriculture was becoming more and more a business and less simply a way of life."⁸² In 1929 an Economics Branch was formed in the Department to administer matters relating to the Farm Loans Act, with the idea that agriculture was indeed a business and had to be treated accordingly. Much of the work of this branch had been carried out in various other branches unofficially, but coordination among them was lacking.

The 1930's wrought monumental changes to agriculture in Canada. All industries were effected by the Depression, but perhaps none so dramatically as farming on the Prairies. Farms that had been established for years and had begun to prosper were wiped out by the drought which dried the soil so that the wind carried it away, often with the seeds intact, or soil would pile up and cover already growing crops. With no income, farmers could not make payments on their land and farm equipment, or pay the necessary taxes. An estimated quarter of a million people migrated from the prairies during 1931-1941 in search of better land or a more stable income.⁸³ While the nadir of the depression came in 1933, after which there was very slow but steady recovery, farming was still affected by drought. In addition, farms could not be rebuilt overnight. Such activities took time and money. Lastly, many farmers had abandoned their homesteads completely, in disillusion or desperation, never to return. Thus, agriculture recovered much more slowly in relation to other industries.

At first, the department responded to the depressed economic conditions much as it had before, by bringing in legislation that regulated aspects of agriculture. The Maple Products Industry Act, and the Inspection and Grading of

⁸²Canada, Department of Agriculture, *The First One Hundred Years*, p.20.

⁸³J. Arthur Lower, *Western Canada: An Outline History*, (Vancouver: Douglas & McIntyre Ltd., 1983), p. 205.

Hay and Straw Act are two examples of such legislation. However, these acts were not nearly as numerous as they had been in the 1920's. The department seemed to be following the lead of the primary social policy advocated by R.B. Bennett, then Prime Minister, that the federal government did not have the power constitutionally to assist victims of the Depression directly. Such responsibility was that of the provinces, but the federal government finally agreed to provide the prairie provinces with relief grants, which, following legislation, were administered by the Department of Agriculture.⁸⁴

The first was the Prairie Farm Rehabilitation Act, designed to encourage farmers to solve their own problems through improved cultural practices, conservation of water supplies, and adjustments in land utilization.⁸⁵ The act once again delegated responsibility to a committee whose duties were to:

consider and advise the Minister as to the best methods to be adopted to secure the rehabilitation of the drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta, and to develop and promote within these areas systems of farm practice, tree culture, water supply, land utilization and land settlement that will afford greater economic security.⁸⁶

The Minister could also undertake projects, enter into agreements and pay necessary administrative costs. Such an act was a measure of reaction on the part of the department to the situation on the prairies. The act gave the incentive and the financial backing to farmers to rebuild their farms into viable operations once again.

⁸⁴*Ibid.*, p. 207.

⁸⁵Department of Agriculture, *The First One Hundred Years*, p. 25.

⁸⁶Canada, *Statutes of Canada*, 1935, c.23, s. 4.

The act sanctioned the department to conduct research in different areas into methods for rehabilitating farms. Thus, the Experimental Farms Branch began to examine such areas as the use of surface water resources through tree planting. The Economics Branch reorganized to provide more fully for research work, and to study the economic aspects of farm practice, farm organization, and the costs of production.⁸⁷

In 1935 The Canadian Wheat Board Act was passed, and responsibility for it was assigned to the Minister of Trade and Commerce until after World War II, when it came under the responsibility of the Minister of Agriculture. The objective of the act was to control the sale of all wheat, oats, and barley.⁸⁸ The Canadian Wheat Board was created, "with the object of marketing in an orderly manner, in interprovincial and export trade, grain grown in Canada."⁸⁹ The act greatly helped to save the wheat pools of Saskatchewan and Manitoba during this period so that in the late 1930's agriculture in the prairie provinces began a period of slow but steady recovery.

The legislation gave the Board broad powers to: buy, store, transfer, sell or otherwise dispose of grain; enter into contracts or agreements for the purchase of grain; acquire, hold or dispose of real and personal property; enter into commercial banking arrangements; establish marketing agencies; and to operate grain elevators.⁹⁰ Such broad powers made the board the most influential agency in the wheat industry in Canada in a new sector of agriculture that had not concerned the government before. The regulation of the grain trade

⁸⁷Canada, *Report of the Minister of Agriculture*, 1934/35, p. 77, 1936/37, p. 50.

⁸⁸J. Arthur Lower, *Western Canada: An Outline History*, p. 205.

⁸⁹Canada, *Statutes of Canada*, 1935, c. 53, s. 4.

⁹⁰*Ibid.*, s.4(4)(a)(b)(c)(d)(g)(h).

was administered by the Board. This activity is clearly related to various of the activities relating to the production of grain administered directly by the Department of Agriculture, but it is also related to activities to regulate other aspects of trade by the Department of Trade and Commerce, as is reflected by the assignment of ministerial responsibility for the Board to each of these departments at various times. These changes in authority relations do not affect the fact that the Board is a relatively autonomous body with its own act carrying out activities in a well defined sphere of responsibility, even if its functional activities relate both to agricultural production and national and international trade. Appraisal, arrangement, and description of the records of the Board would have to take into account its relations with related functional activities of the Departments of Agriculture and Trade and Commerce.

In 1939, the Prairie Farm Assistance Act gave the Minister of Agriculture power to:

award to each person who was a farmer from the 1st day of May to the 1st day of November in such year, a sum by way of assistance according to his cultivated land in a township with respect to which an application for assistance has been made by the rural municipality in which that township is situated or, in case there is no such rural municipality, by the government of the province in which that township is situated.⁹¹

A Board of Review was established to determine the eligibility under the act of the township and of individual farmers or classes of farmers. The minister could make regulations, "requiring farmers or elevator operators to furnish, on a prescribed form, all information required under the regulations."⁹² Such demanding guidelines left little room for the minister to deviate. It is noteworthy

⁹¹Canada, *Statutes of Canada, 1939*, c. 50, s. 3(1).

⁹²*Ibid.*, s. 5(a).

that this is the first instance of legislation which provides direct assistance to farmers. The Board of Review existed to advise the minister of the eligibility applicants for assistance. Boards of this nature to advise ministers act in effect in relation to the transaction of affairs conducted by agencies directly under the control of the minister as part of his portfolio. In most cases, the records of such Boards, to whom persons are usually appointed for a term by the minister, are kept by the departmental agencies handling the transactions upon which the board advises. Review and advisory boards rarely develop their own administrative staff. In such cases, records relating to the affairs of the board will be incorporated in the records of the department. Strictly speaking their provenance is the board, as for example would be the case with minutes of decision of the board, and this fact would have to be taken account of in all treatment of the records, but they would not be removed and treated separately from the records systems of which they are a part.

The Board of Grain Commissioners, which was created by the Canada Grain Act in 1927 gained a new sphere of activity in 1939 with the Grain Futures Act, designed to provide "for the supervision and regulation of trading in grain futures."⁹³ The Board still reported to the Minister of Trade and Commerce. Grain futures are "contracts negotiated by members of the Winnipeg Grain Exchange for the purchase or sale of grain to be accepted or delivered during future months, in return facilities for trading in grain futures have been provided."⁹⁴ Essentially, the act once again was an attempt to buoy a sagging economy, to try to save the grain industry in the Prairie Provinces.

⁹³Canada, *Statutes of Canada, 1939, c. 31.*

⁹⁴*Ibid.*, s. 2(1)(d).

Two other acts enacted during this year also attempted to stabilize agricultural production. These acts treated cooperatives, one pertaining to wheat and the other to a host of products. The Agricultural Products Cooperative Marketing Act and the Wheat Cooperative Marketing Act, both administered by the minister of agriculture, had the same intent. Under the act the minister had the power to pay to a cooperative association or selling agency the amount that the combined initial payment and processing or selling costs, if it exceeded the average wholesale price, of an agricultural product of any grade or quality.⁹⁵ Both acts were designed to assist cooperative agencies when the price of a product fell below the total of selling costs and initial payments (such as seed or equipment costs). Thus, reluctantly at first, and under pressure from the Canadian public, the government became more deeply involved in the management of the agricultural economy.

The first half of the 1930's had been characterized by little action on the part of the government in terms of legislation. In the latter half, in order to breathe some life into agriculture, the government once again began to pass legislation that regulated agriculture. For example, in 1935 the Fruit Act was restructured to include vegetables and honey in the Fruit, Vegetables and Honey Act. As well, amendments to the Seeds Act and the Feeding Stuffs Act were passed in 1937.⁹⁶ Finally, the Cheese and Cheese Factory Improvement Act of 1939 saw the government become involved in subsidizing cheese factories. Under this legislation the government gave up to fifty percent of the cost of new material, equipment and labour to reconstruct and equip cheese factories if the cheese ripening room was efficiently insulated and the factory replaced two or

⁹⁵Canada, *Statutes of Canada, 1939*, c. 28, s. 3(1).

⁹⁶Canada, *Statutes of Canada, 1937*, c. 30, s. 15.

more existing factories.⁹⁷ These acts indicates government intervention to stimulate greater economic efficiency and activity.

Increasing sophistication and complexity in the realm of agriculture led also to great changes within the structure of the Department of Agriculture. In order to adjust to the additional activities and different directions that had been taken, the department experienced its first major reorganization in 1937. The old branch structure was superseded by regrouping into services.⁹⁸ Instead of branches based on each sector of agriculture, as in, for instance, the Dairy Branch, the new organization was based on function. One service dealt with all matters related to agricultural production, another with all matters related to marketing, and a third with all areas of scientific research and development. The service dealing with production administered legislation relating to the health of animals, to livestock and poultry, to plant products and to plant protection. The service dealing with marketing had divisions for dairy products, fruit, vegetables, maple products, and honey, as well as an economics division. The science branch was divided along disciplinary lines. Such reorganizations can have important effects on records keeping and on subsequent archival treatment of records. Major reorganizations frequently result in new systems of records keeping to reflect new spheres of responsibilities of each new branch, division, and section. Old records may be incorporated in part or in whole into the new system. At the least, the archivist must know the facts of change and relate them to any changes in records keeping systems in documentation explaining records.

⁹⁷Canada, *Statutes of Canada, 1939*, c.13, s. 3(1)(a)(b).

⁹⁸Department of Agriculture, *The First One Hundred Years*, p. 27.

World War II was an interesting period for the department. Again, as in World War I, the War Measures Act came into effect. The effects of the act were seen immediately. No agriculturally related legislation was passed between and outbreak of war and 1943. The department reflected the nation's preoccupation with the war effort. Canada played a crucial role in the feeding of the allied nations during World War II. At the beginning of the war, plenty of food was produced, not only in Canada, but around the world, particularly in Asia and Europe. In 1940, with the invasion of France, Belgium, Holland, Denmark and Norway, the situation changed considerably. Although supplies were cut off in these regions, the accumulated stocks in Canada were large enough to carry the Allied nations through. When Japan entered the war a year later, the food sources available in the far east were eliminated. In addition to the pressure that was consequently put on Canada's production internationally, there was an increase in domestic demand because there was, for the first time in at least ten years, full employment and steady paycheques.⁹⁹ This new direction is reflected in the initiatives taken by the government under the auspices of the War Measures Act.

Until 1943, any new activities on the part of the department were initiated under the War Measures Act, created to "confer certain powers upon the Governor in Council in the event of War, Invasion, or Insurrection."¹⁰⁰ The act gave the government broad powers of control during such a crisis period as long as the measures taken were necessary for "the security, defence, peace, order and welfare of Canada."¹⁰¹ Regulations and orders in council created under the

⁹⁹Canada, Department of Agriculture, Agricultural Supplies, Board, *Objectives for Canadian Agriculture in 1943*, (Ottawa: 1943), p. 7.

¹⁰⁰Canada, *Revised Statutes of Canada, 1952*, c. 288.

¹⁰¹*Ibid.*, s. 3(1).

War Measures Act had the force of law and were enforceable by courts, officers and other authorities. Section three of the act lists several subjects over which the government can make regulations. The fifth relates to trading, exportation, importation, production and manufacture. The creation of any new activities relating to agriculture under the War Measures Act was done under this subsection.

In 1939, the Agricultural Supplies Board was established to keep "Canadian agriculture functioning in a manner which would supply the food and fibre needs of the people of Canada and their Allies during the period of the war and leave the Canadian farmer, as far as possible, in a position to follow his normal program when peace returns."¹⁰² Cooperation by the provinces was sought to assist in this activity.

The Bacon Board was also created in this year by order in council to implement the terms of the agreement made by the United Kingdom for the delivery by Canada to Britain of 5, 600, 000 pounds of bacon weekly.¹⁰³ This rather astronomical figure meant that the board had a number of important duties, outlined in the annual report of the minister. The board had to regulate exports of bacon, arrange price differentials between grades, store the product to supplement seasonal shortages, and accumulate a fund for price improvement and pay storage charges.¹⁰⁴

In 1940, Order in Council p.c. 2138 created the Dairy Products Board, the mandate of which was to regulate the export of dairy products to the United Kingdom according to the agreement made between Canada and Britain.¹⁰⁵ One

¹⁰²Canada, *Report of the Minister of Agriculture*, 1939/40, p. 148.

¹⁰³ Canada, *Report of the Minister of Agriculture*, 1939/40, p. 153.

¹⁰⁴*Ibid.*

year later, Order in Council 2520 created the Special Products Board to regulate the export to the United Kingdom of any "product of agriculture processed or unprocessed except bacon or dairy products."¹⁰⁶ In 1943 two more boards were created by order in council. The Agricultural Food Board, which was to cooperate with the Agricultural Supplies Board, assisted in the development of programs of the Department of Agriculture for the wartime production of food. It was also responsible for paying subsidies to assure required production of essential foods.¹⁰⁷ The former Bacon Board was reconstituted as well in this year to form the Meat Board. It was given the responsibility of carrying out all contracts or agreements for meat exports entered into by the Canadian Government with any other government or agency.¹⁰⁸ These boards, created in the first years of the war, were responsible for virtually all aspects of agriculture as that function related to the war effort.

In the later years of the war the government once again began to delegate authority through more traditional lines. In 1943 a new act pertaining to agriculture was enacted, entitled the Farmers' Creditors Arrangement Act, which aimed to alleviate farmers' chronic indebtedness: "it was in the national interest to retain such farmers on the land as efficient producers and for such purpose it is necessary to provide means whereby compromises or rearrangements may be effected for debts of such farmers."¹⁰⁹ In 1945 the Agricultural Prices Support Act was proclaimed, administered by the Agricultural Prices Support Board, reporting to the minister of agriculture. The purpose of the board was to

¹⁰⁵Canada, *Report of the Minister of Agriculture, 1940-41*, p. 170.

¹⁰⁶Canada, *Report of the Minister of Agriculture, 1941-42*, p. 161.

¹⁰⁷Canada, *Report of the Minister of Agriculture, 1943-44*, p. 179.

¹⁰⁸Canada, *Report of the Minister of Agriculture.*, p. 180.

¹⁰⁹Canada, *Statutes of Canada, 1943-44*, c. 26 (preamble).

"endeavour to ensure adequate and stable returns for agriculture by promoting orderly adjustment from war to peace conditions and shall endeavour to secure a fair relationship between the returns from agriculture and those from other occupations."¹¹⁰ The board had the authority to carry out a number of responsibilities, such as prescribe prices at which the board could purchase products, sell or dispose of any product purchased, and appoint commodity boards to undertake the purchase and disposal of agricultural products.¹¹¹ The government was thus directly supporting agriculture by buying products from farmers at market price and then selling them when possible.

Another act that was enacted during this time right at the end of the war was the Farm Improvement Loans Act to "encourage the provision of Intermediate Term and Short Term Credit to Farmers for the Improvement and development of farms and for the improvement of living conditions thereon."¹¹² This act, administered by the Minister of Finance, allowed the government to pay a bank the amount of loss that was sustained by it as a result of a farm improvement loan, under certain conditions. Such an act does not deal directly with the products of agriculture, that is, it is essentially regarding loans as opposed to the Agricultural Prices Support Act, which gave the government the competency to buy agricultural products to buoy the price of the product, but it is part of the function of agriculture since it attempts to assist or promote the agricultural economy of Canada.

By the end of the war the various boards that had been created by the government under the War Measures Act were still active even though the war

¹¹⁰Canada, *Statutes of Canada*, 1944-45, c. 29, s. 9(2).

¹¹¹*Ibid*, s. 9(1)(a)(b)(d)(i).

¹¹²Canada, *Statutes*, 1944-45, c.41 (preamble).

had ended. From 1945 until 1947 they were active under the National Emergency Transitional Powers Act. In 1947 that act was rescinded, but the Meat, Dairy Products and Special Products Boards continued to exist by order-in-council as the three commodity boards under the Agricultural Products Act until 1951.¹¹³ Thus, the activities that were created by the circumstances of the war continued in a slightly altered form afterwards.

World War II was a significant period in the history of Canada. The bureaucratic machine grew tremendously during this time and did not return to its pre-war size in the years after the war, as seen, for example in the continuation of the Meat, Dairy Products and Special Products Board. While given responsibility to carry out activities in a certain context, they continued to exist and legislation was created so that they had the competence to continue their activities, in a slightly altered form, during peace time. It is important to note that while these boards take part in administering matters under the agricultural function, they are separate bodies with their own competence, not part of the Department of Agriculture. Government played a greater interventionist role in the economy and was involved into ever increasing areas of previously considered private life. This is also evidenced in the Department of Agriculture, as the government continued to directly finance and assist farmers, particularly in the prairies, a practice which began in the depression years, continued during the war to help farmers maintain high production rates and lasted into the post-war era. The activity which developed extensively during the war was administering direct financial aid to farmers, either through buying their products at market rates or by direct financial assistance in the way of loans or assistance with loans. While the government undertook this responsibility with a

¹¹³Canada, *Report of the Minister of Agriculture, 1947-48*, p. 241.

wartime agenda in mind, the support continued and increased after the war, signifying the period of 1939 to 1945 as a vital era in agriculture in terms of the growth and maturity of this one particular activity.

The period between 1918 and 1945 was a time of remarkable growth and development in agriculture in Canada. The first ten to fifteen years saw the development of legislation intended to regulate and inspect the quality of agricultural products to guard against fraud and to maintain a high standard for foreign and local markets. In the following years, financial assistance to farmers during the depression and the war grew and developed, once again expanding the function of agriculture. Some of this growth in activities had to be accommodated in the structure of the department. For ten years between 1928 and 1938, the department proceeded to integrate its branches in order to "carry out the principle of bringing under one administrative head activities similar in character and purpose."¹¹⁴ In 1937 the department was officially reorganized into branches which did indeed group similar activities under one head. This philosophy was maintained over the years of the war, with the exception of the addition of the Meat, Dairy and other boards. However, the number of bodies with a part in administering agricultural affairs outside the structure of the Department grew steadily in this period, a trend carried on after the war.

Ultimately, the activities under the function of agriculture can be grouped into three basic areas. The department was responsible for the regulation of agriculture, that is, activities such as the inspection of animals and products, and establishing grading standards to ensure quality production. The second area was the marketing and promotion of agriculture. Lastly, providing financial aid to farmers and agricultural organizations was an area of activities that grew

¹¹⁴Hodgetts, *Canadian Public Service*, p. 174.

tremendously particularly in the 1920's and 1930's and would continue to grow and be an increasingly important scope of activity in post 1945 agriculture.

Chapter Four

Agriculture, 1945-1989: Expansion and Specialization

The Depression and War eras of Canadian agriculture set precedents that, once begun, the government could not stop. Regulation of the agricultural economy on the prairies and elsewhere in Canada continued. A strong demand continued after World War II for direct government intervention in providing minimum purchase prices for farm products.¹¹⁵ The legislation of this era reflected the demands of farmers as well as the economy. The infrastructure created to administer the acts of parliament relating to agriculture increased enormously. Often the act that designated a new activity within agriculture also provided for the creation of an agency to administer that activity, which then reported to the minister of agriculture. Most of the growth of the activities during this time period was directed towards financial assistance. As the department grew, its structure became less stable. From one year to the next, the structure changed in an attempt to better administer an ever broader range of activities. This department reflects the situation elsewhere in the federal government, and serves as an example of the instability of structure and the relative stability of function even as activities grew at a rapid pace.

¹¹⁵S.W. Garland, S.C. Hudson, *Government Involvement in Agriculture: A Report Prepared for the Federal Task Force on Agriculture*, (Ottawa: Crown Copyrights, 1968), p. 29.

An early example of the change occurred in 1949 with the Agricultural Products Marketing Act, which aimed to "improve the methods and practices of marketing agricultural products of Canada."¹¹⁶ This act came about because the War Measures Act was withdrawn, thereby leaving an activity without an expressed competence. It dealt with both interprovincial and export trade and elicited the support and cooperation of the provincial governments, some of whom had already enacted legislation respecting local marketing of agricultural products. The problem of shared jurisdictions between the federal government and provincial governments was dealt with by having the federal government delegate powers to a provincial agency.¹¹⁷ Normally, interdelegation of powers from one legislature to another is not allowed on the grounds that it adjusts the division of powers. However, it is allowed if the federal parliament makes a provincial person its agent or delegate: "the Federal Parliament [can delegate] powers to a person named by a provincial legislature. That person then becomes the delegate of the Federal Parliament when he [or she] is exercising the powers granted to him [or her] by Parliament."¹¹⁸ From an archival point of view, this is very interesting since it would be a matter for archivists in provincial archives to determine when receiving the records of the federally mandated activity in the records of a provincial agency.

In the 1950's several acts were passed to set national standards for agricultural products and regulate interprovincial and international trade in them. The Canada Dairy Products Act set "national standards for dairy products and to

¹¹⁶Canada, *Statutes of Canada, 1949*, c. 16.

¹¹⁷R.E. Haack, D.R. Hughes, and R.G. Shapiro, *The Splintered Market: Barriers to Interprovincial Trade in Canadian Agriculture*, (Toronto: James Lorimer and Co. Publishers, 1981), p. 17

¹¹⁸Jones and De Villars, *Principles of Administrative Law*, p. 34.

regulate interprovincial and international trade in dairy products."¹¹⁹ This act was similar in intent to the Agricultural Products Board Act, except that the Dairy Products Act also called for establishing national standards, an activity that has been present in agriculture since before the first world war. As well, the act was designed not to promote but to regulate trade in dairy products. The act stated that export of dairy products from Canada or between the provinces was possible only if written consent was given from the Minister of Agriculture.¹²⁰ The act also gave the minister the authority to make regulations as long as they were not inconsistent with the intent of the act. These activities of standardizing and regulating were not new, but the Dairy Products Act was concerned with a new area of regulation - international and interprovincial trade. This was a new concern in the 1950's as trade relations had to be renewed, or newly attracted. In 1955 the Meat Inspection Act and the Canada Agricultural Products Standards Act were both established to regulate trade. While the Canada Agricultural Products Standards Act was identical to the Dairy Products Act in its intention, the Meat Inspection Act focused on the inspection of meat entering into interprovincial and international trade.¹²¹

In 1957 the Agricultural Prices Support Act was repealed and replaced by the Agricultural Stabilization Act, which created the Agricultural Stabilization Board.¹²² The act aimed at:

stabilizing the prices of agricultural commodities in order to assist the industry of agriculture to realize

¹¹⁹Canada, *Statutes of Canada, 1951*, c. 30.

¹²⁰*Ibid.*, s. 4(a)(b).

¹²¹Canada, *Statutes of Canada, 1955*, c. 27 (preamble), and c. 36.

¹²²S.W. Garland, S.C. Hudson, *Government Involvement in Agriculture: A Report Prepared for the Federal Task Force on Agriculture*, (Ottawa: Crow Copyrights, 1968), p. 209.

fair returns for its labour and investment and to maintain a fair relationship between prices received by farmers and the costs of the goods and services that they buy, thus to provide farmers with a fair share of the national income.¹²³

An advisory committee largely made up of farmers and representatives of farm organizations to assist the Board was also established under this act.

Two acts were proclaimed in 1959, both of which related to assisting the farming industry. The Farm Credit Act's purposes were to distribute and administer farm loans. The Farm Credit Corporation was created as stipulated in the act, as a successor to the Canadian Farm Loan Board. Under the act the corporation makes long-term mortgage loans to assist Canadian farmers in organizing viable farm businesses. The corporation can take and hold mortgages on real and personal property, acquire, hold and sell real property, and acquire by foreclosure any real and personal property mortgaged by the corporation.¹²⁴ The corporation is also responsible for administering the Farm Syndicates Credit Act, whereby loans are made to groups or syndicates of three or more farmers for the joint purchase of machinery, buildings and installed equipment.¹²⁵ Although the minister maintains responsibility for every crown corporation to ensure accountability, it is completely separate from the structure of the department and acts on its own competence.

The second Act, the Crop Insurance Act, involved cooperation between the federal government and the provinces. The Canadian government provides assistance in developing and promoting their crop insurance plans and carries

¹²³Canada, *Statutes of Canada, 1957-58*, c. 22.

¹²⁴Canada, *Statutes of Canada, 1959*, c. 43, s. 11(1)(a)(b)(c).

¹²⁵Canada, Department of Agriculture, *Organization and Activities of Agriculture Canada*, (Ottawa: Minister of Supply and Services Canada, 1984), p. 85.

out studies of the actuarial soundness of the proposed plans.¹²⁶ Under the act the department agrees to contribute to a participating province fifty percent of the administrative costs plus twenty-five percent of the necessary premiums, with the farmer making up the rest. Alternatively, the federal government would pay fifty percent of the premiums if the province covered all administrative costs.¹²⁷

Most of the acts that were established during the immediate decade after World War II were primarily concerned with supporting the farming industry, particularly in the prairie provinces. Such legislation was designed so that the desertion of farms that occurred during the extreme drought conditions of the Depression would not happen again. Safety nets were created both to act as support during crisis time and to raise the income of the average farmer so that he or she would not be tempted to leave the farm and take better paying work. It is possible to see how the department had changed its direction, concentrating on managing the agricultural economy, where before it was concerned primarily with regulation and standardization of products.

There was no new agricultural legislation for about seven years after the Farm Credit and Crop Insurance acts. However, in 1966 the Livestock Feed Assistance Act, which established the Canadian Livestock Feed Board was proclaimed. The objects of the Board were to ensure the availability of feed grain, the availability of adequate storage space in eastern Canada, reasonable stability in the price of feed grain in eastern Canada, and British Columbia, and a fair equalization of feed grain prices in eastern Canada and B.C.¹²⁸ The Board

¹²⁶S.W. Garland, *Government Involvement in Agriculture*, p. 248.

¹²⁷Department of Agriculture, *Organization and Activities of Agriculture Canada*, p. 14.

¹²⁸Canada, *Statutes of Canada, 1966-67*, c. 52, s. 5(a)(b)(c)(d).

acted in an advisory role to the minister and the government. It was required to make a continuing study of feed grain requirements in eastern Canada and B.C. The act also established an advisory committee which was to advise the board on matters relating to grain transportation, storage, prices, and consumption.¹²⁹

Two other acts were established in this same year along the same lines as the Livestock Feed Assistance Act. The first was the Agricultural and Rural Development Act, known as ARDA. This act, like the Crop Insurance Act, required the cooperation of the provinces. The minister can enter into agreement with any province that is assuming projects for the more efficient use and economic development of rural lands. These projects can involve research and investigation into soil and water conservation or the alternative uses of land. This act placed primary responsibility on the provinces to initiate such projects, with the department providing options for cost-sharing, assisting with specialist services, and with technical advice.¹³⁰ This act shows the growth of the activity of the department that involves providing money to the provinces to assist in projects and plans that they began.

In this same year the Canadian Dairy Commission Act established another crown corporation. The Commission aimed to support the market price of milk and cream and to make payments directly to producers to maintain a high level of return for dairy farmers, and at the same time to maintain a low price for consumers.¹³¹ Once again, as with ARDA, a consultative committee was appointed to advise the commission on matters relating to the production and marketing of dairy products. The federal department was thus again acting as a

¹²⁹*Ibid.*, s. 15(7)(a)(b).

¹³⁰Helen Buckley, Eva Tihanyi, *Canadian Policies for Rural Adjustment: A Study of the Economic Aspects of ARDA, PFRA, MMRA*, (Ottawa: Crown Copyrights, 1984), p. 96.

¹³¹Agriculture Canada, *Organization and Activities*, p. 77.

stabilizing factor in the agricultural economy, which was probably the major activity of the department during this period.

The 1970's was a boom time for Canadian agriculture. There was enough water, good weather, healthy prices for crops and other products, and the federal government was able to provide support in terms of assistance for loans, mortgages and in buying products at a higher than market price for farmers to prosper. Few acts were passed during the seventies, and only in the first half of the decade. For the most part, the industry and the government relied on current legislation for administering agriculture. Only four acts were passed: the Farm Products Marketing , Advance Payment for Crops, Two Price Wheat, and the Western Grain Stabilization acts, delegated to existing agencies of the department.

In 1970 a new Canada Grain Act came into force, repealing the old act and replacing the Board of Grain Commissioners with the Canadian Grain Commission. The commission was charged with "the interests of the grain producers, establish and maintain standards of quality for Canadian grain and regulate grain handling in Canada, to ensure a dependable commodity for domestic and export markets."¹³² The commission provided general supervision over licensing and inspection activities as well as supervision over the operation of a research lab and the six Canadian government elevators located in Western Canada.¹³³

The Farm Products Marketing Act was created in 1972 for the purpose of founding the National Farm Products Marketing Council and to authorize the establishment of national marketing agencies for farm products.¹³⁴ This act was

¹³²Canada, *Statutes of Canada, 1970-71-72*, c. 7, s. 13.

¹³³Canada, Department of Agriculture, *Annual Report, 1971-72*, p. 81.

necessary because the provincial marketing boards, particularly of chicken and eggs, were competing against each other. This act allows producers of farm products other than those covered by the Canadian Wheat Board Act and the Dairy Commission Act to develop national or regional marketing plans. The council's duties were to advise the minister in all matters relating to the establishment and operation of agencies and to maintain and promote an efficient and competitive agricultural industry.¹³⁵

Also during this decade the Animal Disease and Protection Act replaced the Animal Contagious Diseases Act, the first act ever passed which was part of the function of agriculture, and the Plant Quarantine Act replaced the Destructive Insect and Pest Act. Both acts had the same intent, but were reworked for a more modern, more technological era.

Two acts were passed from 1974 - 1976 which related to the price of grain. The Two-Price Wheat Act was created to stabilize the price of wheat to Canadian producers and consumers.¹³⁶ The Western Grain Stabilization Act was established to "stabilize the net cash flow from the major grain and oilseed crops in the prairies."¹³⁷ The government wanted to protect the infrastructure of the Prairie agricultural economy and avoid a recurrence of the economic downturn of the late 1960's. Any producer who participates under the act is entitled to receive stabilization payments. This is a voluntary program available to every farmer who produces grain in the prairie provinces.

¹³⁴Canada, *Statutes of Canada, 1970-71-72*, c. 65.

¹³⁵R.E. Haack, *The Splintered Market*, p. 18.

¹³⁶Murray Fulton, Ken Rosaasen, Andrew Schmitz, *Canadian Agricultural Policy and Prairie Agriculture*, (Ottawa: Minister of Supply and Services, 1989), p. 39.

¹³⁷*Ibid.*, p. 37.

In the late 1970's and early 1980's, a new pattern of delegating responsibility emerged. Legislation in the past had given authority to one body to administer an activity. Later on, particularly after World War II, the agency to administer the activity was also created in the same legislation. In 1978, however, this pattern began to change. Several acts were placed under the shared responsibility of two ministries. Thus, the Inspection and Sale Act was administered by both the Department of Agriculture and the Department of Consumer and Corporate Affairs, as was the Maple Products Industry Act. The Western Grain Stabilization Act was shared by the Department of Agriculture and the minister responsible for the Canadian Grain Board. These acts had previously been administered solely by one department, usually agriculture.¹³⁸ In 1980, the Canadian Agricultural Products Standards Act and the Canada Dairy Products Act were also placed under the shared responsibility of the Departments of Agriculture and Consumer and Corporate Affairs. Similarly, responsibility for the Canada Grain Act was shared by the Minister of Agriculture and the Minister of Transport.¹³⁹ However, by 1981, the Canada Dairy Products Act, the Canada Grain Act, the Inspection and Sale Act and the Maple Products Industry Act were once again solely administered by the department.¹⁴⁰

In 1981 the annual report of the Department of Agriculture lists the acts for which the Minister shares responsibility with another agency. Essentially this means that the powers cross functional lines of authority, and therefore administration can be shared by two different departments. In fact, this is an attempt to deal with a recurrent problem. Obviously, there are different

¹³⁸Canada, Department of Agriculture, *Annual Report, 1978-79*, p. 4.

¹³⁹Canada, Department of Agriculture, *Annual Report, 1980-81*, p. 4.

¹⁴⁰Canada, Department of Agriculture, *Annual Report, 1981-82*, p. 4.

functional activities involved in administering affairs related to agricultural production, in marketing agricultural products, and in regulating other affairs only indirectly related to agriculture. Not all these activities fall solely within the competence of the Department of Agriculture as set out in the acts it administers. Therefore, one means of resolving this question is to create legislation which addresses related areas of functional responsibility and assign administration of the act to more than one agency to administer. It then becomes necessary to indicate precisely what areas covered in any given act pertain to which agency and to record than in the administrative history of the agency.

The Farm Loans Interest Rebate Act was proclaimed in 1983, with the purpose of rebating interest on farm loans made under the Farm Credit Act. The minister was delegated the responsibility of making payments to eligible farmers.¹⁴¹ Such an act showed how financially strapped farmers were and the necessity on the part of the government to subsidize the industry, although the agricultural crisis had not yet peaked. The Canagrex Act, established in the same year, designated the creation of a crown corporation called Canagrex, or the Canadian Agricultural Export Corporation. The act aimed to "promote, facilitate and engage in the export of agricultural and food products from Canada."¹⁴² The corporation had the power to purchase and dispose of agricultural products, enter into contracts with Canadian companies, with foreign governments and joint ventures with Canadian businesses, as well as promote the exportation of Canadian products in general.¹⁴³ The main purpose of

¹⁴¹Canada, *Statutes of Canada, 1981,82,83,84*, c. 131, s. 3(1)(a)(b).

¹⁴²Canada, *Statutes of Canada, 1981,82,83,84*, c. 152.

¹⁴³*Ibid.*, c. 152, s. 14(1)(a)(b)(c)(d)(e).

Canagrex was to seek and develop new export markets for the agriculture/food industry.

In a similar vein, the Farm Debt Review Act, and the Farm Improvement and Marketing Cooperative Loans Act were both aimed to assist farmers financially. Any farmer in financial difficulty could apply to a Farm Debt Review Board, established in each province or in each region of Canada, for a review of financial affairs or for assistance. The second act, the Farm Improvement and Marketing Cooperative Loans Act, was meant to "increase the availability of loans for the purpose of improvement and development of farms and the processing, distribution or marketing of farm products by cooperative associations."¹⁴⁴ The minister was to pay to a lender ninety-five percent of any loss sustained as a result of a loan made by it to a farmer, but only for particular investments such as the purchase of or major repairs to tools, implements, or machinery, or the purchase of livestock, or of additional land.¹⁴⁵ The purpose of this act was to make the negotiation of loans to farmers more attractive to lenders because it ensured that the government would pay the outstanding money owed if the farmer proved unable to make the loan payments.

Increasingly in the post-war period, autonomous agencies with clear legislative competence were established outside the structure of executive departments to administer agricultural affairs. Such a phenomenon indicates how, as activities have increased, the government has looked for new ways to delegate such activities. Crown corporations, which have no part in the structure of the traditional department, is one such option that works particularly well, especially concerning those activities associated with direct financial assistance

¹⁴⁴Canada, *Statutes of Canada, 1987-88*, c. 31.

¹⁴⁵*Ibid.*

to agricultural production and marketing of agricultural products, such as the Canadian Wheat Board. During the same time, a series of review or advisory boards and committees were also established to assist the minister in carrying out responsibilities delegated to him or her in legislation. Such agencies were a recognition of the complexity of administering the function of agriculture. As well, delegation of power from the federal to the provincial governments, through assigning responsibility to a person named by the provincial legislature was another new way of dealing with increased responsibility.

The Department of Agriculture itself consolidated its responsibility into three services: marketing and health of animals, research, and economics. In 1959 the Production and Marketing Branch was created, bringing together those services which had previously been separate. In the same year the Administrative Branch was also created, integrating the Economics and Information Divisions¹⁴⁶ In 1967 the department began to united the organization of the science services. For example, research stations, experimental farms, and research laboratories were grouped into western and eastern divisions. However, while such services were synthesized, a highly coordinated top structure remained.¹⁴⁷

Thus, while Canadian farming prospered in the 1970's, it faired much worse in the 1980's as grain prices fell and drought once again became a problem. A number of acts were brought in response to this crisis to help maintain the industry's standard of living. However, a large number of acts were already in existence which supported the farmer. These acts began during the later years of the Depression, but quickly became much more common in the

¹⁴⁶Canada, Department of Agriculture, *Annual Report, 1959-60*, p. 7.

¹⁴⁷Hodgetts, *Canadian Public Service*, p. 17

1950's and 1960's as the government tried to prevent a repeat of the 1930's. While the department continued to administer such acts as the Experimental Farms Act or the Animal Contagious Diseases Act, the activity that grew tremendously during the post-war era was that of supporting and subsidizing the agricultural industry in Canada. The minister was increasingly responsible for acts which subsidized the minimum price of a product so that the farmer would receive a decent return. However, it is important to note that while this activity increased, other activities such as standardization, promotion and regulation also remained important and vital to agriculture. While acts that were created before and just after World War II were amended and updated in later years, seldom were new act which related to these activities were seldom created.

Ultimately, one can no longer assume that agricultural affairs are administered by one agency. As activities increased and became more complicated, so did the manner of delegating them. Anyone trying to understand how the function of agriculture was carried out needs to be aware of a complex of authority relations: the delegation of functional responsibility, changes in structure, and shared responsibility. Only through giving a clear picture which comes from this type of legislative, functional and structural analysis can any sense be made of the context of records creation.

Chapter Five

Implications for Practice

The examination of the competence of one function of government is a time consuming process that cannot be recreated each time a new accrual of records is received. If archivists working in government repositories recognize that knowledge of functional responsibility is a valuable tool for better management of their records, the study must be kept current, becoming the foundation for certain archival administrative tools that can help archivists in a number of crucial areas.

In the first instance, uncovering the origins of the functions and responsibilities of government helps to identify the nature of the fonds. Terry Eastwood maintains that there are two structures which make up a fonds: internal provenance and external provenance. The internal structure of provenance "identifies the relationships among the documents as they were organized by the agency accumulating them", while the external structure of provenance "identifies and explains the various administrative relationships governing the way organizations conduct their business which in turn governs the way they create and maintain their archives."¹⁴⁸ External structure is delineated in the process of delegation of authority and function, precisely the focus of this thesis. Documenting the changes in delegation of authority and

¹⁴⁸Eastwood, *The Archival Fonds*, p. 4.

competence offers a means of identifying the bodies responsible for the records over time, such as the predecessor, the successor and current agencies.

Conversely, the record group tries to maintain administrative and intellectual control over records mainly on structural grounds, conceived when archives began to face "the problem of organizing a large, complex and rapidly increasing mass of records".¹⁴⁹ A fonds is defined as "the whole of the documents that every organization or physical or juridical person accumulates by reason of its function or activity", a natural aggregate of records unrestricted by organizational structure.¹⁵⁰ Conversely, a record group, is defined as "a body of organizationally related records established on the basis of provenance with particular regard for the administrative history, the complexity, and the volume of the records or archives of the organization concerned."¹⁵¹ The problem with the record group, is that it attempts to identify records with organizational structure, grouping or separating records to create units of convenient size. In the end, the management of record groups tends to become reduced to a search for stable record keeping systems, which of course are elusive.

Michel Duchein, in his article on *respect des fonds*, offers two solutions to the problem of reconciling function with structure.¹⁵² The first, as mentioned previously, is to divide the fonds into chronological units and deal with structure in that manner, and the second is to avoid using administrative structure altogether. With regard to the first method, Duchein stipulates that the time period must be sufficiently long, the sections must "correspond to well-defined

¹⁴⁹Carl Vincent, "The Record Group: A Concept in Evolution," *Archivaria* 3, Winter, 1976-1977, p. 3.

¹⁵⁰School of Library, Archival and Information Studies, "Select List of Terminology", p. 16.

¹⁵¹*Ibid.*, p. 8.

¹⁵²Michel Duchein, "Theoretical Principles and Practical Problems".

periods in the life of the creating agency," and all documents of the time period must be gathered so that the whole section can be dealt with at the same time."¹⁵³ Such requirements make this solution difficult to carry out, given that often the structure changes radically every few years so that it can be difficult to create a sufficiently long chronological time period for description let along to fulfill all three requirements. The second solution, that of avoiding administrative structure as a basis for arrangement when changes are frequent, Duchein does not elucidate. This thesis does not advocate ignoring structure altogether, since records must be associated with the agency that generated them. Functional responsibility alone is not the solution, but rather, function and structure together provide a more complete context for records creation and custodianship.

In this case, the fonds is not limited to the function of agriculture, nor to the department of agriculture. In fact, because of the growth of the activities and the movement of such activities within the structure of the government as well as the rise of agencies which exist independently of the department but are responsible for an aspect of agriculture, the fonds cannot rely merely on function or structure. Both must be included and in order to accurately represent function, activities and structure, the maximalist view of the fonds has been taken. That is, the fonds encompasses the entire Government of Canada. Such a grand view provides context for activities that shift from one department to another as well as for the structure of agencies that changes and grows as the government attempts to better manage their responsibilities. In this context, it is also important to note that neither structure nor function alone can give an accurate picture of records creation and custodianship. While this thesis has concentrated on function, and other systems such as the record group focus on

¹⁵³*Ibid.*, p. 80.

structure, both are needed to provide adequate context and information regarding the records in any organization.

The examination of competence is useful when archivists appraise the records they receive. For example, knowing that the Maple Products Industry Act was administered by both the Department of Agriculture and the Department of Consumer and Corporate affairs for a period from 1978 to 1981 will help archivists in making decisions regarding the retention or destruction of records because they will be aware that elsewhere there could be duplication of records or a completely new series of records which must be permanently retained. At the very least, in terms of appraisal, this sort of study will heighten the awareness of the archivist as to the location of other records series in other agencies of government. Such knowledge also raises the question of function versus structure in establishing describable entities. Referring to either function or structure is not adequate. The solution is to show all relationships and be prepared to create a type of double and triple listing to overcome the problem.

Arrangement, the process of identifying where the records belong within a fonds, is very difficult when dealing with complicated functions such as the administration of agriculture. For example, the Inspection and Sale Act of 1873 was administered by the Department of Trade and Commerce but was later transferred to the Department of Agriculture. Within the structural framework of the department it no doubt shifted about considerably. Such difficulties are lessened significantly once a study such as the one undertaken in this thesis is carried out. Obtaining a comprehensive understanding of activities, their legislative authority and the bodies responsible for them can greatly ease the burden of arrangement, of identifying records as they belong to the parts of a fonds.

Following arrangement is description, the primary tool for achieving intellectual control over records. The key to identifying the fonds as the basis for archival description is to realize that it is no longer a practical reality to describe records and their provenance together in what has been considered a traditional inventory. What is needed first is a recognition that there are no finite boundaries of the fonds for any function. Agricultural administration is a complicated function which eventually cannot be managed in the usual departmental structure. Crown corporations such as the Canadian Dairy Commission, the Farm Credit Corporation and the Canadian Wheat Board were established to deal with the increasing complexities of agricultural subsidization and financial management. While some corporations were managed by the department of agriculture, others were managed by other departments and later transferred to agriculture. In the late 1970's the department of agriculture shared responsibility with other departments for activities such as administration of the Canada Grain Act in 1980, but by 1981 the department was once again solely responsible for the act. Such shifts in responsibility alone are difficult to describe, and the attempt to connect records creators to the records is an even greater challenge if the archivist is trying to fit every activity, agency and record into a neat little box. The fonds must be recognized as a solid concept with a much more fluid construct in order for more effective description to take place.

Hugo Stibbe makes the point that provenance is a means of providing access points to records in an archives and indeed, should be the primary access point. Stibbe and others such as David Bearman and Richard Lytle in their article on the power of provenance argue that an authority file system providing linkages to records is the most efficient way of gaining access to information: "authority control and authority systems are going to play a central

role in the intellectual control of archival materials."¹⁵⁴ Controlling the names of government bodies and information about their history is the tool that allows users to trace relationships among administrative entities in an organization. Not only is it possible to link the records to public bodies, it is also possible to link records to public bodies and persons or families: "The authority system creates the environment for gaining access to that information in the most efficient way. The information in the system documents the relationship between persons, families and corporate bodies."¹⁵⁵ Such links of course do not always mean provenencial links. A demarcation between a link of provenance and a link of activities must be made. Nonetheless, this thesis serves as a beginning point, showing the relationship between competency, function and activity.

This can be seen in the study of one simple activity within the realm of agriculture. The Experimental Farms Act of 1886 gave the Department of Agriculture the responsibility to administer ten activities, clearly laid out in legislation. Thus, we have the competence for the activities stated in the statute and the agency stated in the statute. Within the departmental structure, though, the responsibility for the act shifted about considerably. However, by having separate series descriptions that are based on the activities which generated them, it is much easier to provide links with each body responsible for creating or maintaining a portion of the records.

An examination of competence is also useful for developing a functions vocabulary as part of a thesaurus: "such a vocabulary can be a powerful indexing language to point to the context of archival holdings without the need

¹⁵⁴Hugo Stibbe, "Implementing the Concept of Fonds: Primary Access Point, Multilevel Description and Authority Control", *Archivaria* 34, Summer, 1992, p 121; David Bearman, Richard Lytle, "The Power of the Principle of Provenance", *Archivaria* 21, Winter 1986/87.

¹⁵⁵Stibbe, "Implementing the Concept", p. 121.

for actual examination of the materials themselves for detailed subject indexing."¹⁵⁶ A thesaurus does not provide the links between records and creators, but it can be used to locate all the agencies which were responsible for carrying out a functional responsibility over time. Archivists can then find all the records relating to a particular competence which had moved around or was shared by two different agencies. A functions vocabulary, such as the one developed by the Getty Institute for the *Art and Architecture Thesaurus*, designed largely by archivists who see the necessity for such a tool, can use a study of functional responsibilities as a starting point to phrase functions and activities. Legislation expresses the sphere of functional responsibility or competence of agencies, and any functions vocabulary, to be effective, will have to provide terms appropriate to a representation of how competence is actually expressed. For example, one of the activities laid out in the Experimental Farms Act is to analyze fertilizers to test their value with respect to different crops. A user, interested in the information regarding fertilizer analysis would be able to retrieve the activity on a database and find out which agencies created the records over time and therefore determine what records were created.

This thesis is also valuable for the administration of freedom of information and protection of privacy legislation. Jay Atherton, in his article on the continuum, emphasizes the role of the archives as a service to creators and users: "effective access to information depends upon effective management of records."¹⁵⁷ When organizations produce an access guide so that the public can see what records each agency of government has and their current access status, a history along with the competency to administer activities or agencies is

¹⁵⁶Bearman and Lytle, "The Power of the Principle of Provenance", p. 22.

¹⁵⁷Jay Atherton, "From Life Cycle to Continuum: Some Thoughts on the Records Management - Archives Relationship", *Archivaria* 21, p. 50.

needed. In order to ensure proper access, a guide must be produced yearly and kept current. Such a guide must explain the locus of functional responsibilities for each agency. To be most useful, a functions index can be incorporated so that the public can obtain access to the records without needing to know the exact agency currently responsible for an activity. A study of the competence of a function, if kept current, will greatly ease the burden of producing an access guide year after year.

Thus, once again we come back to the comprehensive archival tool that the examination of the sources of functional responsibility can become. It is crucial for archivists to produce such a study for ease of description and indexing, as well as for access purposes. Since tracing the source of functions is such a time consuming study, it must be accumulated over time and kept current so that it can be used as a reference tool for archivists and the public alike. It would seem that the best method of describing the records of fonds in public institutions is through the separation of records descriptions and provenance descriptions to ensure the best method of gaining intellectual control. Determining functional responsibility together with structure outlines the boundaries of a fonds in such a manner as could never be achieved using the record group. Ultimately, the study undertaken in this thesis serves as an illustration of how one connects structure and function and therefore provides a method to express the functional responsibility of agencies for archivists in archival institutions.

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