

It is stated therein that the question of establishing an old age pensions system is one wholly pertaining to the federal government. Owing to such decision on the part of the government of British Columbia, I have been requested by resolution of the committee to submit to the Department of Justice the said correspondence, and ask for your information in the matter.

Mr. NEILL: What year was that?

Mr. HANSON (York-Sunbury): What was the attitude of British Columbia? Read it again.

Mr. ST. LAURENT: If my hon. friend will allow me to finish this, I can then table the correspondence which accompanied it, and give the substance of what would be an answer to the hon. member's question.

Mr. NEILL: What year was it?

Mr. ST. LAURENT: It is dated Ottawa, May 12, 1925. The letter continues:

I am therefore sending to you herewith copy of the said correspondence and copy of the report presented to parliament last year. You will find the report at page 4 of the proceedings, and in its sixth paragraph you will find our recommendation as follows: "That the government communicate with the various provincial governments to ascertain if they are disposed to adopt the above system and enact the necessary legislation."

Please note the letter of February 5, 1925, of the Minister of Labour for British Columbia; also the resolution passed by the legislature on December 18, 1924; also Hon. Mr. Murdoch's reply thereto of February 17, and Mr. Manson's letter of March 5 in reply to Mr. Murdoch's.

Our committee would be interested in knowing if the contention of British Columbia in this matter is correct. Will you therefore kindly favour our committee with an opinion in respect to the following:

1. Having regard to the present provisions made by provincial legislation whereby the provinces aid in the care and maintenance of the aged poor, the insane and the afflicted, in cooperation with the municipalities, can the federal government lawfully enact legislation in the form of an old age pension system to assist the provinces?

Mr. HANSON (York-Sunbury): To assist the provinces.

Mr. ST. LAURENT: Yes. The letter continues:

2. If not, is the question of the care and maintenance of aged indigents by pension or other form of aid wholly within the purview of provincial governments and municipalities and ultra vires of the federal government in view of the recent decisions re the Lemieux Act and the Grain Act?

3. Is the statement made by the government of British Columbia correct, namely, that the matter of old age pensions for indigents is one entirely in the sphere of the federal government?

An early reply to the foregoing would be appreciated by the committee of which I have the honour to be the chairman.

And this is signed by W. Raymond. I wonder if hon. members in the committee would like to hear the enclosures before I read the answer, or if it would be sufficient to table the enclosures, the substance of which is stated in the letter?

Mr. HANSON (York-Sunbury): Read Mr. Edwards' letter.

Mr. ST. LAURENT: Very well. I shall read immediately Mr. Edwards' letter addressed to Mr. Raymond and dated at Ottawa May 23, 1925. It is as follows:

Dear Sir:

Referring to your letter of the 12th instant, asking to be advised with regard to the authority of parliament to legislate on the subject of old age pensions, I may say that this subject does not fall specifically within any of the enumerated subjects given to the dominion under section 91 of the British North America Act, but does in my judgment fall within the subject "property and civil rights in the province" committed to the provinces under section 92. I am of opinion therefore that the subject matter of pensions has been entrusted to the provincial legislatures rather than to parliament. I do not mean to suggest that parliament has not the power to legislate upon the subject so as to assist the provinces or to establish an independent voluntary scheme, provided that in either case the legislation does not trench upon the subject matter of property and civil rights in the provinces, as for example by obligating any province or person to contribute to the scheme.

The enactment of such legislation would, however, involve the assumption by the dominion of obligations involving heavy expenditures with regard to a matter which does not fall specifically within the dominion field of legislation.

This letter is signed by W. Stuart Edwards. That was in May, 1925.

I had the search continued and brought right down to date. I find that in 1930 an opinion was requested by the Hon. Peter Heenan, then minister of labour, in a letter addressed to the Hon. Ernest Lapointe, then minister of justice. This was during the course of investigation by a committee of the house with respect to the proposal of Mr. Letellier to set up family allowances. That gentleman was then the member for the constituency of Compton. The letter is from the Minister of Labour and, under date of Ottawa, January 16, 1930, is as follows:—

Mr. MACKENZIE KING: Mr. Letellier was a supporter of the Liberal administration.

Mr. ST. LAURENT: Yes. The letter states:

My dear Colleague:

You will recall that at the last session of parliament Mr. Letellier (Compton) moved a resolution proposing that the subject of family allowance should be referred to the committee on industrial and international relations for