

WITNESS: No, and it may be tested before long.

The CHAIRMAN: And you never know who is going to test it either.

*By Mr. Heaps:*

Q. Do I get you correctly, Mr. Edwards, in saying that if Parliament enacted a scheme of unemployment and sickness insurance, along the line of the Old Age Pension Act, making it optional upon the provinces, we would be practically within our jurisdiction in enacting such legislation?—A. No. I think you can authorize the appropriation of Dominion moneys as a contribution to any scheme which the provinces may authorize.

Q. I think I said that, did I not?—A. Well, I do not think you said exactly that.

Q. Well, I said along the lines of the Old Age Pension Act?—A. It could be done along that line, yes.

*By Miss Macphail:*

Q. Did the Government ask the Department of Justice for its view in regard to the Old Age Pension Act when it was being prepared in Committee, or for its advice?—A. Yes, I think so, Miss Macphail.

Q. What was the advice of the Department?—A. The advice I am giving you to-day. We had the same view with regard to the Old Age Pension Act as I am expressing to-day. I think the Old Age Pension Act will stand, but that sort of Statute has never been construed by the courts.

That is all I wish to say to the Committee; my opinion does not necessarily settle it.

Mr. McMILLAN: We do not know until it is construed.

*By Mr. Heaps:*

Q. The provincial authority naturally would like the Dominion Government to assume a good deal more responsibility in regard to matters, along that line?—A. I can quite understand that.

Q. With regard to the Old Age Pension Act, possibly the provincial authorities would want the Federal authorities to assume as much of the responsibility as they could?—A. I do not know. I do not know what the policy of the provinces is, but I can quite understand their wanting the Dominion to assume responsibility. Of course, it would mean larger grants to the provinces.

Q. We have the case, for instance, of some of the provincial governments, with regard to Old Age Pensions—the Ontario Government and the Maritime governments—thinking that that should be entirely Federal responsibility. I do not think there would be any doubt as to the legality of such an enactment.—A. When you have a compulsory scheme it is the person who is under compulsion who questions the legality of the Act; you might have all the governments of Canada anxious to sustain the legality of that, and yet it might be held invalid by the courts.

Q. But you stated that the Act would only come into operation by the action of the provincial authorities?—A. Oh, well, I thought you were now talking about something where the Dominion would accept the whole responsibility.

Mr. HEAPS: I can see the force of the argument, and I do not think I personally could recommend it, much as I would like to see it.

Discussion followed.

[Mr. W. S. Edwards.]