

*Unemployment Continuance Act*

agreement any obligation which might ripen into judgment. There should be a limitation of the power which is sought. That is my point.

Mr. BENNETT: That is not the point the hon. gentleman made a moment ago.

Mr. RALSTON: That is the point I am making now.

Mr. BENNETT: I have limited it in this way, that no obligation shall be made that binds the consolidated fund unless created before the first of May.

Mr. RALSTON: I am trying to get the Prime Minister to limit the time for payment so that he should have to limit the obligations he incurs to a date before the expiry of the time.

Mr. BENNETT: We have already provided that the obligations must be created before the first of May.

Mr. RALSTON: But you have not provided how long they may exist.

Mr. BENNETT: Certainly not,—

Mr. RALSTON: That is the point.

Mr. BENNETT: —for the simple and obvious reason that I cannot anticipate the time in which a contract would ripen into a claim.

Mr. RALSTON: You did before.

Mr. BENNETT: No.

Mr. RALSTON: You provided for May 1, 1932, in the agreement with the provinces.

Mr. BENNETT: The obligations were not in any sense unenforceable because the statute under which they were created had no validity.

Mr. RALSTON: My right hon. friend does not suggest that the provinces could enforce judgment for work which was done in contravention of that agreement.

Mr. BENNETT: No, not for a moment. Beale's Cardinal Rules for the Interpretation of Statutes lays down this principle: that if under a statute which no longer has validity an obligation has been created, the responsibility to meet the obligation has not vanished because the statute has expired.

Mr. RALSTON: If you get judgment.

Mr. BENNETT: It does not lay it down as judgment; perhaps my hon. friend desires to put it that way. What I say is this: The principle upon which we proceed is the same as that which obtains in the statutes of

[Mr. Ralston.]

Canada—that when a claim is reduced to judgment, however small or however large, it is payable out of the consolidated fund regardless of estimates or parliament or anything else. And the general principle thus asserted from time immemorial in this country in our statute law is finding expression here. I do not care to undertake to limit the time within which payment for obligations created prior to the first of May shall be made, but in order that the house may be informed what the obligations are, we provide that the orders in council shall forthwith be laid upon the table of the house.

Mr. RALSTON: The principle upon which I ask my right hon. friend to proceed is this: that the time within which payment must be made shall be limited and therefore, in order to carry out that obligation to limit the time he would have to limit his obligations made before the first of May, so that he would undertake no obligations which would be payable after the time to be prescribed by the statute. That is what I want my right hon. friend to do, and I am suggesting it for his own protection as well as for the protection of parliament and of the country. The Prime Minister is saying that the obligations must be made before the first of May, but they may be payable five, ten, fifteen or twenty years from now, under the statute. That is what I am endeavouring to get him to limit.

Mr. BENNETT: Does anyone think that unemployment relief payable twenty years hence will be of value?

Mr. RALSTON: The Prime Minister knows perfectly well that everything under the sun has been done in the name of unemployment relief. Do not let him take us down that alley, because we have explored it and we have found that this statute is as broad as the Dominion of Canada and as wide as the legislative powers of parliament.

Mr. BENNETT: It was intended to be.

Mr. BRADETTE: The fact that a member of parliament is sent here to represent a constituency implies certain obligations on his part, and I wish to make some remarks with regard to the subject now before the committee, which involves the expenditure of millions of dollars on unemployment relief. I mean the trans-Canada highway. This matter is of national importance and although there have been controversies in certain sections of the province with reference to the routing, I intend to discuss it entirely outside of the realm of politics. Last year I had a resolution dealing with this question and I