

*Family Allowances*

present time he is devoting, I understand, his entire time to the chairmanship or the presidency of the National Liberal Federation. Let us be fair in this matter. Let us not condemn one because he belongs to one political party and not condemn another.

Mr. STIRLING: I wish to make one more attempt to induce the government to meet the contention that if it be not competent for this parliament to pay old age pensions at the age of seventy it cannot be competent for this parliament to pay allowances at the age of ten. [The method by which old age pensions are paid was settled at the time of the passing of the old age pension act. That was preceded by the inquiry of a committee which studied the question, to which was rendered the opinion of the Department of Justice by the mouth of the deputy minister who made it quite clear that in the opinion of the Department of Justice it was not competent for this parliament to enact legislation which would enable old age pensions to be paid by this parliament. The result was that the method adopted in the old age pension act was that the provinces should carry out payment to the pensioners and that this parliament should make a grant toward it.] In the earlier part of the debate on second reading the Minister of Justice dealt with this constitutional question. But perhaps unfortunately for me his remarks have by no means convinced me. He dealt with what the courts did with another measure altogether which came before them, and he endeavoured to draw the parallel between those decisions and this question. To my mind the parallel does not exist. In the course of the debate the Prime Minister referred to it on two occasions. The first time he referred to it as a smoke-screen. I do not know whether the Prime Minister or I is the better judge of whether or not it is a smoke-screen. But I would make this remark, that so long as we are living under so complicated a constitution as the British North America Act, the question of constitutionality is going to arise year after year. It appears to me that it comes with ill grace to say that the opposition of to-day is guided by the desire of putting up a smoke-screen when the stock in trade of the Liberal party when they were in opposition was that pretty nearly everything brought up was unconstitutional. But whether others may consider it a smoke-screen or not, whether that may be the motive of others, I can assure this committee that it is in no sense of raising a smoke-screen that I raise this question. I ask the government to meet the contention

[Mr. Graydon.]

that if it is not possible for parliament to pay a pension at seventy, it cannot be competent for parliament to pay an allowance at ten.

Another word the Prime Minister introduced in connection with this matter is found at page 5653 of *Hansard* for July 28. He said:

The action of this parliament with respect to old age pensions only confirms what I have said about the right of this parliament to do what it pleases in the way of making grants.

And he goes on:

In that case parliament made a grant to the provincial governments.

To me, Mr. Chairman, that remark just does not make sense. The method adopted in respect of old age pensions was that the dominion was ready and willing and anxious to make a grant toward the expenses of old age pensions paid under a scheme of the provinces. That was a view in which my right hon. friend concurred, and I heard him say so several times in this chamber. What he said at one time was quoted by the hon. member for Lake Centre. It was the opinion of the Right Hon. R. B. Bennett, who in a subsequent session asked parliament to increase the grant that should be paid by the dominion to the cost of old age pensions. But the contention to my mind remains, and it is a contention which I ask the government to meet; for if it is not met to my satisfaction I shall have to continue to look upon this as an unworthy and dangerous method of accomplishing that which we all want to accomplish, namely the granting of assistance to underprivileged children, and in a measure which should not be displayed to the people of Canada at the forthcoming election until the question of constitutionality has been settled.

Mr. ST. LAURENT: The hon. member's recollection of what took place in connection with the committee, and the opinion given by the Department of Justice, is hardly in conformity with what I have been able to ascertain. I had a thorough search made and I find that on May 12, 1925, Mr. W. Raymond, as chairman of a committee of this house, wrote the following letter to Stuart Edwards, Esquire, Deputy Minister of Justice, at Ottawa. This is the letter:

Dear Sir:

Yesterday, in the course of the proceedings of our special committee, which is now inquiring into an old age pension system for Canada, the correspondence between the federal government and the government of British Columbia, which has been referred to the committee by parliament, disclosed what the committee believes to be a rather peculiar position on the part of British Columbia.