

the Department of Public Health has been given any powers, or purports to exercise any powers except such as fall within the Dominion field.

Q. Will you read me the clause in the B.N.A. Act which assigns public health to the provinces?—A. Item 7 of Section 92 gives the provinces control over the establishment, maintenance and management of hospitals, asylums, charities, and other institutions in and for the province other than Marine hospitals.

Q. There is very little about public health, there, is there?

Mr. McMILLAN: It is all dealing with public health.

WITNESS: As I understand it—I speak subject to correction, I am just speaking off-hand—my understanding is that the subject of public health is divided as between the Dominion and the provinces in accordance with the distribution of powers. In so far as seamen are concerned, the matter of looking after them may come within our jurisdiction, but if any particular individual in a province is not under Dominion jurisdiction because of his coming within one of the subjects in 91, then he must be subject to provincial jurisdiction. Property and civil rights, and the hospitals and charities, and all those things are local in the provinces. If some disease broke out in a province which was threatening, the Dominion as a whole, and a national emergency arose, we would contend that the Dominion could step in and take means to control that. Each case would have to be dealt with upon its own footing.

*By Mr. Woodsworth:*

Q. My understanding is—and you can correct me if I am wrong—that at one time it was the plan that the Dominion authorities would assume control of her public health on quite a large scale, and it was a mere political accident almost that that was not carried out.

Mr. McMILLAN: Was that since Confederation, or before?

Mr. WOODSWORTH: Yes, since Confederation.

The CHAIRMAN: Since Confederation?

Mr. WOODSWORTH: Yes.

WITNESS: I do know that any attempt on our part to do that would be very bitterly contested, and my own view is that we could not succeed in maintaining our legislation: We would either have to bring it within one of these enumerated subjects, or we would have to bring it within Peace, Order and Good Government.

*By Mr. Woodsworth:*

Q. Would you say that comes within that?—A. Well, I was going on to say that you could not bring it within Peace, Order and Good Government so long as it belongs to any of the enumerated items of Section 92, and by own view is that it is a subject which falls within the general designation of Property and Civil Rights. And, in addition, there are these other subjects that I have mentioned, the maintenance of the hospitals, and so on, and the control of all matters of merely a local or private nature within the province. The mere fact that the man becomes sick in the province does not make that a Dominion matter. If you have a dangerous outbreak of disease which threatens the body politic throughout the Dominion, I would say that we could deal with that matter under Peace, Order and Good Government, because it then ceases to be merely a local matter within the province. It becomes a general matter. Of course, you are aware that we made the most we could out of that matter under the Industrial Disputes case, and the Privy Council held against us. That was in connection with the matter of strikes.

[Mr. W. S. Edwards.]