

*Old Age Security*

provinces, and the opinion of the Department of Justice at that time, looked like hurdles that could not be got over. The provinces in their replies to the queries sent out from Ottawa ranged from lukewarm to cool—in fact, to cold—toward the whole idea.

I will not take the time to read them all, but here is an interesting one. This was a reply under date of November 19, 1924, from the Hon. Mr. Gardiner, who was then the minister of labour and industries in the province of Saskatchewan. Listen to this. I am reading from the *Journals* of the House of Commons of 1925 at page 456:

The government of Saskatchewan is of opinion that an old age pension scheme for Canada can best be adopted by the federal government alone.

That was the young Jimmy Gardiner of November, 1924. I continue:

There would seem to be so much difficulty in the way of providing any scheme that would be suitable to all the nine provinces of Canada as to make it almost impossible, and it will be readily understood that if any number of the provinces were to remain out, it would be almost impossible to adopt any scheme that would not subject those provinces within the arrangement to considerable expense that should rightfully be borne by those outside the scheme.

Listen to this last sentence:

While we are disposed to think that an old age pension scheme should be undertaken, the difficulties in the way of the suggested scheme appear almost, if not entirely, insurmountable.

As a matter of fact that is not the most negative of the replies of the various provincial governments. In addition to that, the committee of 1925 got a ruling from the Department of Justice, which was to the effect that in the view of the Department of Justice the whole question of pensions lay with the provinces, and the federal government could not institute any old age pension plan if it involved the federal government trying to obligate individuals within the provinces to make contributions toward it. That same ruling from the Department of Justice admitted that the federal government could go in for the paying of old age pensions—and the assumption is that they could pay them out of the general tax revenues—but they made it clear at that time that any attempt to obligate individuals to pay directly for old age pensions would be unconstitutional. I do not know that there has ever been a court ruling on the matter. All we have that is stated officially, so far as I know, is this opinion of the Department of Justice, but at any rate it has stayed there ever since. I was thinking when the hon. member for Eglinton (Mr. Fleming) was speaking about the possibility that we might have to call the officials of the Department of Justice before the committee and get their opinion on this, that old

[Mr. Knowles.]

rule of *stare decisis* that we heard so much about last fall might stand in the way of our getting any other ruling than the one given twenty-five years ago.

What I want to say is this. In addition to the opposition of the provinces toward the federal government in 1925 and 1926 going ahead with old age pensions, in addition to the adverse opinion of the Department of Justice, there was a strong and spirited opposition to the measure on the floor of this house from the official opposition, the Conservative party of that day. I hold in my hand some quotations. Here is one from Mr. Bennett—

**Mr. Fleming:** Can't you let him rest in peace?

**Mr. Knowles:** —of March 26, 1926, which will be found at page 1971 of *Hansard*:

The members severally—

Mr. Bennett was referring to the members of the committee of that day.

The members severally were of the opinion that there should be no old age pension legislation by this parliament unless the various provinces had agreed and had arrived at a conclusion with respect to it, and as the correspondence indicated that they were not agreed, and as the minister stated this afternoon there has been no further correspondence, therefore it follows that this parliament should not proceed with this matter at this time, and, Mr. Speaker, I do venture to plead with my friends opposite not to urge the government to proceed with it at this time.

Mr. Stevens also took part in the debate. My time is going by, therefore I will not read all of these quotations.

**Mr. Martin:** Who was the speaker the hon. member just quoted?

**Mr. Knowles:** Mr. Bennett. I started to say that I have a quotation from Mr. Stevens who was here at the time, and who urged that the legislation of 1926 be not proceeded with until, as the hon. member for Mackenzie says, the government had seen the provinces. What did Mr. King say after Mr. Stevens asked him not to proceed with the legislation? On March 26, 1926, as recorded at page 1979 of *Hansard* the following appears:

Mr. Stevens: Therefore would it not be better to have the conference prior to the passing of this legislation?

Mr. Mackenzie King: I think my hon. friend, if he looks into his heart of hearts,—

That is quite a phrase.

—will agree with me when I say that if we are in a position to put before representatives of the provinces a plan which has been drafted and carefully considered, and an act passed by this parliament, and to invite the attention of the provinces to what may be essential in the way of amendment to it or its relation to their own legislation, a measure