

*Old Age Pensions*

Mr. LADNER: But in the case I have given the wife has contributed nothing and the husband has looked after the wife. As a still better example, let us assume that the wife is an invalid, the husband is looking after her, and they are living together in a house. He wishes to leave the house to his wife. My interpretation of that section is that unless somebody has contributed something in money—

Mr. ELLIOTT: Or otherwise.

Mr. LADNER: What would "otherwise" be?

Mr. ELLIOTT: Looking after his household. Surely that would be contributing.

Mr. LADNER: My understanding of that section as a lawyer—

Mr. BROWN: That does not matter.

The CHAIRMAN: Order.

Mr. LADNER: I think the observation of the hon. member for Lisgar is quite correct—it would not matter to him for he would not have understood it. This in my judgment, Mr. Chairman, is a very important section, and if we can avoid doing a palpable injustice to unfortunate people in the future now is the time to do it. I think a proper reading of the section will disclose the fact that if the husband dies owning a house, and leaves it to his wife, and, let us say, she is an invalid, the pension authority takes the home and not the wife.

Mr. MacLEAN (Prince): Perhaps they would prefer to have the house rather than the wife.

Mr. HEENAN: I think, Mr. Chairman, that this is as broad as it could possibly be drafted:

—regularly contributed to the support of the pensioner by the payment of money or otherwise to an extent which, having regard to the means of the person so having contributed, is considered by the pension authority to be reasonable.

Mr. HANSON: Is the minister aware that the words, "money or otherwise" must mean in ordinary judicial construction, "money or something equivalent to money?" The *ejusdem generis* rule will always govern in that case. I leave it to my friend the Solicitor General to say if I am not right.

Mr. CANNON: Mr. Chairman, my hon. friend from Vancouver (Mr. Ladner) is perfectly right when he says that in case a pensioner dies and leaves a dwelling the pension authority has a right to recover out of that dwelling or the value of it whatever has

[Mr. Heenan.]

been paid to the pensioner in excess of what he might have received from other people in money or otherwise. It is very easy for an ingenious mind like that of my hon. friend to make an argument which will appeal to the sympathy of his listeners by describing the unsympathetic action of the government in taking away in such a case the house from the poor widow. I do not blame my hon. friend for giving us that pathetic scene. I have some experience in politics, and I know that on the hustings it always has a good effect. But talking as a lawyer to a lawyer, that is, dealing with this matter according to the strict principles which underlie all our legislation, suppose a man owns a house in the city of Ottawa but fails to pay his taxes, after his death if his widow appeals to the city hall officials and says, "You are not going to take away that house from me?", what answer is she going to receive? When we pass a law imposing certain taxation and providing, in order to protect the rights of the exchequer, for a lien on the property of any defaulting taxpayer, in what position are his children or his widow? Are we to renounce our rights? If this argument of sympathy is to be invoked to cover these cases how are we going to collect our revenue?

Mr. LADNER: Why do you give old age pensions at all then? That is the very basis of this measure—consideration for the impecunious and unfortunate.

Mr. CANNON: This adds strength to my argument. We are dealing now with an exceptional case, a case in which this government and the government of any province through sentiments of humanity provide public moneys in order to relieve a person's poverty. In a word, this is relief legislation. We must not lose sight of that fact. We are not dealing with people possessed of sufficient means to maintain themselves; they do not fall within the compass of this legislation. We are dealing with people for whom this country is doing something out of a spirit of humanity.

Now, when the pensioner dies what will the government or the provincial authorities do according to this bill? They say to the heirs or whoever represents the deceased, "Although the pensioner had a house, and although that house was an asset, and although others who have not real estate but other assets see those assets deducted from their pensions, in this case we allowed the pensioner to remain in his dwelling, but now that he is dead we find he drew a greater pension than he was entitled to according to the law, and unless you prove that you contributed to his upkeep, we are going to reimburse ourselves that extra