

Q. Yes, quite so.—A. We had to do that. In order to do it at all, we had to recognize that it was a provincial matter, and that if we were going to make any contribution we would have to do it by co-operation with the provinces. We could not do it exclusively.

Q. Quite so, but if we managed to do it with regard to the care of old people, is there any particular reason why we could not do it in the same way with regard to some other class of indigent?—A. Well, you see the difference between the Old Age Pension Act and a system of unemployment insurance is that the former is a mere conferring of the benefits; it is not a compulsory thing; it does not impose any obligation on anybody to pay in any money, or make any contribution. It does not impose any burden; it provides a benefit.

Q. Then, if this scheme were made by the Government, would you say it was within our jurisdiction, that is, if all the payments were made by the Government, would you say it was within our jurisdiction?—A. Well, that is a little doubtful. I would think that it comes within the subject, Public Debt and Property; that is, that the Dominion has control over its own money, and that if it wants to make a contribution of any of its money to some purpose which is outside its ordinary function possibly it may do so, and it did do it in the case of the Old Age Pension Act.

Q. Then, supposing that, in this case, the provincial governments instituted a scheme, or fell in with a scheme, as in the Old Age Pensions, by which the employer and the employee of the Government contributed in certain proportions, is there anything to prevent the Dominion Government making a contribution to such a scheme?—A. I would contend not. I do not wish to be misunderstood about this. I am only giving my own opinion. I think that we can make that contribution. As a matter of fact, that question will arise in another aspect; it might arise in the Water Powers reference.

The CHAIRMAN: It is simply a question of Government policy.

WITNESS: I am speaking now about the strict question of law. Of course, a big question of policy is involved, and I would express no opinion about what Parliament ought to do in a matter of policy. That is within its own decision, but Mr. Woodsworth is asking me whether we have legal power to appropriate part of the Consolidated Revenue Fund of Canada.

Mr. NEILL: We have the precedent, have we not, in the case of Technical Education and Roads grants.

WITNESS: Well, they have never been tested in the courts.

*By Mr. Neill:*

Q. They have never been?—A. Not that I know of.

Q. No one is going to contest it as long as we are giving something to some one?—A. Of course, that does not settle the legal question.

*By Mr. Heaps:*

Q. Who is going to settle the legal question?—A. The courts.

Q. Well, is not Parliament above the courts, or are the courts above Parliament?

Miss MACPHAIL: The majesty of the Law is above everything.

WITNESS: I think I completed my general statement.

*By Mr. Woodsworth:*

Q. That is, with regard to unemployment?—A. Yes. The same rule would apply in regard to sickness and invalidity.

Q. We have a Public Health Department, Mr. Edwards. Are the functions in the Public Health Department rigidly limited?—A. Well, I do not think that

[Mr. W. S. Edwards.]