

abled the case ultimately to reach the privy council for decision. It has been so often said that the opinion of the court with respect to the validity of an act is no better than the opinion of the law officers of the crown, but if a concrete case is raised by some person declining to make a contribution and the provisions of the act are brought into force, and the magistrate or court before whom the case is tried decides that the defendant is justified in not paying, the case with all the evidence that may be given as to the surrounding facts will be before the tribunal for adjudication; in other words, a concrete case, and not a number of pages of a statute. It is quite clear that facts must influence law.

Many hon. gentlemen to-night have referred to the question of emergency. It will be recalled what Lord Haldane said with respect to the power of this parliament in dealing with emergencies, that it had powers which under ordinary circumstances it had not at all. The milk case in British Columbia arises out of a definite and distinct case in which the facts would be placed in evidence. One of the factors that I would propose, if I were conducting a case brought under this act, to put in evidence, and which could not be put in evidence otherwise, would be that parliament unanimously voted for the second reading of this bill. That is a fact of great importance in determining its position because it indicates clearly the national character of the legislation. There are other factors to which attention might well be directed and which would be forthcoming under any instructions from the law officers of the crown. I therefore cannot consent to theories being tested by the court. What will be tested will be the concrete operations of this statute.

Amendment (Mr. Mackenzie King) negatived: Yeas, 21; Nays, 56.

Section 48 agreed to.

On the schedules.

First schedule, Part I, agreed to.

On part II—Excepted employments.

Mr. BENNETT: I think we have discussed part II, but if there is any one question to which attention has been directed I shall be glad to see that it stands for consideration.

Mr. VENIOT: I may be a little dull of comprehension, or perhaps it was because of the noise in the chamber that I did not catch the explanation of the Prime Minister

[Mr. Bennett.]

on one point. I should like to know how long has a man coming under this act to pay contributions before he is entitled to any benefits whatever?

Mr. BENNETT: Forty payments in two years.

Mr. VENIOT: And only after the expiration of two years does he become entitled to receive benefits?

Mr. BENNETT: No, after the payment of forty contributions, but he is allowed two years in which to make them.

Mr. VENIOT: Oh yes, I see.

Mr. BENNETT: He might make forty payments in forty-five weeks.

Mr. VENIOT: I understand.

Mr. HEAPS: In a certain part of the bill it is provided that a man has to be out of work nine days before he is entitled to benefits. Is that nine consecutive days or nine working days?

Mr. BENNETT: I think I explained that it was nine working days.

Mr. HEAPS: I do not think the bill says anything more than nine days.

Mr. BENNETT: It defines that. That section with respect to three days and three days stands. I shall come back to that when we get through with the schedules and also to one other section on which a question was raised by the hon. member for Swift Current.

Mr. MORAND: May I ask what constitutes a full week's work for the purpose of contributions?

Mr. BENNETT: That is the section to which I referred the other day in answer to the hon. member for North Winnipeg and which I am going to discuss at some length because there might be some ambiguity with respect to working three days and missing three. I promised that that ambiguity would be entirely removed from the bill.

Mr. HANBURY: I wish again to call the Prime Minister's attention to representations that have been made by myself and many other members of the house with respect to employees in banking, insurance and similar classifications.

Mr. BENNETT: What similar classifications?

Mr. HANBURY: I have representations with respect to the building and construction