

*Unemployment Insurance*

friend, because he has this morning been able to place the contents of the letters on the record of the day's proceedings.

Mr. HANSON (York-Sunbury): It would have been very much better if I had been furnished with the letters for the purpose I had in mind originally. I acquit the Prime Minister personally of delaying the thing, but I do not acquit the Department of the Secretary of State.

Mr. CASGRAIN: What complaint does my hon. friend make against my department?

Mr. MACKENZIE KING: I am quite sure the delay was wholly unintentional and not inspired by any wish to embarrass my hon. friend.

With regard to the matter of proceeding with this legislation, as my hon. friend says it is quite true that the evidence was not complete until late last night, and was not available in final printed form until this morning. But the essential parts of the evidence have all appeared in the press during the last couple of days, and I imagine my hon. friend has read the press reports, as I have read them, and I have no doubt he is already familiar with them. So I do not think he or others will be embarrassed if we proceed with the measure to-day. I believe it is the desire of all hon. members to see this bill pass this house as soon as may be possible, among other reasons that we are told it is likely to meet with a long delay in another chamber. That expectation was my sole reason for calling this order this morning ahead of some of the other bills that appear on the order paper. I did so in order that the unemployment insurance bill might get over to the other house and leave no excuse for saying that the bill had not arrived there until every other measure had been disposed of in this house.

Now let me come to the correspondence my hon. friend has just read. To understand that correspondence, one has to recall the circumstances concerning the appointment of Mr. Harrington and the commission. As hon. members will recall, when my hon. friend's predecessor, Mr. Bennett, introduced in this house the measure called the employment and social insurance bill, it was just prior to the general elections of 1935. The Liberal opposition of the day took the position very strongly that the legislation was unconstitutional, and that no one knew that better than the Prime Minister of the day himself who was introducing it. We pointed out that there was a special clause in the Supreme Court Act which gave the government the right to refer to the supreme court for an opinion as to its intra or ultra vires any bill that might be

[Mr. Mackenzie King.]

presented to parliament. This enactment was made for the very purpose of avoiding the embarrassment that might arise if a bill were enacted and later found to be unconstitutional. We asked the then Prime Minister to submit his bill to the supreme court. He had every reason to believe, as we pointed out, that an opinion could have been obtained within a day or two, so that a reference would not have unduly delayed the passage of the legislation before the end of that session had it been made and the bill declared to come within the competence of this parliament.

Mr. HANSON (York-Sunbury): The Prime Minister is optimistic when he says a day or two. I never heard of that being done.

Mr. MACKENZIE KING: No; that is quite true. At any rate Mr. Bennett would not agree to submit the bill for an opinion. He would not take any chance one way or the other, but persisted in having it passed. More than that, after parliament itself had been dissolved, he then undertook to set up the commission, of which he appointed Mr. Harrington the chairman, or chief commissioner, and this commission began to appoint a number of officials and to send out forms for one purpose and another.

The whole business to my mind, if I may be permitted to use the expression, was a pure election bluff, nothing more or less. It was an effort to have the people of Canada believe that the Conservative party of that day were determined to place a measure of unemployment insurance on the statute books; and that they were giving evidence of the good faith of their belief in its constitutionality by appointing the commission, appointing a staff, starting a lot of machinery to work at great cost to the country—and all this during the period of an election.

During that election campaign I took the position, which was also taken by the members of my party, that the enactment was ultra vires and the steps being taken to set up the commission a waste of public money; that in reality there was no authority to appoint the commission because there was every reason to believe that the act was unconstitutional. We stated that as soon as we were returned to power, if we were returned, we would ignore all that Mr. Bennett had done until the legislation was referred to the supreme court. We promised to take the first available opportunity to see that this legislation was so referred. We stated that if the supreme court decided that the measure was ultra vires, as we believed it would, we would then immediately seek to enter into correspondence with the several provinces of Canada to see if we could not—with their consent, instead of by the method