

been submitted to the Supreme Court of Canada on a reference by the government, and the act has been declared to be *intra vires* of the parliament of Canada.

My reason for submitting the amendment is this: While the Prime Minister has intimated that in his own mind he is quite confident the measure is *intra vires* of this parliament, nevertheless he has come to that opinion only within the last few months. I believe I am right when I state that for years past he has held a different opinion. It is not surprising therefore if many of us are in grave doubt as to the competence of parliament's jurisdiction in the matter, and if we have doubts people throughout the country will have equal doubts. A few days ago when I asked the Prime Minister if he had obtained an opinion from the supreme court he replied that he felt the supreme court did not wish to give an opinion on a matter which was not concretely before it. The position now is that in the course of a day or two this bill will have passed the House of Commons and will be sent to the Senate where quite possibly it may be quickly passed. The Prime Minister intimated he thought the lion was out of the path so far as the Senate was concerned.

Mr. BENNETT: I said it was in my right hon. friend's time; I cannot say as to now.

Mr. MACKENZIE KING: I feel the right hon. gentleman knows he has no lions over there which will be in the way. Quite probably the measure will pass quickly through the Senate. In these circumstances I submit the Prime Minister would find it possible to obtain thereafter immediate assent to the measure, after which it could be immediately sent to the supreme court and the opinion of that body obtained even before the prorogation or dissolution of parliament. If I thought the suggested amendment would occasion any delay in bringing the legislation into effect, in the event of its being *intra vires*, I would not suggest the amendment. I am convinced however that my suggestion should not occasion any delay, and I do believe, assuming the legislation to be *intra vires*, very serious prejudice of its provisions would be thereby prevented. Unquestionably in the minds of the people throughout the country when the measure is assented to there will remain a grave doubt as to its validity. The provinces will have doubts, employers and employees will have doubts, and when my right hon. friend proceeds to provide the necessary machinery a critical situation may arise. He said the number of employees would exceed 4,000—

Mr. BENNETT: No, I said I did not know.

Mr. MACKENZIE KING: I thought 4,000 was his estimate. I put it at between 5,000 and 10,000.

Mr. BENNETT: That was the estimate of the hon. member for Vancouver-Burrard.

Mr. MACKENZIE KING: I think it is generally conceded that sooner or later this measure will come before the courts for a decision respecting its validity. Should it be declared *ultra vires*, and the machinery meanwhile were set up with appointments of four or five thousand people made, and all were on a sudden to find themselves without a position, the results would be to say the least unfortunate. It would have, too, a bad effect upon the beneficiaries, the people paying into the fund, and upon the position of industry generally. In these unsettled times, if any further note of uncertainty is thrown into the situation existing between employers and employees, and if any further difficulty is added by way of ascertaining where they stand and what will be expected of them by way of additional taxation and additional burdens to the industries with which they are connected, the situation will be made very serious indeed. It is to avoid the possibility of anything of that nature that I offer the amendment in the hope that my right hon. friend will see his way clear to accept it.

Mr. BENNETT: Mr. Chairman, I am sorry I cannot accept the amendment. Section 48 is drawn in its present terms to meet in part the situation to which the right hon. gentleman has directed attention. The commission is to be appointed and the act will at once go into operation. But no contributions shall be levied on either the employees, the employers or the state until such time as the commission concludes that it is desirable to bring part III of the act into force. After listening to the debate which has taken place in the house and in committee I should think it would be extremely difficult for anyone to suggest that this measure would be within the legislative jurisdiction of any of the provinces. If it is *ultra vires* of a province it must be *intra vires* of the dominion, without going any further into the matter. So far as making a reference to the court is concerned, I believe that is highly objectionable. In the Scott act case, so called, the act went into force, and there was a prosecution before a police magistrate of a man named Russell in the city of Fredericton which en-