

an opinion from the law officers of the crown or from the Supreme Court of Canada which will be a sufficient guarantee to this house to proceed with these measures as being without question within its jurisdiction.

I want to make it perfectly clear that I do not feel that a matter of jurisdiction should be allowed in the last analysis to stand in the way of anything in the nature of a national reform that may be generally recognized as necessary and urgent. If it be found that jurisdiction does interfere, that it is an obstacle, then I think the proper step should be taken to see that the British North America Act is so amended as to make possible the enactment of such legislation. In taking any step of this kind I think we should remember that perhaps the most serious subject with which parliament at any time can be called upon to deal is one which raises a question of the relationship between this dominion and the provinces, and in all such matters we must consider very carefully the views the provinces may hold in regard to what are their rights and the views which this dominion may hold in regard to what are its rights. For my part I believe that through conference and good-will it will be possible to obtain by reason and consent—though not by coercion—whatever is needed by way of amendment to the British North America Act. But I do say that any effort to secure social reform by means of coercion of one or more of the provinces by the dominion, rather than by an endeavour to secure the consent of all, is going to make the situation in this country much more difficult than anything we have thus far faced. It is a situation that cannot be watched too carefully at the present time. I do not mean that with respect to all matters the consent of all the provinces should be necessary to any amendment. That has never been the case. A reasonable formula can I believe be worked out as a result of a conference between the provinces and this dominion which will serve to meet the situations that are likely to arise, but such a conference would have to be one worthy of the great objective being sought; not any two-day affair.

I make this statement now for this reason, that the Prime Minister to-day gave us an earnest of his desire to proceed rapidly with these measures by moving forward one stage, a resolution with regard to a bill on employment and social insurance which stands on the order paper in his name. The resolution moved by the Prime Minister this afternoon was as follows:

That to-morrow the house take into consideration the following resolution:

[Mr. Mackenzie King.]

That it is expedient to introduce a bill to establish an employment and social insurance commission; to provide for a national employment service; for insurance against unemployment; for aid to unemployed persons, and for other forms of social insurance and security, and for purposes related thereto; and to provide for such contributions as may be necessary to carry into effect the proposed legislation.

The reason I have asked the Prime Minister to state as soon as he can to this house on what authority he is proceeding with these measures is that I find that in the past both he himself and his ministers have taken the view that this parliament is not competent to deal with many of the matters that are mentioned in his resolution. Now I am not making that contention. I am not setting forth any attitude other than what the government itself has taken in stating its position from time to time. Sir Henry Drayton, when the old age pensions bill was under consideration—he was one of the Conservative leaders in the House of Commons at the time and had been Minister of Finance—said on March 26, 1926, as will be found at page 1943 of Hansard:

Simply this: if you make the scheme contributory you enter at once upon the domain of property and civil rights, and that is absolutely in the hands of the provinces.

He was referring to the contributory feature, which is a feature the Prime Minister has in his resolution, where it speaks of providing for such contributions as may be necessary to carry into effect the proposed legislation.

Sir Henry Drayton went on:

The whole thing is provincial, and my hon. friend's point is well taken. No contributory scheme, no insurance nor anything of that kind could be worked out through the agency of the dominion. It must be left to the provinces.

I am not giving that as my opinion, but as the opinion of one who was a Conservative minister of finance in his day.

Let me give the Prime Minister's own statement on these matters. This is very important, I think. The present Prime Minister, speaking in this house on March 26, 1926, said, at page 1970 of Hansard:

In the first place, it is quite clear, although it has never been exactly determined, that the provinces have perhaps sole jurisdiction with respect to the granting of old age pensions, and secondly, that this parliament has power by the grant of money to supplement the action of the provinces in that regard.

Later on in the same debate the present Prime Minister said:

Faulty legislation placed upon the statute books the effect of which is to bring about chaos is very much to be deprecated. Anyone who has followed the course of legislation in any country, especially legislation of this char-