

sent of the Senate and House of Commons of Canada, enacts as follows:—

Then follows the statute. I want to know if there is any firmer basis upon which the dominion could assume to act than the fulfilment of a treaty obligation. I find in that, Mr. Speaker—

Mr. ROGERS: It was rejected by the court, completely.

Mr. STEWART: —an attempt to put this act upon grounds that, had it been maintained by the privy council, would have placed the jurisdiction of this parliament beyond question. That was the objective.

Mr. ROGERS: It was rejected by the court, completely.

Mr. STEWART: Quite so. Not “completely”; a divided court.

Mr. ROGERS: On that point, rejected by the court.

Mr. STEWART: Oh, yes, it was rejected. But I say there was the attempt not to play politics and to place the jurisdiction of this parliament upon what looked to be a firm, sound basis, beyond question, where there would be no controversy between the provinces and the dominion in this field. The minister says that it was an attempt to play politics with the matter. Let me remind him of the action of the opposition of that day. Why, they criticized the act on the same ground that the minister is taking tonight, the one of jurisdiction, and questioned its validity. The present Minister of Justice (Mr. Lapointe) took that position; and although they professed to believe that the act was not sound, that it could not be maintained, each and every one of them voted for that act—for political expediency.

Mr. ROGERS: They supported the principle.

Mr. STEWART: Was that action based on the “shifting, sinking sands of political expediency”? Why did they not take their courage in their hands and oppose that act?

The act went to the courts. It was declared invalid. Nothing has been done since except to communicate with the provinces and to ask for an approval of an amendment to the British North America Act.

Mr. ROGERS: What would my hon. friend have done?

Mr. STEWART: Under the circumstances I think I would have devised some scheme of unemployment insurance along the lines suggested here, giving the provinces the option of taking advantage of it. It would be better

than doing nothing, which this government has been guilty of. Nothing has been done. This has been an effective way of getting delay and setting up the opposition or lack of co-operation of the provinces as an excuse for inaction. Let us see the position of Mr. Duplessis. He has been pictured as one opposing the adoption of some scheme of unemployment insurance. I have here a copy of his letter dated December 30, 1937, addressed to the Prime Minister of Canada. It reads:

My dear Premier:

Your answer to my letter dated November 22nd was handed to me on the day of your departure for your recent holidays and I preferred to await your return before replying.

In your second letter, you repeat the views you expressed in your first one, adding that you are convinced that enabling or concurring legislation would be uncertain and unstable.

Old age pensions—one of the many similar instances—which you enacted and enforced and which was approved and amended by your successors in office, a few years later, is based on enabling legislation.

Moreover, as stated previously, there are also other ways of realizing unemployment insurance which would safeguard provincial autonomy. If enabling legislation, as you declare, is uncertain and unstable, what do you think of the stability and certainty of a federal legislation on unemployment insurance which could essentially be changed or modified, every year, by the federal parliament?

The government of the province of Quebec considers that the best elements of stability and certainty are within the British North America Act and that it is much safer to preserve the stability of the constitution.

In conclusion, again I state that the province of Quebec is willing to cooperate heartily in the establishment of a sound and fair system of unemployment insurance, which could be established on a national scope, without infringing upon the rights and autonomy of the provinces.

There, I submit, is an offer for cooperation on a basis that could be worked out just the same as old age pensions. The minister says it would mean additional expense and overlapping if that system were adopted. Perhaps it might, but it seems to me that it is better than doing nothing at all, and that we could work out a scheme if the government really desired it.

The government say they have a draft bill. I think they have a pretty good draft bill in the one that was submitted to the court. That contains the skeleton and it was worked out with great care. A basis for action is found there, and I do urge the government, in view of their pledges and promises, and the fact that it is a plank in their platform, that they take some action to show that they are in earnest, that they really want to do something about unemployment insurance in Canada, and that they are not really just taking