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## DOCUMENT 4

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**Documents on the Constitutional amendment, 1951 (pensions for the aged and the blind): An Act to improve pensions for the aged and the blind (Assented to March 7, 1951), a letter from Maurice Duplessis, Prime Minister of Québec, April 18, 1951 and a telegram from the federal Minister of Justice, Stuart S. Garson, May 4, 1951 (correspondence taken from the Debates of the House of Commons).**



CHAPITRE 9

CHAPTER 9

Loi pour améliorer les pensions des vieillards et des aveugles

An Act to improve pensions for the aged and the blind

[Sanctionnée le 7 mars 1951]

[Assented to, the 7th of March, 1951]

**S**A MAJESTÉ, de l'avis et du consentement du Conseil législatif et de l'Assemblée législative de Québec, décrète ce qui suit:

**H**IS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Ententes  
autori-  
sées.

**1.** Afin d'assurer des pensions justes et raisonnables aux vieillards et aux aveugles de la province et d'en faire bénéficier, quant aux vieillards, les personnes âgées de soixante-et-cinq ans ou plus, le gouvernement est autorisé à conclure avec le gouvernement du Canada toute entente qui sera conforme aux droits et aux meilleurs intérêts de la province et qui facilitera, à ce sujet, la coopération entre les autorités fédérales et les autorités provinciales de Québec.

**1.** In order to ensure fair and adequate pensions for the aged and the blind of the Province, and, as regards the aged, to enable persons sixty-five years of age or older to benefit thereby, the Government is authorized to make with the Government of Canada any agreement which is consistent with the rights and best interests of the Province and which facilitates co-operation in that respect between the federal authorities and the Quebec provincial authorities.

Consente-  
ment à  
amende-  
ment.

**2.** En ce qui concerne seulement l'établissement et le paiement de ces pensions, le gouvernement de la province est autorisé à consentir à un amendement constitutionnel bien défini qui permettra et facilitera l'établissement et le paiement de ces pensions sur des bases justes et en coopération avec les autorités fédérales.

**2.** With respect solely to the establishment and payment of such pensions, the Government of the Province is authorized to consent to a well-defined constitutional amendment which will permit and facilitate the establishment and payment of such pensions on a fair basis and in co-operation with the Federal authorities.

Dépôt.

**3.** Une copie de tout arrêté en conseil adopté en vertu de la présente loi sera déposée en Chambre, dès son adoption, si la Législature est alors en session, sinon, dans les quinze premiers jours de la prochaine session.

**3.** A copy of every order in council made under this act shall be deposited in the House, upon its adoption if the Legislature is then in session, if not, within the first fifteen days of the next session.

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| Dépenses.                    | <b>4.</b> Les dépenses occasionnées au gouvernement de la province par l'exécution de toute entente conclue en vertu de la présente loi seront payées à même le fonds consolidé du revenu. | <b>4.</b> The expenses incurred by the Government of the Province for the carrying out of any agreement entered into under this act shall be paid out of the consolidated revenue fund. | <small>Gov-Expenses.</small>                    |
| Entrée en vigueur.<br>Durée. | <b>5.</b> La présente loi entrera en vigueur le jour de sa sanction mais ne demeurera en force que pendant une période de douze mois après sa sanction.                                    | <b>5.</b> This act shall come into force on the day of its sanction but shall remain in effect only for a period of twelve months after its sanction.                                   | <small>Coming into force.<br/>Duration.</small> |

QUÉBEC'S POSITIONS ON CONSTITUTIONAL  
AND INTERGOVERNMENTAL ISSUES

FROM 1936 TO MARCH 2001

PROVINCE OF QUEBEC

Prime Minister's Office

Quebec, April 18, 1951

Honourable Stuart Garson, K.C., P.C.,  
Minister of Justice,  
Ottawa.

Dear Mr. Garson:

On April 9th last, I received your letter dated April 3rd, in reply to mine of March 11th, in connection with old age pensions and with the proposed amendment concerning an indirect provincial tax. Thank you for sending me the copies of the letters you mention and which my colleagues and I have read and considered with the greatest interest.

This morning, at the meeting of the council of ministers, we have again considered these important problems.

This afternoon, I received your letter dated April 16, together with copies of the letter dated April 10 which you received from Hon. Mr. McNair and of your reply of April 16. I am much obliged to you for this courtesy.

On several occasions, among others during the federal-provincial conference held in Ottawa last December, and in my letter to you of March 11 last, we have clearly stated the attitude of the province of Quebec.

We are still in favour of an old age pensions system, which would be fair and appropriate and would apply from 65 years of age and over. We believe such a system should be established as soon as possible.

In our opinion, it would seem appropriate and even necessary to consider as two separate matters the problem concerning old age pensions and the problem concerning the new tax which is proposed. I am happy to hear, from your letter which I have received this afternoon, that the federal authorities are willing to dissociate these two problems and to consider them separately. I wish to thank the federal authorities for I am convinced that, in the circumstances, such a step is imperative.

We consider that the proposed indirect provincial sales tax does not meet the situation and would complicate rather than assist in the settlement of the important problem of old age pensions. Such a result should be avoided.

Serious doubts exist as to the timeliness of this new tax and we feel that clearness and precision are always desirable in constitutional matters.

We still favour the establishment of an old age pension for persons 65 years of age and over, and we are willing to accept a clear and precise constitutional amendment giving the federal government a power it does not possess presently, that is to make laws in this matter, without however infringing upon provincial rights.

The latest amendment suggested by you reads as follows:

"Old Age Pensions

95A It is hereby declared that the parliament of Canada may make laws in relation to old age pensions in Canada, but no law made by the parliament of Canada in relation to old age pensions shall affect the operation of any law in relation to old age pensions within any province made by the provincial legislature of such province."

As I mentioned in my letter to you dated March 11 last, we would prefer that the age be mentioned in the amendment, but if this condition tends to delay the coming into force of old age pensions for persons aged 65 years and over, we will not press the point. However, we deem it necessary and fair to indicate fully that the new rights granted the federal government in this matter of old age pensions must in no way diminish provincial rights.

Consequently, to our mind, an essential amendment is called for. The words "... made by the provincial legislature of such province" refer to the past and the present but they take no account of the future. The wording should be: "... made or to be made by the provincial legislature of such province".

Furthermore, do you not think it would be fair and appropriate that the address voted by the federal parliament to be forwarded to the parliament at Westminster should be drafted both in French and in English to mark fully, once more, the bilingual character of our nation? This wish seems to us a legitimate one.

With kindest regards, I beg to remain,

Yours truly,

(Sgd.) M. L. Duplessis

CANADIAN NATIONAL TELEGRAPHS

Ottawa, May 4, 1951

The Hon. Maurice Duplessis, K.C.,  
Premier of Quebec,  
Legislative Bldg.

Having received this morning the last concurrence of a provincial government to reach me that the wording of the new section 94A to be added to the British North America Act to empower the federal parliament to make laws in relation to old age pensions in Canada should be as follows:

"Old Age Pensions

94A. It is hereby declared that the parliament of Canada may from time to time make laws in relation to old age pensions in Canada but no law made by the parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a provincial legislature in relation to old age pensions."

I now hasten to confirm the tentative agreement upon this wording which I reached with you in our telephone conversation of May 1 last. Now that we have secured the concurrence of all the provincial premiers to this wording we are proceeding without delay with the introduction in the House of Commons of a joint address to be approved by that body and the Senate of Canada requesting the parliament at Westminster to amend the British North America Act by adding to it a new section 94A in the terms above noted. For the purpose of the record might I ask you at your earliest possible convenience to send me a telegram confirming your approval of the wording of this constitutional amendment.

Stuart S. Garson