

Correspondence on Surcharges

subject matter of the documents or any government policy behind them, they are in order. That is all to which I was limiting the hon. member.

Mr. Pickersgill: I might point out to Your Honour that I was reading from *Hansard* words of the Prime Minister when Your Honour interrupted me.

Mr. Speaker: That was on a different point.

Mr. Pickersgill: I submit to Your Honour with respect—and I was following the hon. gentleman—that what he is reading about is not the law officers at all. It has nothing to do with this motion. It is about the opinions of Mr. Rasminsky and other civil servants who were being attacked by the present Prime Minister. It has nothing whatever to do with this motion. I submit to Your Honour that the hon. member should be asked to stick strictly to the motion in the same way as we on this side of the house are asked to stick to it.

Mr. Speaker: On this point may I say this. If the hon. member is dealing with a matter which is strictly germane, he is in order. We must recognize that in this motion the rules of relevancy are very narrow. I would suggest to all hon. members that, when they are giving citations and making references, they should limit themselves to the matter of legal opinions.

Mr. Smith (Simcoe North): All I was trying to do, Mr. Speaker, was to complete a very incomplete citation by the hon. member for Essex East (Mr. Martin) last week. I would suggest that the summing up of the hon. member for Bonavista-Twillingate (Mr. Pickersgill) of this debate on the foreign exchange conservation act of 1947 is also incomplete, as the whole debate there is intertwined. Sometimes they are talking about the production of a legal opinion and sometimes they are talking about Mr. Rasminsky's opinion, and it is impossible for anyone to say whether or not at an exact moment in the debate they are dealing with the general principles as to the production of the opinions of civil servants or that they are talking now about Mr. Rasminsky or now about the deputy attorney general. However, I was very near the end of my remarks.

Mr. Pickersgill: It was Mr. Rasminsky whom the Prime Minister attacked.

Mr. Speaker: Order. I must caution hon. members that they are not permitted to conduct a debate from their seats. They all know the rules which are quite clear on this matter. On other occasions they appreciate the co-operation of the house in allowing them to make their own speeches.

Mr. Smith (Simcoe North): The hon. member for Bonavista-Twillingate seems to be much more interested in stringing out my remarks than I am myself. I was coming very close to the end of them and was trying to answer a question. If I may be permitted to do so, I should like to complete the quotation from Mr. M. J. Coldwell at page 351 of *Hansard* of 1948.

Mr. Speaker: I trust it will be germane to the point.

Mr. Smith (Simcoe North): It is a very short quotation and I feel that it is germane. There are only two more sentences and I think they prove their germaneness. They are as follows:

Both hon. gentlemen quite properly warned the house that this should not be done because the men so attacked are not responsible for government policy. Their advice would be tendered to any government, and the government itself—

Mr. Speaker: Order. The hon. member's time has expired. I recognize the hon. member for Greenwood.

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I was quite flustered by what seemed to be a tribute when I rose to my feet, but I recognize that it was a tribute to my friend the hon. member for Simcoe North.

Although I am a lawyer I must admit to being quite impatient with the legalistic arguments which have been presented to this house by some of my fellow lawyers. It seems to me that this issue before the house for the production of documents is one which concerns us as members of parliament and is a constitutional issue of some real importance. I have a few minutes only in which to do it but I urge the government to reconsider its decision on this matter and to make available to this house the legal opinions on which it relied to impose the surcharges. This would at least be a gesture of respect for this parliament and one which, I suggest, is badly needed.

I listened with interest two weeks ago to the Minister of Justice when he brought before this house a series of precedents, most of them about 100 years old, for the refusal to produce the opinions of the law officers of the crown. These precedents were no worse for being 100 years old, but all they do is justify the minister in claiming that, as a general rule, such things being of a confidential nature do not have to be produced. I suggest they do not apply in a special case such as we have here. They do not apply where we have an extraordinary situation quite outside the ordinary rule.

We have here, Mr. Speaker, a serious challenge by responsible and experienced members of this house of the legality of