

Supply—Privy Council

even if there is some obscure justification for this procedure it is still very bad indeed constitutionally.

If the government at the beginning of the session last October had come in and introduced a bill to provide salaries under the Salaries Act for two ministers without portfolio, there might have been a few days' debate about the matter and some question might have been raised as to whether this unprecedented increase in the number of cabinet ministers was really justified. I also think some of us from the province of Newfoundland would perhaps have wondered why the minister from that province should not have a portfolio, something which I think he should have and which I think he is well qualified to hold. I do not think there is much doubt that if that had been done the government would have been successful in getting parliamentary approval for such an amendment to the Salaries Act which would have made this whole procedure regular both then and in the future.

But it seems to me that, in the first place, it was an extraordinary thing. As he always does, the Minister of Finance, when he spoke on October 16, made a great deal of how he was not hiding anything, of how everything was being brought out into the open and all our rights were being safeguarded. I should like to draw attention to two references. One is to be found at pages 65 and 66 of *Hansard*. I have the unrevised edition but I imagine that the pages are the same in both editions. The Minister of Finance said:

We intend to be jealous to preserve the rights of the house with respect to the control of public expenditure. I assure the committee that it is not, by the measure to be introduced today, being asked to give final and complete approval to any item.

I stress that language:

—is not . . . being asked to give final and complete approval to any item.

He continued:

In this respect I would remind the committee that there were a few items which were finally approved by the old parliament.

That is not of significance. He continued:

Those, of course, are law today and they will not be reopened. But with respect to all the other items the house is not being asked to give final approval to the total amount involved in any item—

I do not think I need go beyond that; I would just be trespassing on the time of the committee. Then as found on page 84 of *Hansard*, when he was replying to something that had been said by Mr. Sinclair, he said:

I simply make this observation in passing, that no item is being passed finally today. If the measure the government has introduced passes there is no final decision on any item.

Hence by no stretch of the imagination can it be argued that any parliamentary approval was given to this practice except in the very limited sense that in the former parliament there were repeated supply bills the financial provisions of which all expired on January 31. As I say, I do not make too much of that matter. What I really think is objectionable is this: first, the use of governor general's warrants, of payment by order in council; second, the gentlemen being candidates when they were receiving emoluments under the crown; and third, becoming members of parliament when they were receiving emoluments under the crown which do not appear to be founded in law.

At one o'clock the committee took recess.

AFTER RECESS

The committee resumed at 2.30 p.m.

Mr. Diefenbaker: Mr. Chairman, the hon. member for Bonavista-Twillingate has raised an interesting argument, though he did not do so with the certainty which ordinarily characterizes his speeches. As I listened to him I was reminded of the prime minister in respect of whom he is about to write a biography, a prime minister he served so faithfully and well for so long and who upon occasion raised these constitutional arguments, once with tremendous success, namely at the time of the Byng incident.

It was interesting to follow the hon. member as he surrounded his statements with an aura of disclaimers and qualifiers. He loaded his argument with escape clauses, but he was not quite as certain of the stand he took as he would lead us to believe. Indeed, he was in the position of having himself belonged to a government which approved a similar provision to that contained in item 308, and this necessitated a rather apologetic attitude when he raised this constitutional issue.

I will have to go back quite a long way because the hon. member has invariably spoken in the highest terms of the legal capacity and attainments of Mr. St. Laurent, in which respect I agree with him. I have here the estimates for the fiscal year ending March 31, 1956, and have particular reference to item 199 thereof. Hon. members will have noted that one of his arguments was that the item in question today, item 308, is wrong in principle. It reads—

Mr. Pickersgill: I might save the Prime Minister a lot of time by saying that I attach no great importance to that argument.

Mr. Diefenbaker: I am glad to hear that.