

of the Civil Service Act. I find in the Bill before us the following item:

Library of Parliament.

To provide for the salary of Napoleon Aubry, housekeeper, from January 12, 1916, to March 31, 1917, at \$900 per annum—\$1,100.

Allowance to housekeeper in lieu of quarters, from January 12, 1916, to March 31, 1917, at \$300 per annum—\$366.67.

We will not amend that; we have no right to amend it. Far larger interests than this have imposed upon us the duty of accepting the Estimates as given; but, though I accept them, I think it my duty to protest against this way of solving a difficulty. I should have thought that, if I was in the way at that time, my removal from office, which was voluntary on my part, would have placed the Government in a position to obtain the recommendation from my successor. He might not take the same view of the law that I took. Under the circumstances I think that an effort should have been made to get the signature of the new President of this Chamber. I do not think the Senate should accept things in this way.

Hon. Mr. DAVID: Does the honourable gentleman contend that the vote of the House of Commons and the vote of the Senate do not cover the illegality?

Hon. Mr. LANDRY: The Parliament is supreme. All we can do is to protest. The majority rules, and in this case the majority in the House of Commons, and I suppose in this House as well, will rule that this salary must be paid.

Hon. Mr. SPROULE: As I understand the Civil Service Act, it contains provision for making an appointment during the time that Parliament is not in session; that is, it can be done by Order in Council. It may be that it requires the consent of the Speakers of the two Houses to make appointments to the Library, antecedent to the passing of the Order in Council; but there might be a time when there would not be two Speakers in existence and when the necessity for an appointment might arise. Therefore I should think that when an Order in Council was passed making such an appointment, and an item put in the Estimates to cover that appointment and voted by Parliament, it would be absolutely legal. I think there is no question whatever about that. There may have been an irregularity in the first instance; but I think that, after the Order in Council was laid upon the Table here and was endorsed

Hon. Mr. LANDRY:

by the House, it was too late to raise the question as to what antecedent requirements were neglected before the Order in Council was passed.

Hon. Mr. LANDRY: I think that the remarks made by my hon. friend, who has been Speaker of the House of Commons, are not in accordance with the law. The law says that during the recess an appointment may be made by Order in Council, but that Order in Council must be submitted to the House in the first days of the ensuing Session and must be approved by the House. As a matter of law, that Order in Council cannot be passed without the joint recommendation of the Speaker of the Commons and the Speaker of this House.

Hon. Mr. SPROULE: I understand that the Order in Council was passed.

Hon. Mr. LANDRY: I say that the Order in Council cannot, as a matter of law, be passed without the recommendation of both Speakers.

Hon. Sir MACKENZIE BOWELL: He is right.

Hon. Mr. LANDRY: And it is because the proceeding was irregular and illegal that we have to-day that item in the Estimates. I will not object to the payment; I do not care about that at all; it is a petty sum; but I want to state my position and to explain why in that instance I was backed up by the Auditor General, who refused to pay, and by the officials of the Library, who refused to accept that man. The man is, as I have told you, over age. What is the use of having a law?

Hon. Mr. SPROULE: I can only say that I must have misunderstood the honourable senator in his first explanation, because I understood him to say that the Order in Council was passed and was submitted to this House, and it was upon the strength of that understanding that I made the observation I did.

Hon. Mr. LANDRY: As I have informed this House, the Order in Council was passed. It was submitted to this House and was approved by this House; but it lacked the signature of the Speaker of this House in both cases—when it was passed by the Council and when it was passed by this House; and it is for that reason that the Auditor General refused to pay the man. The position we are facing to-day is that, not having complied with the law, the Government has put that item of salary in the Estimates as a special vote. By doing so it is evading the law.