any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—during the time he is so holding any such office, commission or employment.

Of course there is an exception. The exception is:

—a member of the Queen's privy council for Canada holding the recognized position of first minister, any person holding the office of president of the Queen's privy council for Canada or of Solicitor General, or any member of the Queen's privy council for Canada holding the office of a minister of the crown.

Then, of course, the specified offices are included in the Salaries Act. Of course this proposed provision in the appropriation act would not appear to me to have been necessary if these other provisions had been made.

Then, sir, this would appear to be not only an infringement of the Canada Elections Act, but it would also appear to be an infringement of the independence of parliament for those gentlemen to be sworn as members to sit in this parliament while receiving emoluments which were not provided by statute, and a statute which explicitly stated that they were exempt from the general provision. The general provision is contained in section 10 of the Senate and House of Commons Act, which reads:

(a) no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument, or profit of any kind is attached—

Then some of the exceptions are spelled out, and in section 14 of the Senate and House of Commons Act it is provided also that anyone specially qualified by law to do so may hold such office. It seems to me, sir, that unless there is some statutory provision of which I am not aware—of course there might be, because I do not profess to have the learning of the Prime Minister or of the leader of the house in these matters—the provision by governor general's warrants of emoluments to a candidate for parliament, even though he was sworn of the privy council and perhaps even more so because he was sworn in as a privy councillor, disqualifies him from being a candidate at a general election according to the Canada Elections Act. I think if there might be any faint doubt about that there would not be the least doubt about the disqualification to sit in this parliament which is provided in the Senate and House of Commons Act.

I should like to say, before I continue with this matter, that I am not seeking to unseat the hon. member for Greenwood or the hon. member for St. John's West. I am not seeking to do anything other than point out what a dangerous thing it is to depart from the accepted precedents in these matters. As everyone knows, in King William's time and the early years of Queen Anne's reign this was the accepted way by which the king himself and later on the queen and her ministers could control parliament; that is, appoint as many members as possible to places of profit under the crown. It was in order to ensure the independence of parliament and to ensure that parliament could not be influenced in this fashion that the famous statute of Queen Anne was passed which made it necessary even for a minister of the crown to seek re-election after he had accepted a place of profit if he was already a member of parliament.

It will be recalled that in 1925 Mr. Mackenzie King was defeated in North York and was unable to take his seat. He subsequently got a seat in Prince Albert. He was, of course, the prime minister at that time. Later in that year, when Mr. Meighen accepted the governor general's request to form a government, he vacated his seat and was out of parliament at the time his government was defeated.

Since the amendment that was made at the instance of Mr. Bennett in 1931 it has not been necessary for a member of this house, who has been duly elected, to go back and be re-elected by his constituents after accepting a place of profit provided by law. I do not believe that is the kind of legislation that would likely have been introduced by a Liberal government, but it has not been repealed. It is the law.

Again, I am not seeking to divert the argument from the main point. In my experience, and it goes back now for quite a long time, on every occasion on which there has been any change in the ministry involving the provision of any kind of emolument that has been done by following the proper procedure. It is quite true that members of this house may become ministers without portfolio, and there were many cases in which that happened under previous administrations, but such a minister would not vacate his seat because he received no emolument. It is the receipt of the emolument that is the disqualifying feature.

I am not aware that there was ever any provision made whereby any emolument of this character could be paid unless there was a statutory provision therefor. I admit at once that there was a statutory provision of a very questionable character, and I mean questionable not in law but constitutionally questionable. If there has been any negligence,