

Supply—Privy Council

to his invitation. The Prime Minister would much prefer me to talk about something else than about this matter. Here is the situation, and I am going to use, as nearly as I can, the same terms that I used before lunch. On February 1 and from then until March 31 these gentlemen who had dissolved parliament, who were spending billions of dollars of the taxpayers' money by order in council, also dished out by order in council a further sum for two of their members when there was no statutory basis of any description for such action.

The Prime Minister did not say anything about it, but I also read the passage from the Financial Administration Act justifying governor general's warrants. Under that provision a minister has to certify that the payment is urgently required for the public good. There might have been some difference of opinion whether it was urgently required for the public good that we should have ministers without portfolio at all, but I suggest that is really a matter for parliament. There was no appropriation for payment, and the Prime Minister certainly would not have asked for a governor general's warrant if there had been any. There must be a report from the appropriate minister that the payment is urgently required for the public good.

Well, sir, if the Prime Minister did not think it was urgently required for the public good—he told us earlier today that he thought there was some question about it—to make payments into the national capital fund when parliament was not in session, even though the fund had been in operation for a number of years in a statutory way under the same kind of statute as this, it does not seem to me that there was any kind of excuse under the law for these payments under governor general's warrant to two members of the government.

The Prime Minister has produced an analogy, of course, on which I am not going to waste any time because it is not an analogy at all. The item he dug up in the estimates for 1955-56 has no more relevance to the subject before the house than the phony precedents we had the other day when the hon. member for Ottawa West brought up the question of the F.D.C. employees. I do not accept it at all.

There is perhaps a little argument in the Prime Minister's reference to the provision for parliamentary assistants. I should like to recall to the Prime Minister's mind in that context that when parliamentary assistants were first provided for, Mr. Mackenzie King did not appoint them on the basis of voting one-twelfth of the amount. They were not

appointed until the full estimate had been debated and approved in parliament, and was a statute for one year.

It is quite true that the remuneration was voted from year to year and that there is no continuing statutory provision for parliamentary assistants. I am speaking from memory now, but I think that has always been true. However, I may say that neither Mr. St. Laurent nor Mr. Mackenzie King ever asked parliament to vote sums of money as we were asked to do the other day when we were ineffectual in our attempt to reduce the amount, that could not properly be spent in this field.

What I am saying is that it is the use in the first place of governor general's warrants to pay ministers, with no statutory foundation for it whatsoever, as the Prime Minister admitted was done, that is perhaps the most serious of all the objections I have. Second, I am still of the opinion—and the fact that the Prime Minister skated all around this point makes me more confident than I was right before lunch—that the hon. member for Greenwood and the hon. member for St. John's West were probably—I say "probably" because I do not like to pretend to be certain of things about which I am not certain—in contravention of the Canada Elections Act because they were receiving emoluments from the crown under governor general's warrants at the time they were candidates.

I say "probably", and I welcome the Prime Minister's offer to get an opinion from the law officers of the crown on this point; because while I have no intention and the Prime Minister knows I have no intention of taking this into the courts—I do not really think that argument was quite worthy of the Prime Minister—

Mr. Diefenbaker: Is that not the place?

Mr. Pickersgill: No, that is not the place. Here we are in what the Prime Minister's predecessor as leader of his party used to describe over and over again as the highest court in the land. Personally I know that the parliament of Canada is not a court. The parliament of England is a court but the parliament of Canada, particularly this house, is not a court. The Prime Minister knows that, and I do not think he has ever used the words of his predecessor that the parliament of Canada is the highest court in the land. However, certainly it is the highest assembly in the land and the historic basis of this assembly, the reason its ancestor in Britain was called together in the first place, was the desire of the crown to get funds from the subjects to carry on the government.

[Mr. Pickersgill.]