

*Privilege—Mr. Milliken*

The point is further dealt with in a quote in Bourinot at page 546 and the learned author is quoting Erskine May, the Ninth Edition which was the last edition written by that learned parliamentary jurist. He says the following:

The ancient constitutional doctrine that the redress of grievances is to be considered before the granting of supplies, is now represented by the practice of permitting every description of amendment to be moved on the question for the speaker leaving the chair, before going into the committee of supply or ways and means.

The next citation, Sir, that I rely on is in Beauchesne's Parliamentary Rules and Forms, the Fifth Edition, at page 181, Citation 539 (2) and the citation sets out the relationship, Mr. Speaker, between the sovereign and this House in matters relating to supply. It is very clear, and it says the following:

The sovereign, being the executive power, is charged with the management of all the revenue of the state and with all payments for the public service. The Crown, therefore, acting with the advice of its responsible ministers, makes known to the Commons the pecuniary necessities of the Government; the Commons, in return, grants such aids or supplies as are required to satisfy these demands; and they provide by taxes, and by the appropriation of other sources of the public income, the ways and means to meet the supplies which they have granted. Thus the Crown demands money, the Commons grants it, and the House of Lords assents to the grants: but the Commons do not vote money unless such taxation be necessary for the Public Service, as declared by the Crown through its constitutional advisers.

That is the basic position that has been the law of this country since Confederation. It has been part of the constitutional law of the United Kingdom for over 400 years.

**An Hon. Member:** It is not in the Yellow Pages.

**Mr. Milliken:** The assertions concerning the right of this House to grant supply have been maintained on numerous occasions, and I would like to quote two very distinguished former Members of this House. Hon. Members opposite I am sure will be aware of at least one of these occasions because it was a famous occasion. I would like to quote from the Right Hon. William Lyon McKenzie King and on a particularly famous occasion on June 30, 1926 when he was asking certain questions in this House which caused acute embarrassment to my friends' predecessors. On page 5212 of *Hansard* for June 30, 1926, Mr. King said the following:

I want this information before we vote public money to hon. gentleman who, in our opinion, are not entitled to spend one five-cent piece of the public money. I ask my hon. friend who is now leaving the House whether he has taken any oath of office this year.

Mr. Speaker, that quotation again indicates the ongoing nature of the right of this House to question supply proceedings and, indeed, Sir Henry Drayton who was answering as head of the Government at that time—the Government went down the next day, as you will know—indicated that he had no objection to Mr. King's statement of policy in that regard. It was unquestioned that in fact the House of Commons had the right to withhold or grant supply.

• (1510)

I quote another person, Sir, the Right Honourable John George Diefenbaker, when he was Leader of the Opposition. On October 21, 1963, on a motion that the House go into Committee of Supply which was the equivalent of our current day supply motions, he said at page 3823 of *Hansard* the following:

Mr. Speaker, this is a traditional opportunity that is provided in the House of Commons for the bringing before the House of such matters as are of importance and deserve the consideration of the House. It is historic, it is traditional and it assures a privilege that is part and parcel of parliamentary government. It enables the house to give consideration to those matters which, in the opinion of its membership, have not been dealt with in a proper or expeditious manner. Furthermore, it enables the house, where amendments are moved, to judge the government of the day on the basis of any amendment or subamendment that may be put forward.

I probably do not need to refer to Standing Order 80(1), Mr. Speaker, but I will do so because it is so direct and it points again to the rights of this House in particular on this matter, and it reads as follows:

All aids and supplies granted to the Sovereign by the Parliament of Canada are the sole gift—

I stress the word "gift".

—of the House of Commons, and all bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint in all such bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

In the commentary in the new annotated Standing Orders which Your Honour tabled just yesterday in this House and which I think are excellent, it states the following, and I think it is very important:

Section 1 of Standing Order 80, unchanged from Confederation, asserts the Commons' claim to pre-eminence in financial matters. The text copies a resolution from the United Kingdom passed in 1678—

Over 300 years ago, Sir.

—and is based on section 53 of the Constitution Act, 1867, which states that 'Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons'.