

Supply—Privy Council

act does cover a situation such as this, or whether it is within the actual time limit, but it is for the courts to determine the question of eligibility in this situation. Eligibility cannot be determined on the basis of arguments in the House of Commons, and I suggest to the hon. gentleman that while payments were made in February and March there would be no contravention whatsoever of the Senate and House of Commons Act because during that period they were no longer members and, therefore, any payments which were made would in no way effect their eligibility. They became members following the election of March 31, and after that date, as I said a moment ago, payments were made following the vote of supply.

In February and March there could be no contravention, since those concerned were not members. I say this to the hon. gentleman. On the basis of the experience of the past, certainly the records indicate that a similar course was followed. Where is there any basis whatsoever for statements such as he made in the course of his argument? I think he had been working on this. He said it was underhand. There is nothing much underhand when you set it out in detail giving full particulars. Nothing was concealed. I have never known of underhand conduct where the fact is advertised in full detail in the estimates, as it is on this occasion.

I suggest to the hon. gentleman that he made a very good speech. He loudly vociferously upheld the prerogatives of this parliament. I want them upheld. I was interested in his argument. It is a matter for the law officers of the crown. Now it is a matter, of course, for the courts of the land. If there is any foundation, the hon. gentleman has his recourse.

But, you see, he will not take that course. He says it is wrong. He says he is shocked. His finer sensibilities are acerbated at such conduct, but he says, "Remember, I want the hon. member for Greenwood to remain. I do not want him put out. I do not want the hon. member for St. John's West put out. It is all wrong. Parliament has been travestied. All I want to do is make an argument. I do not want to act, either through the courts or through parliament."

The reason for that attitude and that stand was simply this. The hon. gentleman either knew that the same course was followed in the past by the government of which he was so distinguished a member, or he had forgotten. I care not which of the two stands he takes. If he forgot, I am sure that having had this brought to his attention—and apparently he did not know about it because he wanted it particularized—he will agree he is answered by what he himself did as a

[Mr. Diefenbaker.]

member of the government in the past. I know him well enough to say that.

He is an hon. member whose parliamentary capacity I value highly. His presence here is something which I must say is always most helpful and beneficial in discussions of these intricate matters. That being so and the hon. gentleman now realizing what was done in the past, I am sure he will not press unnecessarily the expression of the viewpoint he voiced this morning; because, after all, he realizes that his argument was a little weak in view of the fact that every paragraph has within it an escape hatch through which he can find his way provided this side of the house should be able to produce the experience of the past as an answer to the practice of the present.

Mr. Pickersgill: Mr. Chairman, I have listened with even more than my usual admiration to the Prime Minister's effort this afternoon. I can easily see, sir, why I can never hope to emulate the Prime Minister because I am one of those simple, plain people who seems to be rooted to the facts and who in pursuing an argument sticks to the argument. It seemed to me that as the Prime Minister moved from one irrelevancy to another, from one diversion to another, he realized he had no argument at all.

I gave the Prime Minister an opportunity when he first started to speak by saying I attached no particular importance to this question of legislating in supply bills. That will be found in *Hansard*. I said there was no doubt that what was done in the last parliament was legal—and this, too, will be found in *Hansard*—and that up until January 31 there was no doubt that these hon. gentlemen were legally paid by a means of legislation, and I apologize for the word, sir, if it is not parliamentary and if it is I will substitute something for it—which I repeat I think was put over us in a rather—underhand fashion. I think the Prime Minister or the Minister of Finance should have drawn particular attention to this item last October. I know that Mr. St. Laurent introduced provisions for salaries for ministers who had never been provided for before on several occasions, and I also know Mr. King did it, but they never did it by bringing in a supplementary estimate and saying nothing about it and throwing on the opposition as the Prime Minister has done in his speech the responsibility to find that out for themselves or, if they could not, to have it overlooked.

I took my share of the blame for overlooking it, but it seems to me the first responsibility of any prime minister, and particularly of one who has made the professions the present Prime Minister has of devotion