on the other side, to give these opinions. They would be restricted in their actions by the knowledge that these opinions and these letters would become the subject matter of a heated and controversial debate inside the House of Commons and that, I submit, would create a very dangerous situation.

This, of course, is what the hon. member for Essex East invites us to do by the terms of his particular motion. This is the main issue, but there are collateral reasons. Quite frequently—and we can think of a dozen different instances—ministers of the crown will seek the opinion of the law officers. It may be on the question of the constitutionality of a statute. It may be as to which of two statutes shall prevail where there appears to be a possible conflict. It may be the legality of a statute or the validity of an order in council, and surely under those circumstances a minister is entitled to ask and receive the opinion of the law officers without its having to be made public.

Mr. Speaker, in giving those opinions I would imagine that the responsible law officers would canvass every aspect. They would give the points for and the points against, the strengths and weaknesses of the various matters submitted to them for discussion. They would canvass all aspects and these would be contained in their opinions.

Assuming there might be those who would later wish to challenge the validity of a statute—and I do not include in that the capricious desire of hon. members who may wish for certain purposes to say such and such a statute may be illegal or invalid; I am only referring to instances where some might think a statute is ultra vires and propose to challenge it—if the course which the hon. member for Essex East asks us to embark on is accepted, any adversary of any particular measure would have handed to him the entire legal opinion on a silver platter. He would have all the secrets of the entire reasoning of the Department of Justice officials with regard to the particular matter, and I suggest this could lead to catastrophic results.

If we acceded to this request then it is a logical sequel that law officers of the crown could undoubtedly be compelled to appear before committees as witnesses, and be cross-examined as to legal opinions which they had given in the belief that these were confidential and meant for members of the government alone. This is not a course which we should seek to follow.

In addition, Mr. Speaker, I think I am justified in pointing out that the law officers of the crown are lawyers and members of the bar of a province. As such they belong to a profession to which there has always been attached a certain privileged position in so far as the treatment of communications is concerned. A member of the bar takes an oath when he is called to the bar. He is an officer of the court as regards certain facts, and under certain conditions he is not a compellable witness. I admit quite readily that with respect to a member of the bar who occupies a position in the service of the country there are certain variations of this rule; and I also admit that it is the privilege of the client, not of the solicitor, to insist upon withdrawing a communication from publication. But, sir, I suggest that there is inherent in the relationship between, say, the deputy minister of justice and the government that type of client-solicitor relationship which I have indicated to you.

There are a number of cases dealing with this. I am not going to read all of them. I admit they are not binding, of course; but I have come across one or two decisions which I am going to read to the house because I think they have a direct bearing upon the particular issue with which we are dealing. I shall first read from the Canadian Abridgement, volume 18, at column 1075. This is a quotation from a judgment of the court of Appeal of Ontario in the case of the United States of America *v.* Mammoth Oil Company.

The case is reported in 56 Ontario Law Reports, 635, 1925, and it refers to a decision of Vice Chancellor Kindersley, which I am now quoting. Vice Chancellor Kindersley said:

> The general principle is founded upon this—

He is dealing with this question of the privileged quality of communications from legal advisers:

> The general principle is founded upon this, that the exigencies of mankind require that in matters of business, which may lead to litigation, men should be enabled to communicate freely with their professional advisers, and their communications should be held confidential and sacred.

By substituting two words we have precisely the principle which is in issue here. I will read it again with this substitution.

> The general principle is founded upon this, that the exigencies of mankind require that in matters of—
>
> —government—
>
> —which may lead to—
>
> —legislation—
>
> —men should be enabled to communicate freely with their professional advisers, and their communications should be held confidential and sacred.

In the next column, in the case of Canary *v.* Vested Estates Ltd., 1930, 1 W.W.R., 996, as reported at page 1076 of The Canadian Abridgment, volume 18. Chief Justice Morrison says:

> The unrestricted communication between parties and their professional advisers has been considered