

do to make it pass is to make it as obscure as possible so that nobody may understand what it is about. I am going to make the point so clear that everybody in this House can understand exactly what it involves. Now what it involves is this: First of all that the ministers were validly appointed; secondly that they were validly appointed to offices of emolument under the crown; and thirdly that they have thereby vacated their seats in this House because that was a necessary consequence of accepting an office of emolument under the crown. All right. Let us examine the point and the different premises or constituent parts that go to make it up. If that contention is correct it explodes at once the mass of argument which was built up both yesterday and to-day tending to impugn the validity of the appointments. There is nothing in the argument of the hon. member for Quebec East, if the appointments were invalid—nothing in it at all; and there is nothing in the argument of the leader of the opposition so far as that argument was directed to the question of the validity or non-validity of the appointment, if those appointments were valid. Therefore I think we may fairly leave it to the member for Quebec East to answer his chief, the leader of the opposition.

But let us look more carefully and clearly into the points involved. First of all it is assumed, as I have stated, that the appointment of each acting minister was invalid. The next thing assumed is that the appointment was to an office of emolument under the crown. Now I want to say before I pass on to the next point—that is to say the question whether or not the office was an office of emolument under the crown—that there was brought into the debate another point, a subsidiary argument, that whether the appointment was valid or was not valid there was no oath taken, and therefore even though the appointment was valid the ministers had no power to act and no right to ask this House to vote any money or Supply, no right to arrogate to themselves any powers. I purpose to deal with that in a few minutes.

Coming to the question of the nature of the appointment, that is to say the question whether or not it was an office of emolument under the crown, the argument that the office of an acting minister is an office of emolument under the crown is based entirely on the Interpretation Act. The hon. member for Bow River (Mr. Garland) read to the House the section upon which it is based. It is section 31 of which subsection (1) is thus worded:

And I should like the House to follow this carefully—

—words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

Now the words that are essential in this section are these words:

—or otherwise applying to him by his name of office.

Let me read again:

—words directing or empowering a minister of the crown to do any act or thing—

And so on. Now the provision in the act under which a minister of the crown is entitled to his salary is to be found in chapter 4 of the Revised Statutes of Canada, Sec. 4 of which reads as follows:

The salaries of the following ministers, members of the King's Privy Council for Canada, shall be as follows, that is to say:—

The Minister of Justice and Attorney General, \$7,000 per annum.

And so on. The words of that statute, section 4 of chapter 4, attaching a salary to an office, cannot be said to be words either "directing or empowering a minister of the crown to do any act or thing," and therefore the first part of that section has nothing to do with the question before us. But we have the other words:

Or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister,

And so on. And it may be argued, inasmuch as section 4 of chapter 4 attaches a salary to the office of a minister, it will also attach a salary to the office or position or duties of an acting minister, because the words attaching a salary to the minister's office are words "applying to him by his name of office". That is the argument.

In answer to that I would say this; first of all, it is a very slim basis upon which to raise this large constitutional superstructure. They take three or four words of very general and wide import out of a statute, and build upon those four or five words of general import a huge superstructure, arguing that a salary that is attached to a minister must therefore come within the meaning of those words and attach to the acting minister. I want the House to realize the smallness of the foundation upon which the whole superstructure of the argument rests in regard to the salary of the minister as a minister of the crown—that the words giving the man a salary are words applying to him by virtue of his office. I think it is a fair interpretation