

just recall the constituency for which he sits—carrying out the same idea, enunciating the very same principle, giving the very same reasons for the assembling of parliament and the purpose that was in the mind of the Prime Minister, stated that the then Prime Minister said he would not retain office, that it was not for him to retain office until he had consulted the House. Surely that position is plain and clear. Yet what does he do? In the teeth of the advice he had given His Excellency, in the teeth of the very advice which His Excellency had accepted and had acted upon—and I venture to say, being guilty of an abuse of the confidence of His Excellency—he does not carry out the decision and the purpose and the programme which he had laid down before His Excellency and which His Excellency had adopted. He does not call this House together and ask that question, who is to be the leader of the government and the first officer of the crown? No, he brings down a Speech from the Throne. In the teeth of what the hon. member said, to whose speech of this afternoon I have just referred, he assumes he is going to retain office. In one breath he said: It is not for me to retain office; it is not for me to advise His Excellency who is to be his government and who is to be his chief adviser. And in the next breath he brings down a speech from the throne which assumes that he is to be the Prime Minister, which assumes that he is retaining the office, which assumes that he is to be the first officer of the crown. In a statement made at that time by the then Prime Minister himself he said that while the election of the Speaker was not to be taken as an assertion by the acting government of an intention to retain office, the very moment the Speech from the Throne was brought down that was a statement and an assumption and a declaration by the government that brought it down that it was in office and intended to retain office.

Now I ask the House, in view of those facts, to come to the decision, and I think surely the decision is not hard to arrive at, that the right hon. gentleman who carried out that course of procedure before this House assembled, and after this House assembled on the 8th day of January, has small right to talk about giving His Excellency poor advice, and has still smaller right to talk about having proved false to his trust or to his position, and having, so to speak, taken advantage of His Excellency and abused his confidence.

Now I pass on to another point. The third reason I am not purposing to discuss the speeches of the leader of the opposition, either the speech of yesterday or that of to-day, is

[Mr. Bury.]

because both speeches were absolutely irrelevant to the point of privilege raised by the hon. member for Quebec East (Mr. Lapointe). As I explained a few minutes ago, the point of privilege raised by that hon. member was that the acting ministers had been validly appointed and therefore that their seats had been vacated. Well, in point of fact, the position taken by the leader of the opposition yesterday and to-day was that the ministers of the government had not been properly appointed at all—that certainly was his position yesterday—that they had not taken any oath of office and were not competent to carry on the duties pertaining to the departments of which they were the acting heads.

I do not intend to deal at any length with the speech of the ex-Solicitor General (Mr. Cannon) except perhaps on one point. At the commencement of his speech he set himself out to make constitutional law so clear to the members of this House that everyone, even though not a lawyer, might perfectly understand the principles involved. He had not uttered very many sentences before some of us felt inclined to say, "You had better stop. We thought we knew something about constitutional law before, but if you go on much longer we shall think we know nothing about it at all." So far from making clear the principles of constitutional law involved in the issues that have been debated here, I think the hon. gentlemen rather beclouded them.

Now taking up for a few minutes the point raised by the hon. member for Quebec East, may I present his argument in as simple and clear language, and as briefly, as I can? This is what it was: That the acting ministers, in point of fact, had been validly appointed; that they had been validly appointed—and here was the second premise—to an office of emolument under the crown; and then there came a third premise, that inasmuch as every member appointed to an office of emolument under the crown vacates his seat by that action, so the acting ministers had thereby vacated their seats, were not properly in the House at all, were in point of fact strangers, and their votes that had been recorded the last two or three days on the motions on which the House had voted were improperly taken and should be expunged from the record.

Some hon. MEMBERS: Hear, hear.

Mr. BURY: My hon. friends are welcome to applaud the clarity of the point. The question is not whether the point is clear, but whether the point is any good. If it is a bad point the clearer it is the worse it is for the point. If it is a bad point the best you can