

*Supply—Formation of Ministry*

council who are at the head of the various departments of state but there are frequently added members of one or other of the Houses who hold no portfolio.

Let me repeat that:

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But they are the exceptions. The cabinet, the administration, the creation that is vested with power to carry on the administration of the country's affairs, that part of it that has administrative life, is the cabinet, consisting of the heads of the various departments who have been regularly sworn in, and after having been sworn in, have been re-elected; and that is the only way in which you can get an administration capable of asking for supply and handling that supply in carrying on the affairs of the country.

I followed with a great deal of interest the argument of the Acting Minister of Justice (Mr. Guthrie). If his argument meant anything, and I followed him very closely, it meant this: that if a minister is only an acting minister he does not need to take the same oath that a minister who is clothed with the powers of a fully developed minister requires to take. I submit, Mr. Speaker, that that shows how illogical the argument of my hon. friend is. Let me follow it a step further. I refer to chapter 10 of the revised statutes, which deals with the members of the cabinet. Section 11 says:

Nothing in the next preceding section shall render ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the government of Canada, at the nomination of the crown, or at the nomination of any of the officers of the government of Canada, as a member of the House of Commons, or shall disqualify him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

I repeat the provision:

—if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto.

What does that mean? I submit it must be quite apparent to every hon. member in this House who reads that section that that is the only exception to the rule that if a member accepts an office of emolument he vacates his seat. But it must be stated in the order in council appointing him that he holds such office without any salary, emolument, or other profit of any kind attached thereto.

[Mr. Elliott.]

The situation is, I submit, a very simple one. My hon. friends must realize, when they think the matter over, that they have not done what the Prime Minister in his message to this House promised they would do, namely, take the oath before assuming office. They must realize that there is no real administration to carry on the affairs of government at the present time; that they are not sworn in, not properly clothed with full powers as cabinet ministers, and on that account unable to form a quorum of cabinet. In constitutional matters the power to take control of the money of the people and to use it for public purposes is a power which must be guarded with the utmost care. Millions of dollars are sought to be granted to the members of this temporary administration, an administration that is merely a shadow, that is without form and void and lacking all the attributes which an administration must possess not only in this country but in every self-governing dominion in the world. Yet they are asking the people of Canada to grant them the right to expend millions of dollars of public money without having taken that oath which the rules and statutes prescribe must be taken as a safeguard that such money will be properly expended in the interest of the various government departments.

Sir HENRY DRAYTON: Will my hon. friend kindly give me the reference to the statute which provides for that oath?

Mr. ELLIOTT: For that oath?

Sir HENRY DRAYTON: Yes.

Mr. ELLIOTT: I do not know that I have the reference here.

Sir HENRY DRAYTON: There is no such statute.

Mr. ELLIOTT: Does my hon. friend suggest for one moment that the members of a cabinet are not required to take an oath of office?

Sir HENRY DRAYTON: I was only asking my hon. friend a perfectly proper question, and his statement illustrates his ignorance of the subject. There is no such statute.

Mr. ELLIOTT: Then I would ask my hon. friend if he means what he says, and he frequently does although not always—

Sir HENRY DRAYTON: There is no such statute.