

Mr. CAHAN: Just a moment; I am going to deal with the resolution itself.

Mr. MACKENZIE KING: I just wanted to relieve my hon. friend's anxiety by saying that if we did not soon get a dissolution in the regular way we might have to begin legal proceedings to get hon. gentlemen out.

Mr. CAHAN: I think possibly that will be the only alternative left to the hon. gentleman. The issue raised in this resolution is not primarily as to whether the hon. gentlemen have vacated their seats; the resolution says that the actions in this House of the hon. members who have acted as ministers of the crown are questioned. The brunt of this attack is against the actions in this House of the hon. gentlemen who have acted as ministers since June 29, 1926, and the resolution names them. By reason of what actions in this House are the hon. gentlemen attacked?

Mr. MACKENZIE KING: May I say to my hon. friend—

Mr. CAHAN: I am not asking my hon. friend, because the resolution should state them, and it should not be left to the conjecture of any member of the House or to some hypothetical suggestions of the right hon. leader of the opposition as to what those actions are. The actions in this House of the hon. gentlemen who have acted as ministers since June 29, 1926, are attacked in this resolution.

Mr. MACKENZIE KING: My hon. friend referred to me just now as to their actions. I would say that the hon. gentlemen opposite who compose the ministry either have been acting or they have not been acting. If they have been doing nothing they should not be here; if they have been doing anything they are doing it illegally.

Mr. CAHAN: The right hon. leader of the opposition has repeated that some fifteen times, I think.

Mr. MACKENZIE KING: My hon. friend does not seem to have grasped it.

Mr. CAHAN: Simply because the position stated is so utterly absurd that it is almost inconceivable that any hon. gentleman should have ever made the suggestion.

Mr. MACKENZIE KING: I admit the position is most absurd—

Mr. CAHAN: I ask for the floor in this case; if the right hon. gentleman has any questions I will try to answer them, but I am

[Mr. Mackenzie King.]

not going to enter into a personal discussion across the floor of the House at the moment. These actions which are impugned are alleged to be a violation, an infringement, of the privileges of this House. What are the actions which are infringements of the privileges of the House? They are not stated in this resolution at all, but it is alleged that actions which are not stated, which are not expressed, which are not explained, are an infringement of the privileges of this House for certain reasons. First, that the said hon. gentlemen have no right to sit in this House and should have vacated their seats therein if they legally hold office as administrators of the various departments assigned to them by order in council. It has never been suggested that these gentlemen hold any offices; the orders in council, which were passed by a committee of the Privy Council, did not appoint any of them to any office. It is clear from the statements made to parliament that they have never been offered any office, and it is perfectly clear that they have never accepted any office. It is therefore perfectly clear that they are not now holding any office under the crown, except that the Prime Minister of the country occupies the offices of Prime Minister and of President of the Privy Council. You can go through the authorities and find score after score of cases where members of the British House of Commons have been offered or tendered offices in the government, and even the signification by such members that they would accept those offices was not sufficient to vacate their seats in the House. In order that the seat of a member of the House of Commons, who has been offered or tendered an office under the crown to which emoluments or salary attach, may be vacated, it is not only necessary that he should have been tendered the office, it is not only necessary that it should have been accepted by him, but it is necessary that there should have been an actual appointment to that office as well as the taking of the oath of office for its due administration by the person so appointed. Nothing of the kind has taken place with regard to the hon. gentlemen mentioned in this resolution, and in view of the facts which have been adduced, and which are admitted, concerning which no member of the House can have any doubt, it is perfectly clear that the first reason given in this resolution does not apply to any of the hon. gentlemen therein named. The first reason is:

1. That the said hon. gentlemen have no right to sit in this House, and should have vacated their seats therein, if they legally hold office as administrators of the various departments assigned to them by orders in council.