

My hon. friend finished his speech with two very interesting quotations from Todd. I will go further back, and quote Lycurgus, that great Athenian, a man full of old Greek wisdom, who once said that an oath is the bond that keeps the state together. That is the great principle adopted by every civilized country in the three branches of government, executive, legislative and judicial; the oath is the basis of good government.

What is an executive? If we take the British North America Act we find that an executive is an administrator, and there is a great difference between an executive councillor and a privy councillor. All executive councillors are privy councillors, but all privy councillors are not executive councillors; very often the honorary title of privy councillor is given a man who is not a minister of the crown, and these men would have no right to sit in the Privy Council as ministers. Executive councillors are acting temporarily, they are appointed during pleasure and when their term is over they are in exactly the same position as judges who have resigned their offices. When a judge is sworn as such he has a right to sit on the bench, but when he resigns for any reason he no longer has the right to occupy that office, and the same would apply to privy councillors.

Here, Mr. Speaker, we have a few ministers in front of us; I call them such through politeness, because they are no more ministers than are the back benchers of the Tory party. But they say, "A few years ago we were sworn as privy councillors; we are privy councillors for the rest of our lives." I know that is what they expect; I know that in the opposition they were not the good sports they are when they enjoy the sweets of power, but if you will remember, Mr. Speaker, they were ministers for a short time; they went to the country and were defeated and later in the papers we saw that the Meighen government had resigned and these gentlemen then ceased to act as privy councillors. They ceased to act as privy councillors because the people of this country had kept them out of the treasury benches for very good reasons. Those people, after they had resigned as privy councillors, were no more privy councillors than any back bencher in this House. They know that if they were sworn in as ministers they would have to vacate their seats in this House, as their leader has had to do, and be elected, but as they did not wish to do that, what did they do? They say: We were sworn in five years ago as privy councillors, and we will act as such: it will be an

[Mr. Pouliot.]

abuse of power, but never mind that, it will not be the first abuse of power of which the Tory party has been guilty; they have done it time and again, and they will do it now.

Mr. Speaker, sometimes we see men like Lord Shaughnessy, who was president of the Canadian Pacific Railway, and Mr. Beatty, the present president of that road, having conferred upon them the degrees of LL.D. and D.C.L., but do they argue cases in court before even a justice of the peace? They do not, Mr. Beatty is a lawyer, I am reminded, but Lord Shaughnessy was not. He was a very capable man, but he would not have argued a case in court because he had not been sworn in as a barrister. And similarly with the case we have before us in this House, Mr. Speaker. People who assume office under the crown have to take the oath of office. If a deputy minister of a department has to take the oath of office, how is it that his superior, the minister, is relieved of that obligation? That is something I do not understand, and I would like my hon. friend or anybody else to answer that question to my satisfaction and to the satisfaction of the House. If a man came to me and asked if those people on the treasury benches opposite had any right to sit on those benches, I would answer, as a lawyer: I do not believe they have any right, and I would advise you to have writs of quo warranto issued to oust those seven marvels of the world from office—I should rather say the seven capital sins.

Mr. G. R. GEARY (South Toronto): Mr. Speaker, I have before me the motion that this House has for consideration, and as I read it, I see that it has taken form from and is framed largely in the terms of the argument of the Solicitor General. In opening the discussion the hon. Minister of Justice made the argument—

Mr. LAPOINTE: Is my hon. friend speaking for the future when he refers to me as Minister of Justice?

Mr. GEARY: It is more by way of compensating for the reference the other day to him as the late—he interpreted it "deceased"—minister. I should have said, the ex-Minister of Justice made an argument based on the statutes, referring to the Interpretation Act, to chapter 4 of the revised statutes, and chapter 10 of the revised statutes. I must say that it did not strike me at the time that the hon. gentleman was speaking with any great confidence in his point of law. Section 10 of the statute the one the hon. member for Winnipeg North Centre (Mr. Woodsworth) was curious about, says that no per-