

*Supply—Formation of Ministry*

therein, if they legally hold office as administrators of the various departments assigned to them by orders in council.

2. That if they do not hold such offices legally they have no right to control the business of government in this House and to ask for supply for the departments of which they state they are acting ministers.

Sir HENRY DRAYTON: I rise to a point of order. In the first instance I desire to point out that motions usually must have two days' notice. Your Honour can rule that this is a motion of such an extraordinary character, however, that the notice is not required, and I have no objection to Your Honour so ruling. I merely rise to point out that although we are not insisting on notice in a matter of this kind the very least my hon. friend could have done was send over a copy of this motion before it was moved. In the circumstances I do not insist on the point of order at all.

Mr. SPEAKER: I wish to be very clear on this subject. Do I understand that the point of order raised—

Sir HENRY DRAYTON: I stated the point of order; I pointed out the discourtesy practised by the opposition in not furnishing us with a copy of this motion, and I withdrew any question of order.

Mr. SPEAKER: But as a question of regularity—

Sir HENRY DRAYTON: I also pointed out that you could rule this motion in order and go on.

Mr. SPEAKER: The motion is in order. Under rule 40 of Beauchesne will be found the following:

As a general rule every motion proposed in the House requires notice, unless it is of a formal or uncontroversial character, or raises a question of privilege, or falls under rules 35, 36, 39 and 41.

I cited page 302 containing similar language in Bourinot a moment ago to the Acting Minister of Justice (Mr. Guthrie). This is one of those motions which can be moved without notice.

Mr. A. U. G. BURY (East Edmonton): Before the House votes on this question I should like to speak at no great length upon the issues raised in it. Yesterday the House listened to a long and impassioned speech by the leader of the opposition (Mr. Mackenzie King) upon the constitutional question, and I would point out to the House in passing that the point of privilege raised by the hon. member for Quebec East (Mr. Lapointe) is not that constitutional question at all. The point raised by the hon. mem-

[Mr. Robb.]

ber for Quebec East was that inasmuch as the acting ministers had been validly appointed to offices of emolument under the crown, therefore they had vacated their seats in this House and their recent votes should be expunged from the records of the House. That, of course, is a decidedly different position from the one urged by the right hon. leader of the opposition yesterday.

Mr. SPEAKER: I must ask the Deputy Sergeant-at-Arms to see that order is maintained in the corridors. I cannot hear the gentleman who is speaking, even though he is very near to me.

Mr. BURY: I was saying, Mr. Speaker, that the point of privilege raised by the hon. member for Quebec East was absolutely different from the point raised by the leader of the opposition yesterday and to-day. The leader of the opposition said that in point of fact the acting ministers had not been validly appointed, and that being so they were properly in their seats; their seats have not been vacated and their votes were absolutely in order.

I do not intend to deal at any length with the speeches of the leader of the opposition yesterday and to-day, first because they were criticisms of the action of His Excellency the Governor General in refusing him a dissolution. That criticism was based, as I am perfectly certain all members of this House are well aware, and as everyone in the country must know, on a consideration of how that refusal affected himself and his party. I do not suppose anyone harbours the delusion that the reason for that impassioned eloquence and indignation was any high constitutional principle or any desire to protect the liberties of our people. The whole question was how it affected himself and his party, and the chances of that party at the next general election whenever that may be. There is no need for me to defend the Governor General; His Excellency does not need the defence of this House, much less that of any private member.

Another reason why I have no intention of dealing at length with either of the speeches of the leader of the opposition is because they were both criticisms of the right hon. Prime Minister (Mr. Meighen), and I am inclined to think the Prime Minister does not need any defence by a private member of this House. I am reminded of an incident which is stated to have occurred somewhere in England, where a travelling menagerie was the object of the attention of some boys. They had been teasing the lion in the cage and some of the bystanders expressed indig-