

vised Statutes of Canada to which the hon. member for Quebec East (Mr. Lapointe) referred this afternoon in opening this prolonged discussion. There can, I think, be no doubt whatever of the accuracy and the validity of the interpretation which the hon. member for South Toronto (Mr. Geary) has given to the sections of that act which have been under consideration. The ex-Minister of Justice, whom I hope to see some day again prominently in the public life of this country—

Mr. LAPOINTE: Thank you.

Mr. CAHAN: —failed to refer to section 15 of chapter 10, which has a very important bearing on the discussion. Construe the provisions of section 10, as you will, I can conceive of no other interpretation being possible than that which the hon. member for South Toronto has just now placed upon it. Nevertheless the only penalty provided in the act is contained in section 15, wherein it is enacted that upon a member of this House becoming disqualified, by reason of the acceptance of any of the offices for which any emolument or salary shall be paid, shall vacate his seat. If certain gentlemen have really vacated their seats by accepting offices to which emoluments attach, and for services in connection with which they shall be paid out of the treasury of Canada, then the only way, according to the rules recently laid down by the opposite party in this House, by which their seats may be vacated is by an appeal to the courts of the country, which have full jurisdiction to take evidence and declare as to whether or not any of these members have accepted an office, to which emoluments are attached, which come within the provisions and prohibitions of section 15 of this statute.

Mr. CANNON: Will my hon. friend allow me one question? Does he consider the point he is now making an answer to our contention that a minister must vacate his seat the moment he becomes a minister? This is not a controverted election; he is disqualified because he is a minister receiving salary.

Mr. CAHAN: I am dealing with the very section which says that a member who accepted any emolument thereby becomes incapable of being elected to, or of sitting or of voting in the House of Commons. I say to hon. gentlemen that if they are attacking the seats of the hon. gentlemen referred to in this resolution, they may do so by bringing before the House, on a question of privilege, the issue as to whether these gentlemen are incapable of holding seats in the

House of Commons. They are presenting to this House a legal issue similar to that which was brought into the House recently as to whether the hon. member for Peace River (Mr. Kennedy) was entitled to sit as a member of this House. A proceeding dealing with the issue as to whether any member mentioned in this resolution has vacated his seat, by reason of the acceptance of some office to which an emolument or salary or profit is attached, is a legal issue which the courts of this country are quite competent to try. If the arguments advanced by my hon. friends the other day, which arguments obtained the support of a majority of this House, are to prevail in a case such as this, then why not take proceedings in the courts, or why not bring the issue fairly and squarely before this House by moving a resolution to the effect that a writ should now be issued for by-elections in these constituencies?

Mr. MACKENZIE KING: Does my hon. friend think a writ of quo warranto should be issued against each member of the administration to find by what authority he holds office and does he think that we should wait until the courts decide that question before the temporary government becomes permanent?

Mr. CAHAN: You must do that if you accept the doctrines laid down and accepted by a majority of this House during the present session. That is one alternative, but the other is this: If they have vacated their seats, why not bring the issue fairly and squarely before the House on a resolution declaring that writs should be issued?

Mr. MACKENZIE KING: The resolution now before the House brings the whole matter squarely before us.

Mr. CAHAN: I doubt it. I will discuss the resolution before the House in a moment, but I am now raising the preliminary point that the question may be tested in the courts as to whether these hon. gentlemen have vacated their seats. It may be tested in this House under a special resolution directed to that purpose, in respect to which the House, through the committee on Privileges and Elections, must take the necessary evidence which would enable the House to decide as to whether there are emoluments attached to, and received or receivable by them, in connection with the offices they are presumed to administer temporarily.

Mr. MACKENZIE KING: May I ask another question?