

*Supply—Formation of Ministry*

been a Solomon come to judgment. But just because the case happens to be reversed, and because the hon. member for Quebec East is no longer Minister of Justice, the findings of law given by his deputy, which no doubt had always been almost infallible during the tenure of office of the hon. member, are no longer infallible but are open to very grave question. However, let that be; this is my point. If I am wrong I shall be corrected in my statement that we were assured in this House on the authority of these gentlemen that no law could be discovered making it requisite for an oath of office to be administered either to an acting minister without portfolio or to a full minister with portfolio, but that in the latter case an oath was administered by reason of usage which had grown up. No law but usage in the case of a minister; no law nor usage in the case of acting ministers. That is the way it stands. That being so, what becomes of the argument of invalidity of appointment or impropriety in using their powers because they have taken no oath of office, when in point of fact no oath of office has ever been taken by acting ministers nor is required of them by law or usage?

The ex-Solicitor General thought he would get over that difficulty in connection with an instance which was cited where a member of his own government had not taken the oath. Oh, but, he said, there were then in existence a number of cabinet ministers who had taken the oath of office and therefore it was all right even though some of the others had not taken it. As I understood his argument, he spoke of the doctrine of the solidarity of the cabinet. I submit that the doctrine of cabinet solidarity means only that the cabinet is one in respect of responsibility. If one of its members go wrong, as occurred in the late government, the cabinet must fall as a unit; that is the doctrine of cabinet solidarity. But by no possible stretch of argument can it be contended that if an oath of office is necessary to one cabinet minister, to a second, a third, and a fourth cabinet minister, the oath may be dispensed with in the case of a fifth on the ground that four of his colleagues have taken theirs. That is the most absurd argument I have ever heard. The oath of a cabinet minister is his own personal affair, having to do with his own conduct of the department he governs, and it is indeed an extraordinary contention that because other cabinet ministers have taken the oath it may be dispensed with in a particular case.

The truth of the matter is that this House knows, as I am sure the country will know

[Mr. Bury.]

when this debate is read, that the whole thing is a piece of camouflage, a smoke screen behind which the opposition is trying to get back into office. Hon. gentlemen are clinging to the idea of office with a tenacity worthy of a better cause and are throwing to the winds every shred of dignity which the government of this country should maintain, if not for its own sake at least for the sake of the people whom it represents, as well as of the other dominions of this great empire of which it is a unit; because a stigma upon the name of Canada by reason of a lack of dignity in her council chamber on the part of her chief ministers is a stigma upon the whole British Empire.

Mr. POULIOT: Would the hon. member propose the abolition of the oath in the three branches of executive power?

Mr. BURY: I am not proposing the abolition of any oath, but my hon. friends opposite are trying to impose a legal necessity for an oath where none exists. That is the difference between us. In my humble opinion, speaking with confidence though a new member of the House, the duty of the leader of the opposition (Mr. Mackenzie King) when he was Prime Minister was, upon his discovering that dissolution was not to be granted him, to come back to the House and to continue in office. Why did he not do that? He said that he could not carry on with efficiency and dignity, but he carried on under precisely the same conditions with the exception which I shall mention in a moment. Ever since January 8, until the twenty-ninth day of June, the right hon. gentleman held office without discovering that he could not carry on effectively and efficiently and with dignity. If he could carry on the business of the House, either in person or through his deputies, from January 8 to June 29, do you not think that he would have been able to continue for the few remaining days of the session so as to wind things up properly in the interests of the country? No, no man believes that. Everyone knows right well that the reason why, when he discovered he could not get dissolution, he handed in his resignation to His Excellency was that he dared not face the vote of this House on the Customs probe. But what he sought to avoid came after all. He handed in his resignation but that did not save his skin. The vote came. I say that the right hon. gentleman's duty when he discovered that he could not get the dissolution was, not to have handed in his resignation but to have come back and wound up the affairs of the House and let