

stated to be higher and higher and higher protection; yet they repudiated it because it was a political gesture, and they were right.

The question of the tariff was not before the House. When the question of the tariff comes before the House, that will be time enough for hon. gentlemen to show on which side of the line they stand on that question. If this government is in power and this House is assembled next year, when the question of the tariff comes up on the budget members of the Progressive party diagonally opposite from me in this chamber will have ample opportunity to say whether they will help or resist the government, whether they will keep it in power, perhaps, or whether they will force it from power. But hon. gentlemen were very well advised to measure the motion of yesterday at its true value and to spurn the trap that was laid at their feet.

This gesture is more palpably a political gesture than was that of yesterday, because all the facts that are embodied in this gesture, with the exception of the question of the validity of the appointment, of whether the offices the acting ministers now hold are offices of emolument under the crown, of whether they are properly in their seats in this House, were known to hon. members yesterday.

I come to another matter and with that I close. As regards the question of the oath, hon. members on the other side of the House argued very strenuously that we were going to do violence to political principles and constitutional rights if we allowed ministers to act who had not taken an oath of office as ministers of the crown. By the way, may I refer for a few moments to the false analogies which the ex-Solicitor General (Mr. Cannon) used in his speech? He is a past master in the art of introducing irrelevancies, of introducing spectacular play that has no effect upon anyone who understands the principles that are at stake or who follows his argument. Let me call the attention of the House to the arguments which he used: We cannot allow these gentlemen to act as acting ministers because they have taken no oath. Why, he says, even the Clerk of this honourable House cannot discharge his functions without having taken a solemn oath. We, the members of this House of Commons, have taken an oath. I can imagine their little chests puffing out as they said to one another: We are not like these unholy acting ministers who have tried to discharge their duties without taking an oath. Now may I say, in answer to that: All the acting ministers have taken

the oath of privy councillors, and the oath of a privy councillor is the important oath in connection with the acts of a minister. Let me call the attention of the House to this passage in the second volume of Todd on page 194. I want hon. members to listen to it:

Moreover, the occasional appointment of a member of either house of parliament to a seat in the cabinet, without office, is no infringement upon the principle of ministerial responsibility.

Now listen:

Ministers of the crown are responsible by reason of their being privy councillors, not as members of "the cabinet," which, as a separate institution, is, as we have seen, unknown to the law.

In other words the essential oath is the oath of a privy councillor and the essential oath had been taken by the four gentlemen whose powers and positions are

11 p.m. being impeached to-day. That view is absolutely in keeping with the advice which the House has received indirectly and the information which was given to the House by the Clerk of the Privy Council, Mr. Lemaire. The House heard read a statement by the Clerk of the Privy Council that the procedure that had been followed in the appointment of these gentlemen as acting ministers was the precise procedure that had been followed in every case for thirty-five years. He was confirmed in that position by his assistant. Finally we heard read to us by the leader of the House a statement from the Deputy Minister of Justice that the proceedings and appointments had been absolutely valid and in accordance with the procedure that had always been followed; that in point of fact no law could be discovered requiring the administration of an oath to an acting minister without portfolio. I will be corrected if I am not right on this point.

Mr. KING (Kootenay): Do I understand that my hon. friend wants to be without the law?

Mr. BURY: If my hon. friend will listen I think he will see my point quite clearly. As I said, we had a communication read to us by the leader of the House from the Deputy Minister of Justice that the proceedings and appointments had been absolutely valid and in accordance with the procedure that had always been followed. I have no doubt had the case been reversed and had we been on the other side raising the same point, the Deputy Minister of Justice, under the hon. member for Quebec East (Mr. Lapointe), would have given exactly the same answer and his wisdom would have been applauded; he would have