

faction on the constitutional or legal position of an acting minister. I am at an utter loss, so far as references or citations are concerned, to find any authority which will enable me to come to a definite decision as to the exact legal status of hon. gentlemen opposite, but in driving or picking my way through this morass of legal debate, I must have recourse to the legal documents themselves. Referring to chapter 1 of the Revised Statutes of Canada, 1906, I find in the interpretation clauses the following interpretation of ministers and deputies:

—words directing or empowering a minister of the crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy.

That is the definition of a minister or one who is assuming that office.

Mr. CAHAN: Does the hon. member suggest that is the definition of a minister?

Mr. GARLAND (Bow River): It is the interpretation.

Mr. CAHAN: Is it not a definition of certain statutes which may apply to a minister and therefore to an acting minister?

Mr. GARLAND (Bow River): If my hon. friend wishes to describe it in that way I have no objection. The words speak for themselves.

We turn now to chapter 4 and we find in subsection 4:

The salaries of the following ministers, members of the King's Privy Council for Canada, shall be as follows:

Those are the statutory provisions made which have been increased by statute since that time. Just as soon as that interpretation is satisfied, just as soon as a man becomes a minister or an acting minister, unless it be definitely provided for in the order in council under which he is made an acting minister that there shall be no salary, no wages, no emolument, in the absence of that statement in the order in council we can only assume, irrespective of any assertions that may be made to the contrary, that the statutory provisions apply and the statutory rank applies. Now we turn for a moment to chapter 10, in which is revealed the humiliating position in which hon. gentlemen opposite will find themselves. Before I get through I will show, I do not care which position they occupy, that they find themselves on the

horns of a dilemma from which there is no escape. Section 10 of chapter 10 reads:

The independence of parliament. Members of the House of Commons.

Except as hereinafter specially provided,—

(a) no person accepting or holding any office, commission, or employment, permanent or temporary, in the service of the government of Canada, at the nomination of crown, or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached; and no sheriff—

And so on.

—shall be eligible as a member of the House of Commons or shall sit or vote therein.

I charge that hon. gentlemen opposite, by virtue of the order in council which they claim is right and if it is right according to their claim, should vacate the seats which they now hold. That would be the strictly legal interpretation of the situation. But they have pleaded plausibly an exigent circumstance. They have said to

10 p.m. hon. members to my left, to myself, to others, in their speeches in this House: All we desire to do is to form a temporary administration so as to expedite the passage of the estimates and other legislation still left pending. When they place that position before us, they must say that there is no alternative. If there is an alternative, they must admit it.

Is there an alternative? So far as I can see, so far as the legal position declares, should hon. gentlemen opposite decide to resign they cannot secure dissolution. But should they decide to resign, hon. gentlemen to my right would naturally be called upon to enter the seats of office and to carry on for the balance of the session. Can they do it? The question arose in my mind yesterday and again this morning. Hon. gentlemen to my right having resigned their portfolios, having resigned the positions which they have just filled on those benches and sitting over here in opposition, going back to those that are now occupied by privy councillors just as they are privy councillors, would they be in any different position from that held by hon. gentlemen opposite. I was applauded to the echo yesterday by hon. gentlemen opposite when I asked the question. I got an answer that was not complete; but it made me seek further information, and I now find, according to the statute itself, that should it be decided that the late administration should return to the seats of office for the remainder of the session within one month of the time they resigned those seats, they have full power to carry on, to vote money, to pass