

An hon. MEMBER: Why did he not run for Bagot?

Mr. MACDONALD (Antigonish-Guysborough): My hon. friend need not worry about my leader. He has had half a dozen seats offered to him, and I expect that within twenty-four hours his decision will be made as to where he will run, and when he runs he will be returned to this House.

Mr. HANSON: He won't run in Pictou.

Mr. MACDONALD (Antigonish-Guysborough): My friend from York-Sunbury (Mr. Hanson) had better not get too gay. I quote from Anson, upon that point, on the Law and Custom of the Constitution:

There is no statutory necessity that any one of the ministers should be in parliament, but in practice a minister who has not obtained a seat could not continue to hold office for a long period of time, and should find a constituency within a reasonable period.

There is the rule, and that is the situation.

I have already pointed out to the House that December 28 was the last date upon which the returns to writs could have been made. We have not in this country any system such as obtains in the Mother Country where, when a seat is sought to be vacated, the member vacating it applies to the Chancellor of the Exchequer for appointment to the stewardship of the Chiltern Hundreds. My right hon. friend (Mr. Meighen) in 1921 took an entirely wrong course when, in order to get a seat, he appointed the member for Grenville at that time to a position in the Department of Soldiers' Civil Re-establishment. My right hon. friend resigned the premiership on December 29, 1921 but two days previously he appointed the gentleman who had been returned for Grenville in the recent general election to a position in the civil service.

Mr. LAPOINTE: And gave him leave of absence the following day.

Mr. MACDONALD (Antigonish-Guysborough): Yes, and the following day he resigned. My hon. friend says that this government had no right to function. He is simply blowing hot and cold when he suggests at one time that we should make some appointment in order to create a vacancy for the Prime Minister, and at another time complains because we come here to the free court of parliament and leave it to the people's representatives to decide who shall govern in this country. The Prime Minister did not choose to do that, and there was no way under the proper constitutional practice by which the present Prime Minister of Canada

[Mr. E. M. Macdonald.]

could have had a seat by which he could find his way into this House until a member had resigned, and a member could only resign after the House had met on Thursday last.

Some hon. MEMBER: What about Bagot?

Mr. MACDONALD (Antigonish-Guysborough): My hon. friends want to dictate on every subject. The Prime Minister would naturally run in the seat where he would deem it to be in the best interests of Canada that he should run, and I say again that until last Thursday it was not possible legally or constitutionally for the Prime Minister to contest a seat through which he could have found his way into this House.

Hon. gentlemen opposite have been reiterating and reiterating that this government has no right to function because they have a bigger group than we have. Does my right hon. friend the leader of the opposition think for one moment that we should settle the constitutional practice in this country in such a way that the moment an election is over—and we can assume that for years to come we shall have different groups in this House—the largest group, no matter whether it has a majority or not, should be called upon to form a government? That is where my right hon. friend gets with his argument. He knows that is not proper, and should not be so. We are in this position: We had a right to wait for the summoning of parliament; we waited for the summoning of parliament, and we are here. The Prime Minister is exactly in the same position as any other minister would be who was defeated. He had to await his opportunity to find a seat. That opportunity will be sought for, and he will be in the House in the shortest possible time. The Prime Minister will appeal to the country in a vacancy that will arise, and he will come back to parliament.

My hon. friend from Mount Royal (Mr. White) is a journalist, but evidently some Conservative newspapers do not agree with him in his view as to the constitutional practice that should be followed in the present situation. I have in my hand an article which appeared in the Standard of Montreal, a paper which is by no means friendly to us on this side of the House, but has always supported the Conservative party. What does that paper say?

The Standard has gone to the expense of procuring legal opinion from some of the most eminent lawyers in Canada and Great Britain on the question of the constitutionality of the continuance in power at Ottawa of the Liberal party.

In nearly every case the question came back, "Are you asking an opinion as to the constitutional right?"