

act as returning officer, and in the event of his refusing or being unable to act, the government may appoint another person?

The SOLICITOR GENERAL. This has been the law since 37 Victoria, and it is not within my knowledge that any inconvenience has resulted from it.

Mr. INGRAM. That is no reason why we should not change it.

The SOLICITOR GENERAL. I think before we change it, hon. gentlemen ought to be able to point out an instance in which some inconvenience has resulted from its operation.

Mr. INGRAM. The same rule applies to the returning officer as to the deputy returning officer; and in West Elgin, a deputy returning officer who was supplied with a ballot box and all the paraphernalia for the election went to the polling booth on election day, and put them in the hands of a stranger, and played off sick. A section like that might be abused in the same way.

Mr. CASGRAIN. The objection seems to be that the returning officer might appoint as election clerk an objectionable person. Suppose the clause were amended by providing that the election clerk must be one of the persons qualified to act as returning officer.

The SOLICITOR GENERAL. That might make it absolutely inoperative. There might be some difficulty in getting another person.

Mr. BENNETT. While the government might in the first instance appoint a thoroughly responsible returning officer, he might by a concerted plan drop out and transfer his duties to a thoroughly unreliable person who would be objectionable to all concerned. If this clause were struck out, then in the event of the returning officer failing to act, the power would remain with the government to appoint a new man.

Mr. FRASER (Guysborough). An honest returning officer will appoint an honest clerk.

Mr. BENNETT. The hon. gentleman mentioned a dishonest returning officer a short time ago.

Mr. FRASER (Guysborough). You cannot have a law to meet a special case. I do not think you should anticipate that returning officers are going to act dishonestly. The case I mentioned was not that of a clerk at all, but a deputy returning officer. I never knew a case in which a returning officer did not appoint an honest clerk.

The SOLICITOR GENERAL. If the conditions were such that it were possible to adopt the suggestion of the hon. member for East Simcoe (Mr. Bennett), there might

be something to be said in favour of it. The election clerk is called upon to replace the returning officer in cases of emergency, such as sickness or sudden death on the eve or on the very day of the election, when it would not be possible for the government to appoint another returning officer.

Mr. BENNETT. Then let the government appoint both officers at the outset.

The SOLICITOR GENERAL. I think what I said a moment ago would apply here. This has been the law for a number of years, and I think my hon. friends have failed to point out a single instance in which it has failed to effect its object.

Mr. INGRAM. I pointed out a case a while ago.

The SOLICITOR GENERAL. That was a deputy returning officer.

Mr. INGRAM. But the same thing applies to returning officers. How are the election clerks appointed? On the recommendation of the supporters of the government in the constituency; and what is to prevent him recommending some one who would not be acceptable to the opposite party?

Mr. BENNETT. Why not provide that in the writ the election clerk shall be named as well as the returning officer? This would make the government responsible for the appointment of both.

Mr. F. D. MONK (Jacques Cartier). I think there would be great danger in preventing a returning officer choosing his own clerk. In the province of Quebec, the returning officers are guided only by their own judgment in choosing clerks, and I think if you allow the government to impose on the returning officer a clerk of whom he does not approve you are likely to cause trouble.

Mr. BORDEN (Halifax). I think the only thing you could do would be to provide at the end of the section, that wherever practicable, should the returning officer become disqualified or fail to act, the government should appoint another returning officer.

The SOLICITOR GENERAL. I think the law was fairly well framed, and we had better follow it, unless there is some special reason for a change.

On section 20.

Mr. INGRAM. There ought to be imprisonment added to the penalty here. What is the use of a penalty of dollars and cents in the case of these people? They do not consider it.

The SOLICITOR GENERAL. My hon. friend (Mr. Ingram) will bear in mind that in subsequent sections of the Bill we make special provision for deputy returning offi-