

an additional disqualification. Any person who has been proceeded against under the Criminal Code is disqualified from acting as a returning officer.

Mr. CASGRAIN. Does not my hon. friend think that goes a little far? It says:

Persons who have been convicted of an offence under the provisions of the Criminal Code, 1892, or any amendment thereof.

Suppose that a man in the heat of passion, strikes another and is guilty of assault and battery, or of common assault and is convicted under the Criminal Code, I think it is rather hard to say that he is disqualified from acting as a returning officer. Could not my hon. friend replace that subsection by one which would provide that if a man has been convicted of an offence for which the penalty is two years imprisonment, he would be disqualified.

The SOLICITOR GENERAL. It would be better to proceed in this way. Any one found guilty of an offence under special sections of the Criminal Code. The intention is to prevent people with bad records being appointed to these offices.

Mr. CASGRAIN. There are offences in the Criminal Code which should not prevent a man holding an electoral office. He might have been technically guilty of an assault and convicted and fined 25 cents, and that offence should not debar him from acting as returning officer.

Mr. INGRAM. Section 540 of the Criminal Code deals with bribery, undue influence, personation or other corrupt practices, and I notice that the amendments to the Criminal Code are only to take effect on 1st January next. But if this Bill becomes law, it will take effect immediately, and how will you harmonize the two?

The SOLICITOR GENERAL. If we create a criminal offence by this Bill, the criminal court can take cognizance of it just the same as if it were in the Criminal Code.

Mr. RUTHERFORD. We are proceeding on the Criminal Code of 1892, but if a man had committed an offence in 1891, no matter how great, that would render him ineligible. The man who committed a criminal offence after the Criminal Code came into force would be ineligible to act as returning officer, but not one who had committed an equally serious offence before that code came into force.

The SOLICITOR GENERAL. There is something in the hon. gentleman's objection that we must begin somewhere.

Mr. H. CARGILL (East Bruce). I would like to know why we prohibit ministers, priests, or ecclesiastics of any religious faith or worship from being returning officers? I think that in view of the ballot stuffing and other frauds perpetrated during the

recent elections, it would be advisable, for the proper conduct of elections, to appoint such men.

The SOLICITOR GENERAL. I am afraid I must retort by suggesting that as my hon. friend has been in this House very much longer than I, he might explain how it came to pass that this has been the law for so many years?

Mr. BORDEN (Halifax). It seems to me that what the hon. member for Macdonald (Mr. Rutherford) has suggested, has really some point, and his objection could be met by a section framed in this way:

Persons who have been convicted of an offence under the provisions of the Criminal Code or of any offence that would be punishable under the Criminal Code of 1892.

The SOLICITOR GENERAL. I thought it was understood that we would allow this paragraph to stand.

Section 12 allowed to stand.

On section 14,

Mr. CLANCY. It seems to me that this section is rather indefinite. It provides that town clerks shall be obliged to act as election officers, &c. But in Ontario, the expression 'town clerk' means the clerk of an incorporated town. A municipal clerk would not come under that description, and municipal clerks are the best fitted persons to act as deputy returning officers. They make out the lists and are really trained officers.

Mr. CAMPBELL. They may act.

Mr. CLANCY. Yes, but if we can compel town clerks to act, there is no reason why we should not compel municipal clerks to act. They should be included in the list of persons who cannot refuse to act if called upon.

The SOLICITOR GENERAL. There will be no objection to adopting my hon. friend's suggestion, and make it town clerk or clerk of municipality, but perhaps we had better allow the section to stand so that I may have an amendment drafted to meet the suggestion of my hon. friend.

Mr. INGRAM. I think the Ontario Act provides that the municipal clerk shall act as returning officer.

On section 18,

Mr. BENNETT. I think this is an objectionable clause. While a thoroughly responsible man might be appointed returning officer, he might appoint as clerk a person not so trustworthy and reliable; and by an arrangement between the two, the returning officer might divest himself of his duties and relegate them to the other party. Would it not be better to strike this out, and rest on clause 11, which provides that the person to whom a writ is issued shall