

portfolios set out in the subsection, and it may not be necessary to make any change in the wording, but it is worth while to remember what occurred in the province of Quebec.

Mr. GUTHRIE: As the office of Prime Minister is not recognized—by our law—

Mr. FIELDING: Except in regard to salary.

Mr. GUTHRIE: —I think it might as well be omitted here. If any difficulty should arise in the future the subsection could be very readily amended. We are following the wording of the former section, and there the office of Prime Minister was not mentioned.

Mr. FIELDING: If you recognize the office of Prime Minister here are you not creating a new department? That gives it recognition as a distinct department, and although it may be wise to do so, it has never been so recognized in the past.

Mr. MACKENZIE KING: I would like to draw attention to the other portfolio I mentioned, that of Minister of Health. It is true that at the present time the Minister of Health holds another portfolio, but if there should ever be a minister holding only that portfolio he might come under the disqualifying clause.

Mr. ROWELL: My recollection of the terms of the Act relating to the Department of Health is that it contemplates the department being presided over by a minister who presides over some other department of the Government as well. I have not the Act before me and cannot recall its exact language, but I think it is framed in that way.

Mr. MACKENZIE KING: My point is simply this: Supposing at any time the office of Minister of Health should be made a separate office of the Administration, then we would have to amend this Act. So why not amend it now?

Mr. GUTHRIE: It has been brought to my attention that this question was discussed with Mr. Gisborne, Parliamentary Counsel, and he was of opinion that by the terms of the Health Act under which the Minister of Health is appointed it would be improper to include that office in this section.

Mr. FIELDING: If the words of the Health Act are as my hon. friend the President of the Privy Council remembers them, that is, that the Department of Health

should be presided over by such minister as may be assigned to it, then by inference he is a minister holding a portfolio. But it is worth while remembering that occasionally we have ministers of the Crown who do not hold portfolios, and under the words quoted by my hon. friend a minister holding office without portfolio could be transferred to the Department of Health, and thereby be made a salaried officer. That is quite possible under the President of the Council's own interpretation.

Mr. ROWELL: There is no salary provided for the Minister of Health as such. So in any case if a minister were appointed he would not be disqualified under this clause, because in the absence of legislation providing for a salary in connection with the Ministry of Health, he could not draw a salary, unless presiding over some other department of the Government.

Mr. JACOBS: I notice by subsection (d) that among the persons ineligible as candidates are members of the legislature of any province during the time they are such members. Will the minister explain why it is that members of the legislature can be appointed to the Senate and yet not be eligible as candidates for the House of Commons?

Mr. GUTHRIE: I was not aware that any member of the legislature could be appointed a senator. I know that shortly after Confederation the question of members of the legislature sitting in this House was discussed, and an Act was at that time passed declaring them to be ineligible, which law has been carried forward from 1870 down to the present time.

Mr. JACOBS: Might I remind the hon. minister that the Hon. Mr. Chapais, a member of the Legislative Council of Quebec, was appointed to the Senate only a short time ago by this very Government of which the Acting Solicitor General is a member.

Mr. GUTHRIE: I was not aware of it.

Mr. JACOBS: The hon. minister is a member of the Government which made the appointment. He has just told us the theory of ineligibility of candidates occupying other positions, that their time is so much taken up with other duties that they ought not to be candidates for seats in this House. We in the province of Quebec do not see why we should be deprived of the valuable services of the Hon. Mr. Chapais in this way, for he is now asked to divide his services between the Legislature of Quebec and the Parliament of Canada. The one particular