

legal official and, having given him the position practically of a judge, we have allowed him to draw the instructions without the intervention of the Government. I have no objection to putting in a clause that the Minister of Justice or the Governor in Council shall approve of the instructions.

Mr. McKENZIE: I have still the greatest confidence in the Department of Justice, and the Department of Justice is responsible to this House while the Chief Electoral Officer will not be. I agree with the minister as to the wisdom of getting away as far as possible from this aggregation known as the Governor in Council, but I would like the Department of Justice to give its approval to any interpretation that is put upon the law.

Mr. DOHERTY: The Minister of Justice will very probably be a candidate; he is a member of one of the two parties contesting the election, and it seems fairer to everybody that as head of the Department of Justice and responsible for the advice that it gives, he should not have placed upon him the responsibility of dealing with a matter of this kind. I think perhaps there is some question of fairness to the Minister of Justice himself. I am sure that all our Ministers of Justice have been jealous of their reputations and that they have been careful that their legal opinions should not be influenced or animated by party interest. You put the Minister of Justice, in the midst of a hard-fought election, in the position where he would give instructions as to how the election law was going to be carried out, and if you do that you will virtually have to put all the officers for carrying on that election under his direction in so far as the law is concerned. That places the Minister of Justice in a very difficult position, and I would have thought that you would have recognized that what we are doing in taking the Parliamentary Counsel—who will not be the Parliamentary Counsel unless he is a competent lawyer; an officer of this House in no way connected with either party—and leaving it to him to give the legal instructions and advice is something that everybody would accept as being the very best evidence for a desire to get away not only from any actual endeavour to control or direct elections on the part of the Government, but from any possibility of such a thing taking place. I had thought that the hon. gentleman on reflection would see that

this is in the nature of providing an independent counsel, somebody who will have no affiliation with either party to the contest.

Mr. McKENZIE: I appreciate the observations of the hon. gentleman (Mr. Guthrie), but I think of all persons who are regarded as being deserving of high office the Minister of Justice would be the one who would not be supposed to be capable of placing any misconception upon the election law. Whatever opinion may be held elsewhere, in the part of the country from which I come, the Department of Justice carries very great weight, and anything coming from it would be received without question. But if the Minister of Justice objects to it I would call the attention of the Acting Solicitor General to the fact that we have no guarantee here that the instructions will be prepared by the Chief Electoral Officer.

Mr. GUTHRIE: Read the section.

Mr. McKENZIE:—(Reading:

Immediately after the issue of the writ of election the chief electoral officer shall transmit to the returning officer—

And so forth. It says he shall "transmit" but does not say he shall "prepare and transmit." If the minister will amend the clause so as to provide that immediately after the issue of the writ of election the chief electoral officer "shall prepare," if he will put the responsibility of preparing instructions upon this new official I am prepared to accept it. The only provision at present is that he shall "transmit"; we have nobody responsible for the preparation of the instructions.

Mr. J. H. SINCLAIR: I think the point taken by my hon. friend is a good one. In the election of 1917 certain instructions were sent out that were not justified by the Act. I think I could show that to my hon. friend (Mr. Guthrie) if I had the Act at hand. I can remember one instance in which the instructions were given to the enumerators that they put names on the voters' list without any affidavit whatever; and they also went so far as to say that when an application was made on affidavit they would disregard that affidavit and strike out the man's name off the list. Now that was not justified by the Act. I think the Department of Justice should be, in some way or other, responsible for any instructions that are sent out.

Mr. McKENZIE: Does not the minister think that if we are going to have higher