

Government. The term "county crown attorney" does not include a town prosecutor who represents the attorney-general of the province at a particular assize for the conduct of particular business; he is not disqualified.

Mr. MACKENZIE KING: In paragraph (a) of subsection 2 there is no reference made to the office of Prime Minister although all the other members of the Cabinet are mentioned, neither is there any reference to the office of Minister of Health. Is there any particular reason for these omissions?

Mr. CURRIE: While we are on the question of public officers I may say that the provision in question was inserted in the old Act as a matter of retaliation. At that time all the officers in the province of Ontario were Liberals appointed by a Liberal government. Certain federal officers were disqualified by the Liberals in the Ontario Elections Act from voting in Provincial elections and when the Conservative Government was making an Election Act for the Dominion it retaliated by inserting a clause in the Federal Act providing that officers appointed by the local Administration should not be allowed to vote in Dominion elections. I think the time has gone for—

Mr. GUTHRIE: This paragraph does not apply to voting.

Mr. CURRIE: There was a similar clause with reference to voting. Officers of the Ontario Government were not allowed to vote in the Dominion elections and federal officers were not allowed to vote in the Ontario elections. I think when we are framing a new Act of this character we should start with a clean sheet. I do not see any reason why a sheriff or a registrar of deeds, provided he decided to resign from his office, should not be permitted to run for Parliament.

Mr. GUTHRIE: The paragraph says:

Every person holding the office of sheriff—

—and so on. I see no reason why the sheriff, registrar, or county crown attorney, if he resigns from his office should not become a candidate for this House. This paragraph, however, does not interfere with the man who resigns from office. It is only a provision against men holding crown appointments, the presumption being that their time is entirely taken up with the duties of the office which they hold and for which they are paid.

[Mr. Guthrie.]

In regard to the leader of the Opposition's point that the Prime Minister is not mentioned in paragraph (a) of subsection 2, I may say the reason for that is that the Prime Minister holds some other portfolio in the Cabinet.

Mr. MACKENZIE KING: Not at present.

Mr. DEVLIN: He is President of the Privy Council as a rule.

Mr. MACKENZIE KING: He may not always be.

Mr. GUTHRIE: Whether he does hold any other office at the moment does not affect the proposed legislation. If at the time this Act comes into force the Prime Minister does not hold any other office this subsection might disqualify him. This is a copy of the old section, and I think in the past the custom has always been for the Prime Minister to hold one of the portfolios enumerated in the subsection. At present the Prime Minister holds the portfolio of External Affairs.

Mr. MACKENZIE KING: I think in the past the Prime Minister has usually been President of the Council, but in this Administration he has given up that office to one of his colleagues. It is quite conceivable that the Prime Minister of a future Administration might not hold any portfolio, and in that event the Bill in its present form would disqualify him.

Mr. GUTHRIE: I do not see any objection to including the term "Prime Minister;" but as a matter of fact the Prime Minister now does occupy the position of Minister of External Affairs.

Mr. FIELDING: I think that in the general organization of our service the office of Prime Minister is not recognized; the only recognition is found in the special salary voted for the office. In fact the office of Prime Minister is a constitutional and not a statutory office. But my hon. friend the Acting Solicitor General is right when he says that hitherto the Prime Minister has always been the occupant of one of the offices enumerated in the subsection. I might cite by way of illustration what has occurred in the province of Quebec. The Prime Minister, Sir Lomer Gouin, was also Attorney-General, but there came a time when he surrendered the latter portfolio. Then it was found that he was not eligible to receive any salary, and a special Act had to be passed recognizing the office of Prime Minister. Here the Prime Minister has always been the holder of one of the