

and that does not apply to the first division.

Mr. FOSTER. When there is an extraordinary increase in the first division—

Mr. FISHER. There is no provision for that.

Mr. FOSTER. Does the hon. gentleman still persist in the \$100 increase for the higher division instead of \$50?

Mr. FISHER. I think so.

On section 44,

Mr. FISHER. My hon. friend from North Toronto proposes an amendment which he handed me across the floor. I examined the wording and it did not strike me as satisfactory. I have here an amendment which is more in the form of enactment. His was more in the form of a resolution or declaration. This is the amendment which has been drafted by the Justice Department, and of which I think my hon. friend will approve:

No officer, clerk or employee in the service shall be debarred from voting at any Dominion or provincial election if, under the laws governing the same, he has the right to vote. But every such officer or clerk is prohibited from engaging otherwise in partisan work in connection with such election.

Mr. BLAIN. Under that can an employee take the position of a deputy returning officer?

Mr. FISHER. I do not consider that a partisan position.

Mr. DANIEL. What is the object of the words 'or otherwise'?

Mr. FISHER. Because he is already authorized to vote.

Mr. LENNOX. That is not partisan.

Mr. FISHER. It might be so construed.

Mr. LENNOX. Would the hon. gentleman not consider a returning officer partisan?

Mr. FISHER. No, the work of the deputy returning officer is strictly judicial, and he takes an oath to discharge the duties without partisanship.

Mr. DANIEL. Would it not be an improvement to strike out the words 'or otherwise'?

Mr. FISHER. There would be a doubt as to whether he was allowed to vote?

Mr. DANIEL. It plainly states that he is allowed to vote.

Mr. COCKSHUTT. Is there any penalty in connection with this?

Mr. FISHER. The Criminal Code provides a penalty.

Mr. BLAIN. I understand the minister to state that the position of deputy returning officer is non-partisan.

Mr. FISHER.

Mr. FISHER. I do.

Mr. BLAIN. The hon. gentleman emphasizes it. But, if he would read the history of politics in the province of Ontario and especially the history of the party with which he himself is identified, he would learn that it is a strictly partisan position in many respects and in a great many counties in that province. But I am not going to debate that or enter into a discussion about it; I want to express my opinion that it is a serious blunder to regard the position of deputy returning officer as a non-partisan position. I am very much surprised that the minister, when he is making provision to remove the civil service from political influence, should think it his duty to allow these men to occupy the position of deputy returning officer.

Mr. SPROULE. I agree with every word that the hon. member (Mr. Blain) has said. We have had an experience of deputy returning officers for many years past that justifies the strongest suspicion that you cannot put a government employee in that position without the danger that he will act as a partisan. I regard it as a great impropriety to have such a provision in the law.

Mr. CONMEE. It seems to me that an officer of the civil service would be a proper person to appoint as a deputy returning officer. The position is more or less that of a judge, for the deputy returning officer may have to rule upon questions affecting the rights of a voter. If you appoint a responsible officer, for instance, a customs officer or in the provincial field, a deputy sheriff or clerk of the court, in my humble opinion you have the best material to make a deputy returning officer. The hon. gentleman shakes his head. But I have had some experience, and my experience is that that class of men are more apt to discharge fairly the duties of such an office than others of less experience and ability.

Mr. SPROULE. The civil service are under the government; is it in the nature of things that they should act with strict impartiality as between a government candidate and a candidate opposed to the government? It is not human nature and it is unreasonable to expect it. Therefore, a civil servant is by no means the man who would be most likely to act impartially when employed in such a case. The appointment of such men to positions of deputy returning officer by the government that regularly employs them in their official capacity must create a grave suspicion that it is most unlikely that impartiality will be shown in the work of the deputy returning officer.

Mr. TAYLOR. I would ask the minister or the hon. member for Rainy River (Mr. Connmee) to tell me the name of a deputy