

the administration of the temporalities of the church. He has no ecclesiastical functions, as I understand it, except that he may occasionally walk in his gown in a procession along with bishops, priests and deacons all in their proper order. Instead of it being a disqualification I would think that the high character and standing of the individual would peculiarly fit him to be a proper returning officer, because he will see straight. If he is a good chancellor of the Church of England, he can do no wrong, and will do no wrong in that position.

Mr. CANNON: Suppose one of these gentlemen who are chosen to act as returning officers refuses to do so. Is any penalty provided?

Mr. GUTHRIE: There is a penalty for any who refuses to do any duty cast upon him by this Act.

Mr. CANNON: Where is it provided?

Mr. GUTHRIE: I cannot say at the moment, but we will come to it.

Mr. COPP: I cannot understand why ministers, priests and ecclesiastics should be ineligible to act as returning officers or poll clerks if they are asked to do so, particularly in country districts where they would be likely to know more people than many others. I do not see why they should be debarred from acting.

Mr. GUTHRIE: That has been the established practice both here and in Great Britain as far back as the memory of man goes. It has always been assumed, rightly or wrongly, that ministers of the Gospel, whatever church they may belong to, exercise some influence over their flock, and I think the chief idea in excluding them from acting as election officers was to remove any possibility of clerical influence at the time of the poll. I think that is a very strong reason.

Mr. PEDLOW: Is it the intention to exclude the members of the Board of Commerce? They rank as judges.

Mr. GUTHRIE: No.

Mr. JACOBS: To continue the question of the appointment of ecclesiastics, may I read from the Ottawa Citizen of April 5, 1920, a short excerpt from a sermon delivered by the Rev. Mr. Gisborne? We are discussing the question of the appointment of an ecclesiastic to the position of Chief Returning Officer. There is only one paragraph that I desire to read, Mr. Chairman, and it gives point to my argument.

The CHAIRMAN: I must ask the hon. member if the remarks contained in the sermon has reference to the clause under consideration.

Mr. JACOBS: I can state fully and frankly, after reading the remarks of the Rev. Mr. Gisborne, that there is not a word in his sermon concerning this Bill.

The CHAIRMAN: I must rule, therefore, that the sermon cannot be read.

Mr. J. H. SINCLAIR: I wish to impress upon the minister my proposal in regard to subsection 2, which provides that no person shall be appointed election clerk, deputy returning officer, registrar or poll clerk unless he is a resident of the electoral district within which he has to act. I suggest that we should make this subsection applicable to returning officers as well. I see no reason why a returning officer should be imported from one electoral district to another.

Mr. GUTHRIE: I understood that we had allowed to stand everything relating to the duties of returning officers.

Mr. CANNON: I asked the minister if there was a penalty and he said that there was. I have looked up the Act and find that penalties are provided for from section 84 to section 98, but I do not find anywhere in these sections a penalty for the man who has been appointed returning officer and fails to perform his duties.

Mr. GUTHRIE: There is one clause covering all election officers.

Mr. CANNON: Where is it?

Mr. GUTHRIE: I will find it; I cannot put my hand on all these things at a moment's notice.

Mr. MCKENZIE: Do I understand that section 35 is to stand until we are further enlightened on the question of what is or is not an ecclesiastic?

Mr. GUTHRIE: I think we are wasting a great deal of time on a matter of minor importance, but if my hon. friend seriously asks that the clause shall stand I am prepared to let it stand.

Mr. COCKSHUTT: I should like to know from my hon. friend (Mr. Jacobs), whether or not a Rabbi would be included in the definition of ecclesiastics.

Mr. JACOBS: I should have to get an opinion from the Sanhedrin before I could give my hon. friend the information he asks for.