

natures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 61 and 62), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it was laid aside, and such endorsement shall be initialled by at least two scrutineers; and the ballot paper contained in such outer envelope shall be deemed to be a spoiled ballot."

Then the poll is closed, or rather the special period which has been assigned to service votes, the ballots are counted for their separate electoral districts, having first been checked by the special returning officer and the scrutineers, the name of the electoral district having been written by the scrutineers in the lower left hand corner of the back, and initialled by both scrutineers. I quote paragraph 69 (2):—

"69. (2) Whenever an outer envelope has been sorted to its electoral district, the name of such electoral district shall be written by the scrutineers in the lower left hand corner of the back of the outer envelope and both scrutineers shall affix their initials thereto."

Only five of the thirty-six outer envelopes shown to us and put in evidence are so endorsed, which clearly shows a want of attention on the part of the special returning officers, and a failure on their part properly to instruct the scrutineers and others working under them.

The whole result of our inquiries, and of our physical examination of the exhibits discloses an unsatisfactory state of affairs. However I propose not to devote any more at this time to an inquiry into the 'how' unentitled persons vote but to the primary inquiry which I have referred to earlier on.

Particulars which have been given by the petitioner consequent on an order of Mr. Justice Dunfield on September 4th, 1962 give the names and particulars of residence of all the persons who he alleges should not have voted in the Riding. These names are divided into service categories and are serially numbered, and in discussing them I shall identify them by these numbers. The information as to the ordinary place of residence as shown on Form 7 on file at Ottawa has not been challenged, and we can accept it as conclusive. The petitioner himself, being thoroughly familiar with the constituency, and the Returning Officer for St. John's West, Mr. W. J. Stoyles, have given evidence that on the information provided 34 of those persons were not entitled to vote in the Riding; two other persons who voted did not give sufficient information so as to be able to say if they were so entitled.

Now without examining in any detail the list, it is most important to bear in mind that the votes of those thirty-six persons are unidentifiable; there is no possibility that any one can say whether they voted for one candidate or another. The result is that it is not possible to separate the votes of those properly entitled to vote from those who were not. The total number of ballots cast comprise those of both classes of persons, electors and non-electors. From the evidence which we have heard I have concluded thirty-four of those named