

*nomination, the returning officer shall announce the day upon which a poll will be held, and the day, hour and place at which the ballots will be counted, which must not be more than fourteen days after the polling."*

There is no such provision made in the said Plebiscite Ordinance for a recount by the returning officer as is provided by said sec. 25 of said ch. 28, and apparently no intention that such a procedure should be followed.

Sec. 30 of the said Plebiscite Ordinance provides for the procedure to be followed after the close of the poll.

Sec. 31 provides for the procedure to be then followed by the returning officer.

The above section does not provide for the summing up of the votes cast in the several polling divisions, *but for the summing up of the result of the returns of all the deputy returning officers*, clearly and in unmistakable language pointing out that it is not the votes cast that the returning officer is to sum up, *but the result of the returns of all the deputy returning officers, and make a return to the commissioner of the result of the plebiscite.*

This must have been intended by the legislators as the final act to be performed by the returning officer, as it is capable of no other interpretation.

Then sec. 32 provides that—"The territorial secretary shall, *immediately after receiving the returns of the vote polled*, publish a statement of the result of the vote in one issue of the Official Gazette."

Then follows in sec. 33 the action to be taken by the Commissioner of the Territory in case the majority of the votes polled are in favour of prohibition.

The provisions of said ch. 28 of the C.O. of 1914 could only apply subject to the provisions of the Plebiscite Ordinance, and where inconsistent therewith could not apply.

In applying the principles of law to the construction of statutes, Maxwell, 5th ed. at p. 72 says:—

"It is . . . a fundamental principle, standing, as it were, at the threshold of the whole subject of interpretation, that the plain intention of the legislature as expressed by the language employed is invariably to be accepted and carried into effect, whatever may be the opinion of the judicial interpreter of its

YUKON.

T. C.