

makes it unnecessary for further investigation; but I do most earnestly submit to the Committee that if in their opinion these votes ought to have been counted so far as this object is concerned, it should permit that investigation which could have been made but for the delay in transmitting the return. There is no return to-day, even up till to-day one could not present a petition, and one cannot now present a petition. I ask the opportunity to file before the Committee definite allegations in respect to the mode in which the election was held, and I ask the Committee to report that further investigation be held into the mode of taking the election and of the allegations of irregularities in regard to it.

Mr. F. D. HOGG: The question to be determined, or probably the main question to be determined is as to the disposition of the votes taken by those entitled to take them under the Military Voters' Act which is part 4 of the Elections Act. The disposition of the votes is to be determined by this Committee. Now these votes of soldiers, or military electors, are all taken by virtue of the Military Voters' Act. I submit on behalf of Dr. Thompson that these votes were taken at the only time, and within the only period laid down by the Military Voters' Act for the taking of those votes, and that was the period generally applicable to the whole of Canada, that the Yukon election is not excepted from that period, and that period ended on the 17th December. The question as it presents itself to me is: what is the time or period within the Act for taking the soldiers' votes? Were these votes taken during that period, and was that the only time set out in the Act for taking the soldiers' votes? If these votes were taken at the only time prescribed by the Military Voters' Act, and if there be no other time set out in that Act for the taking of these votes, then they were taken properly, at the only time fixed for the taking of such votes, and those given for him should therefore be allotted to Dr. Thompson, and those given to Mr. Congdon should be allotted to him. Now, it will be seen by section 1 of the Military Voters' Act that this part of the Act shall apply only to a general election held during the present war or after the conclusion of peace, but before demobilization. The election in the Yukon was a postponement of the general election, but it was part and parcel of the general election, it was not a by-election, or a special election, it was one of the general elections, it was an election in one of the constituencies which was concerned in the general election and therefore the Military Voters' Act applied to that election. Now turning to sections 7 and 8 of the Military Voters' Act in order to determine what is the intention of the Act as to the time for taking the soldiers' votes it will be noticed that section 7 states that "notwithstanding sections 89 and 90 of part 3, all nominations of candidates for all electoral districts except the Yukon Territory shall be fixed for and made on one and the same day, and notwithstanding section 131 of the said part the day for holding the poll within Canada, whether under this part or otherwise, in or for all electoral districts, shall be the 28th day, after that fixed for the nomination of candidates." Now I submit that section is fixing a general day for the taking of the soldiers' vote in every constituency in Canada. You will notice that sections 89 and 90 of Part 3 are the sections which fix the date for the nomination for the constituencies in Canada except the Yukon, and section 131 fixes the date for the polling within Canada except the Yukon.

The CHAIRMAN: It does not say in section 131 "except in the Yukon," does it?

Mr. HOGG: 131 is fixing the date for general polling in Canada, the constituency of Yukon has a date of its own; with respect to nomination day and polling, that is fixed by section 36 which fixes the day for nomination in the Yukon, and section 58 fixes the day for the voting in the Yukon. Neither 58 nor 36 refers in any way to the Military Voters' Act. The day for nomination generally within Canada and the day for polling generally within Canada, are stated and set out specifically in sections 7 and 8 of the Military Voters' Act, but there is no mention made in the sections which deal with fixing the nomination and polling days in the Yukon to the Military Voters' Act. These sections refer solely to the day or days for nominating candidates and for