

this is not the case I am immediately considering, which is where no district at all is named on the envelope. It is in such connections as this that first hand evidence would have been so helpful. Without it I can only say that the task confronting the returning officer and scrutineers appears to me a formidable one, to say the least. Paragraph 15 mentions the provision of books of key maps and books of excerpts from the Canadian Postal Guide, but says nothing more about them than I can find. If with this apparatus alone to help them the scrutineers are able in any such case to ascertain the proper district, either they are unusually sagacious and diligent or the Postal Guides are one hundred per cent exhaustive and accurate. In any case we must assume that the residence is located and the district thereby fixed. If not, if it cannot be found at all, I can see no course for the returning officer to follow but to mark the envelope as containing a rejected ballot and set it aside. If it is located, obviously the only thing to do is to send it to the district indicated. And, it might be added, secretly hope for the best.

However, this seems a most unlikely case to arise. If the 34 envelopes we have examined are typical—and there seems no good reason why they should not be—the electors must, in virtually every case, have named the district as well as the place of residence. And here I can see the returning officer possibly placed in a dilemma the chance of which occurring is so obvious that it should have been the first consideration in the minds of those who framed the Rules. Genuine and unintentional mistakes occur in every election and should be guarded against in every reasonable way. Now, the returning officer is cautioned to see to it, in the case of every envelope, that it is sorted to the proper electoral district. Which then is the proper electoral district when the elector's residence is shown to be in one district and he has himself named another? Plainly, the former. To put it generally and symbolically, let us suppose a service voter's residence is found to be in district A and the name given by him to be district B. The proper district, the only one in which he is entitled to vote, is A. Must the scrutineers sort the envelopes to district A knowing that the odds are overwhelmingly in favour of his having written the name on his ballot paper of a candidate in district B? Surely not. It is virtually certain that, if this is done, some candidate will receive a vote that does not belong to him; also—what is vastly more important—that, once the ballot is put in the ballot box, irremediable harm may have been done. Its identity will be lost and it will be impossible to remove it, with the result that it will inevitably be counted.

The only proper disposition of such an outer envelope is surely that it should be set aside as containing a rejected ballot paper. And I should have thought that the Rules would provide, in every case where reasonable doubt is raised on this score by the details on the outer envelope, some procedure for removing the doubt if possible before the envelope is opened for counting: if any doubt still remains then, the ballot should be rejected. Yet paragraphs 73 and 74, treating the disposition of outer envelopes that are not satisfactory, deal only with incomplete envelopes, those received too late and the case of an elector having voted twice. They are silent on this, which would seem the most likely as well as the most serious case of all: where there is a manifest discrepancy and lack of agreement between the real district, as fixed by the place of residence, and that named by the voter.

More might be said on this subject, the actual voting and counting procedure laid down by the Rules; but I think the points to which I have drawn attention are enough at least to raise considerable doubt whether those participating, as