

This, however, may be called a relatively minor matter. What cannot be so called is the stark and startling truth that it was in every case the elector himself who supplied the evidence, which only needed what was little more than formal confirmation by Mr. Browne and the returning officer for St. John's West, that showed him to be not qualified to vote in that district. How did such an event come about? In the answer which I now submit we find, I am confident, the greater part, if not the whole, of the cause of the trouble.

If paragraph 70 (d) which I have quoted is read, as it should be, together with paragraph 36 (1) and Form 7, a serious inconsistency is revealed. Paragraph 36 (1), which deals with the declaration to be made by a Forces elector, after setting forth the matters that must be contained, has these words: "the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7." We have to note the use of the word "may". When, however, we look at Form No. 7 as set out in the Rules we find these words, underneath a dotted line to be filled in, "Here insert name of electoral district." And this is followed by a similar line with the words, "Here insert name of province."

This is the inconsistency I have mentioned, and that it is a serious one is made clear when, finally, we look at paragraph 70 (d), above quoted. 36 (1) has given the elector a choice between two alternatives: to omit the name of the district or to insert it. Form 7, of which alone he would be made aware in this connection and which he would actually have to sign, is clearly in the imperative: it says "Insert". He is given no choice, and he naturally obeys. The practical effect of this must surely be that the name of the district will appear on every declaration, that is to say, on every outer envelope.

Let us suppose, however, that in some cases it does not appear: unquestionably, in spite of Form 7, the voter is entitled to omit it if he wishes. If some such case is brought to the notice of the returning officer, what should he do about it? To take an actual example from the 34 envelopes before us he will see "St. Phillip's, Newfoundland". Let us invent a couple, and say he sees "Tupperville, New Brunswick" or "Black Rock, Alberta". Presumably the returning officer will have in mind, and turn to, Rule 70 (d). He is at once confronted by the same difficulty which I will confess I find in deciding just what the language used there really means. One would have thought that the Rules, after indicating in paragraph 36 (1) that the declaration might be in either of two forms, would have here provided for the proper treatment of both cases respectively. This plainly is not done. Can it be said that 70 (d) sufficiently takes care of both? I hardly think so. The word "ascertain" seems apt only to the case where the district is not named. It is true that the phrase "correct electoral district" does suggest that those who framed the Rules envisaged the case of an elector having, mistakenly or otherwise, named a wrong district, and intended that the scrutineers should accordingly examine every envelope to test its accuracy in that respect. But, if that were so, the paragraph should, and could, have said this expressly and clearly. Since it does not do so, the scrutineers can hardly be blamed if they accepted the word of the elector himself and assumed that he had "ascertained" his own proper district. But