

Mr. KEEFER: How do you mean?

Mr. CONGDON: I understand that 15,000 votes were set aside throughout Canada. Soldiers' votes ought to be counted or not counted the same as if they were civilian votes.

Mr. KEEFER: I do not see why you brought the 15,000 votes.

Mr. CONGDON: Except that the same rule should apply everywhere. Why should you reject the soldiers' votes in other constituencies without compunction and only lament over Yukon?

Mr. KEEFER: They were objected to on the ground of form, and had not been properly registered, but if the vote for the parties had been properly registered, you say it should not be counted.

Mr. CONGDON: Of course I am very glad if this objection were sustained, I am precluded from objecting on the ground which I endeavoured to go into in the earlier part of my argument. I can understand the committee recommending a new election. That might be the proper solution, although I think it is much more important that the committee should apply to this the recognized rules of interpretation than that it should recommend a new election merely on account of the soldiers' vote.

Mr. MOWAT: Would a new election include the vote in Europe?

Mr. CONGDON: Certainly, I think myself that the contention might be strongly made that neither one of us is elected, I am quite willing to take that position. I wish in conclusion to point out that if you read these sections distributively you have no trouble at all. It is utterly absurd to see any difficulty in taking 500 votes, or less than that between the 31st December and the 28th January; it is as easy to take them then as it was to take them between the 1st December and the 17th, and in the same way in the case of the death of the candidate or candidates. All candidates are not going to die before election day, but a certain percentage of candidates may die, and it is not a very unreasonable thing to read that distributively, and to say that the votes must be taken after the nomination day and before the election day. It is simplicity itself to accept that whilst it is an absurdity to say, as my learned friend, that you must take them all at the one time. It must be taken between nomination day and polling.

Mr. KEEFER: Is there anything in the return to show what votes were rejected relating to this constituency.

Mr. CONGDON: I think so, I think it is on pages 24 and 25.

Mr. HOGG: Three were rejected in France.

Mr. KEEFER: I understand there was a total of three in your constituency, is that right?

Mr. CONGDON: A total of three rejected, I understand.

Mr. TWEEDIE: Coming back to the form which says clearly: "Signatures with residence and additions" and in the body of the paper it says, "names, residences and additions or descriptions of person or persons nominated."

Mr. CONGDON: But you will notice that the Supreme Court of Canada makes that distinction. There was no address or addition, only the bare name. In this case the address removed any doubts as to identity.

Debate followed.

Mr. McKenzie moved that a stated case be prepared and submitted to the Supreme Court, or to any two judges of the Supreme Court of Ontario for decision.

Motion carried and committee adjourned.