

respective deputy returning officers before whom the declarations were signed; and, third, the special returning officers and their assistants who superintended the receiving, sorting and counting of the votes in the several voting territories concerned.

Regarding the voters themselves, I have only this comment to make at this stage. I must emphasize that the subject matter of this analysis is not any particular and individual irregularity that may have occurred, but simply and solely the complete avoidance and nullification of the election. For that, I for my part acquit the voters of any responsibility. Their votes should not have been received at all, and most certainly should not have been counted; but there the part played by them stops. They should have lost their votes, and for that, even if their mis-statements were in any instances venial and understandable, they have only themselves to blame. No-one else is.

As to the deputy returning officers who took the declarations and handed the envelopes to the voters, I would myself exonerate them entirely. I can find nothing in paragraphs 36 to 40 of The Canadian Forces Voting Rules, describing the duties of such officers, which says, or even suggests, that they are in any sense scrutineers. Even in the few cases among the 34 declarations and envelopes where there is a patent, or even flagrant, incompatibility between the residence named and the electoral district, I cannot see that this was any concern of that office. If an envelope bore that character, it would not lose it in its passage through the mail, and it would, or should, be apparent to those in the special returning office whose duty it was to conduct the real scrutiny.

That brings the inquiry to the last place and group of persons concerned. It would also seem to be the last to be investigated, since it was there, in each particular case, that the harm must have been done, that the votes were received and counted that should have been rejected. We are indeed here getting very near to the root of the trouble, but not quite; near enough, however, to see where the root really lies. And here again, as in the other two places, I myself would return a verdict of not guilty if the charge were the specific one that the special returning officers, their assistants or the scrutineers were mainly, or even to any substantial extent, responsible for the failure of this election to produce any certain result.

To see whether this is the correct view or not we need only imagine ourselves in the place of any special returning officer and consider the conditions under which he and his assistants had to discharge their very responsible duties. Paragraph 5 of the Rules creates three "voting territories" inside Canada, with headquarters at Ottawa, Halifax and Edmonton respectively, each presided over by a special returning officer. It also provides for the establishment if necessary of a voting territory for Canadian Forces electors stationed outside of Canada. I shall confine myself to the first three, for what I have to say will serve, *mutatis mutandis*, for the outside territory also. Each special returning officer is given assistants; and paragraphs 9 and 10 provide for at least six scrutineers, and more if necessary, at each headquarters. This, I think, sufficiently describes the personnel set-up, and I have now to look at the conditions under which they worked.

There were, on June 18th last, some 264 electoral districts in Canada. It seems obvious that every Service man who voted must have had an 'ordinary