

Yukon, and I submit that the votes cast by virtue of this Act, and by virtue of sections 7 and 8 should be allotted to Dr. Thompson and that he should be declared elected.

Mr. CONGDON: I want to point out that the notices of election after the nomination is governed by section 41 and not 107. The reason I call attention to that is that in the case which you have before you, 47 Supreme Court of Canada, some stress was laid on 107 which has nothing to do with it, but it is section 41 which provides.

"In the Yukon Territory immediately after having granted a poll, the Returning Officer shall cause to be posted up at all places where he has fixed polling stations for the taking of the votes at the election and in four other of the most conspicuous places in each polling division an election proclamation in Form L."

Nothing is said in 41 about the addition or description, whereas in 107 it is repeated.

"On a poll being granted the returning officer should cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates named."

Now, L only says "insert the names and additions of each candidate, as given in the nomination papers."

Mr. TWEEDIE: The general instructions provides that in H may be given the "residence and additions;" what do you understand by residence and additions?

Mr. CONGDON: I think they are synonomous words with the words "additions or descriptions."

Mr. KEEFER: These votes were cast before you were nominated, and they were either cast for the Government candidate or for the Opposition candidate, is that right? They must have been cast for somebody, at the time they were cast, either for or against the Government were they not?

Mr. CONGDON: For the individual?

Mr. KEEFER: When these men voted overseas how were they voting? For whom were they voting—for or against the Government?

Mr. CONGDON: No, voting for individuals.

Mr. KEEFER: Would it not be reasonable to infer that they would be voting for whoever would be the Government candidate?

Mr. CONGDON: In the future?

Mr. KEEFER: In the future.

Mr. CONGDON: That is the only assumption to take out of it.

Mr. KEEFER: I am speaking aside from the technicality but getting down to the merits.

Mr. CONGDON: But I do not think it is technical.

Mr. KEEFER: You can very strongly urge they were voting for the Government candidate, but had they known that you were the candidate they would have voted for you.

Mr. CONGDON: Further I want to point out that the mode of operating this Act suggested by my learned friend might lead to numberable absurdities, whereas the mode I suggest would have secured fair play and a fair vote in every case.

Mr. KEEFER: Does this not necessarily follow that if we grant your request and set aside the report of the returning officer, we disfranchise these men overseas?

Mr. CONGDON: There were disfranchised 15,000 votes that were held by the Clerk of the Crown in Chancery, to be illegal.