

Report of the Honourable Nathaniel  
Theodore Nemetz, A Judge of the Su-  
preme Court of British Columbia, Ap-  
pointed a Commissioner Under Part 1  
of the Inquiries Act To Inquire Into  
Certain Charges of Election Irregu-  
larities in the Federal Election of  
1963

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R E P O R T    O F

THE HONOURABLE NATHANIEL THEODORE NEMETZ,  
A JUDGE OF THE SUPREME COURT OF BRITISH  
COLUMBIA, APPOINTED A COMMISSIONER UNDER  
PART 1 OF THE INQUIRIES ACT

TO INQUIRE INTO CERTAIN CHARGES OF ELECTION  
IRREGULARITIES IN THE FEDERAL ELECTION OF 1963.

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JK2241.B7  
N4

c. 1 aa

REGISTRAR:

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PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee  
of the Privy Council, approved by His Excellency the Governor  
General on the

2nd March 1965.

The Committee of the Privy Council, on the recommendation of the Prime Minister, advise that the Honourable Nathaniel Theodore Nemetz, Judge of the Supreme Court of British Columbia, be appointed a Commissioner under Part I of the Inquiries Act to inquire fully into and to investigate the charges of irregularities in the federal election of 1963 made by Mr. Ormond Turner in the issue of the Vancouver Province of February 22, 1965, and in any other issues thereof, and to consider such other matters as may appear to the Commissioner to be relevant and to report fully thereon.

The Committee further advise:

1. That the Commissioner be authorized to exercise all the powers conferred upon him by section 11 of the Inquiries Act;
2. That the Commissioner adopt such procedures and methods as he may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and at such places as he may decide from time to time;
3. That the Commissioner be authorized to engage the services of such counsel, staff and technical advisers as he may require at rates of remuneration and reimbursement approved by the Treasury Board; and
4. That the Commissioner report to the Governor in Council with all reasonable despatch, and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry.

CLERK OF THE PRIVY COUNCIL

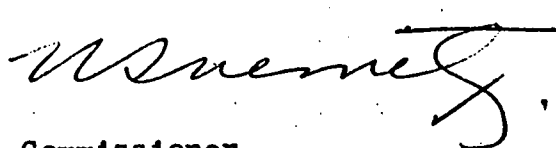
His Excellency General Georges P. Vanier, D.S.O., M.C., C.D.,  
Governor-General of Canada,  
Ottawa, Ontario.

May it Please Your Excellency:

Pursuant to the provisions of Part I of the "Inquiries Act", Chapter 154 of the Revised Statutes of Canada, 1952, and in accordance with your Order-in-Council dated P.C. 1965 - 372 of March 2, 1965, a Commission was issued under the Great Seal of Canada appointing me a Commissioner to inquire into and report upon certain matters, therein set out, relating in general to charges of irregularities in the Federal Election of 1963 in the Province of British Columbia.

The Inquiry has been completed and I beg to submit my report herewith.

I have the honour to be, Sir,  
Your obedient servant,

  
Commissioner.

Vancouver, B.C.,  
August 2, 1965

PART I

INTRODUCTION:

1. Acting under the authority conferred upon me, I engaged the services of:

- (a) Charles C. Locke, Esq., Q.C. and Graham C. MacKenzie, Esq., as Counsel and Junior Counsel to this Commission;
- (b) John Noel Lyon, Esq., Assistant Professor of Law at the University of British Columbia, as Secretary to the Commission;
- (c) Mrs. D.M. Winton, and Mr. B. Freeman, Official Court Reporters at New Westminster, B.C., as reporters.

2. On receipt of your authority I caused the following to be done:

- (a) Notices placed in the following British Columbia newspapers:

The Vancouver Sun  
The Vancouver Daily Province  
The New Westminster Columbian  
The Nanaimo Free Press  
The Victoria Colonist  
The Victoria Times

- (b) Notices given either directly to the New Democratic Party, the B.C. Federation of Labour, the Vancouver Daily Province, Mr. Ormond Turner, or to Counsel for the aforesaid interested parties.

- (c) Obtained the co-operation of the Royal Canadian Mounted Police and in particular the services of Sgt. Leas to make certain investigations pertaining to the charges contained in Mr. Turner's articles.

3. Called a preliminary hearing on March 16th, 1965, to hear submissions in regard to the proposed procedure to be followed.

4. Carried on the Inquiry during the course of eight further days of hearing during which time:

(a) the following Counsel were in attendance:

- (i) Charles C. Locke, Esq., Q.C., and  
Graham C. MacKenzie, Esq., for the  
Commission
- (ii) Tom Berger, Esq., for the B.C. Federation of Labour
- (iii) John Laxton, Esq., for the New Democratic Party
- (iv) L. Candido, Esq., for Mr. Ormond Turner
- (v) E.J.C. Stewart, Esq., for Mr. Morland Brown

and (b) the following witnesses were heard:

- (i) E.A. Anglin, Esq., Q.C., Assistant Chief Electoral Officer for Canada
- (ii) Mr. Ormond Turner
- (iii) Mr. Morland Brown
- (iv) Sgt. A.J. Leas
- (v) Mr. H. Nowell, enumerator for Poll 77(B) in Fraser Valley Riding

- (vi) Mr. E.G. Beastall, enumerator for Poll 77(F)  
in Fraser Valley Riding
- (vii) Mr. W.P. Hoggan, enumerator for Poll 69(A)  
in the Nanaimo-Cowichan-The Islands Riding
- (viii) Mr. B. Pope, enumerator for Poll 234 in  
the Coast Capilano Riding
- (ix) Mr. W. Wymer, enumerator for Poll 77(C)  
in Fraser Valley Riding
- (x) Mr. H.P.C. Koch, enumerator for Poll 77(E)  
in Fraser Valley Riding
- (xi) Mrs. J. Nicoll, enumerator for Alvin Poll  
No. 1 in Burnaby-Coquitlam Riding
- (xii) Mr. T.E. Heaton, returning officer for  
the Fraser Valley Electoral District
- (xiii) Mr. F.G. Spencer, returning officer for  
the electoral district of Nanaimo-Cowichan-  
The Islands
- (xiv) Miss Lynn Morrow
- (xv) Mr. J.A. McNevin

The returning officers and enumerators did not appear with counsel. However, they were afforded and obtained the services of Commission Counsel.

5. I heard full submissions and argument presented by counsel on the last two days of hearings which ended on May 11th, 1965.



PART II

THE CHARGES

A. During the months of February and March, 1965, a number of articles written by Mr. Ormond Turner appeared in the Vancouver Daily Province (hereinafter referred to as "The Province"), a newspaper published in the City of Vancouver. The Order-in-Council appointing me a Commissioner required me to investigate charges of irregularities in the 1963 Federal Elections made by Mr. Turner in the issue of The Province of February 22nd, 1965, and in any other issues thereof. I considered it relevant and proper to have adduced in evidence eleven articles written by Mr. Turner during the period February 19th to March 4th, 1965.

B. Mr. Turner is a journalist employed by The Province. Although he had been in the newspaper business for some time, at the date of the commencement of these hearings he had only some thirteen months' experience as a columnist, writing under his own byline a column called "Around Town". He relied for the material in the articles examined principally upon the work of Mr. Morland Brown whose testimony I will refer to later.

C. After perusal of Mr. Turner's articles and considering the evidence I conclude that the articles either expressly or by implication charged:

1. That on election day (April 8th, 1963) certain persons deliberately voted illegally and in every riding where this happened "the N.D.P. has benefited".

(Exhibits 2(a) to (c) inclusive.)

2. (a) That in the Federal election of 1963 there existed in British Columbia a "conspiracy to fake votes". The alleged conspirators were "at least six B.C. unions" and the New Democratic Party (Exhibits 2(a) to (c) inclusive);  
  
(b) That the six B.C. unions "conspired to get New Democratic Party candidates elected fraudulently" (Exhibit 2(c)); and  
  
(c) That in carrying out this conspiracy the unions "deliberately deceived" the enumerators. (Exhibit 2(a)).
3. That the New Democratic Party plotted to manipulate the election by "getting fictitious persons onto voters' lists" and that fictitious addresses were used. (Exhibits 2(b), 2(c), and 2(f)).
4. That irregularities and "phoney" registrations occurred in a number of B.C. ridings including Burnaby-Coquitlam, Fraser Valley, Nanaimo-Cowichan-The Islands (hereinafter referred to as the "Nanaimo Riding"), and Coast Capilano. (Exhibits 2(a) to 2(f) inclusive, and 2(h)).
5. That in Poll 69(A) of the electoral district of the Nanaimo Riding 14 of the 299 names appearing in the Rural Preliminary List of electors were fictitious, and "phoney addresses" were used. (Exhibit 2(a)).

PART III

Having outlined the Charges (Part II) I now deal with them separately.

CHARGE ONE

That on election day (April 8th, 1963) certain persons deliberately voted illegally and in every riding where this happened "the N.D.P. has benefited". (Exhibits 2(a) to (c) inclusive).

I should like at the outset to inform Your Excellency, that no evidence was adduced that would indicate that any person deliberately voted illegally in British Columbia during the Federal Election of April 8th, 1963.

It is clear to me that any reasonable person reading Mr. Turner's articles would have presumed that he was charging that persons deliberately voted illegally in British Columbia in the Federal Election of 1963 and that the New Democratic Party benefited therefrom. Nevertheless, in his testimony in chief Mr. Turner stated categorically that he "never said that anyone ever did vote twice". In cross-examination, he iterated that he had never said that votes were improperly or illegally cast in the Federal Election and he stated that he had no knowledge of any New Democratic Party candidate benefiting from illegally cast votes. This testimony taken by itself represents, in my view, a complete withdrawal by Mr. Turner of this charge.

Mr. Morland Brown gave evidence before me. He is a druggist who resided in the Burnaby-Coquitlam Electoral District at the time of the 1963 Federal Election. He acted in the election as a Poll

Captain. After the election he decided to compile lists of prospective workers for the next election. While preparing these lists he became suspicious of double enumeration (a subject with which I will deal later) of persons placed on the electoral lists. However, Mr. Brown testified that his research did not indicate that any illegal voting had taken place. He said "... I have never had any indication of double voting. I have never had any proof of double voting .... I have never claimed that." Although Mr. Brown stated that there may have been a possibility of votes being illegally cast, he nevertheless testified that he never at any time claimed that he had any proof of illegal voting.

At Page 446 of the transcript the following questions and answers appear:

Question: "But you say that as far as your researches are concerned, you have no proof of any double voting?"

Answer: "No."

Question: "And you have no proof beyond what inferences you can draw, from the material that you have placed before the Commission, that this has in fact taken place?"

Answer: "I have never claimed it and I have no proof of it."

I THEREFORE FIND THAT CHARGE ONE IS NOT SUBSTANTIATED, BUT TO THE CONTRARY THAT NEITHER MR. TURNER, MR. BROWN, NOR FOR THAT MATTER, ANY OTHER WITNESS GAVE ANY EVIDENCE THAT INDICATED THAT ANY PERSON DELIBERATELY VOTED ILLEGALLY IN BRITISH COLUMBIA IN THE FEDERAL ELECTION OF APRIL 8TH, 1963.

CHARGES TWO AND THREE

- 2(a) That in the Federal Election of 1963 there existed in British Columbia a "conspiracy to fake votes". The alleged conspirators were "at least six B.C. unions" and the New Democratic Party;
  - (b) That the six B.C. unions "conspired to get New Democratic Party candidates elected fraudulently"; and
  - (c) That in carrying out this conspiracy the unions "deliberately deceived" the enumerators.
3. That the New Democratic Party plotted to manipulate the election by "getting fictitious persons onto voters' lists" and that fictitious addresses were used.

The testimony given in relation to these two charges by Mr. Turner and Mr. Brown is lengthy and discursive. For this reason no useful purpose will be served by reproducing all of the verbatim questions and answers touching these charges in the 1,069 pages of the transcript. It will be sufficient if I state my findings, based as they are, upon hearing the witnesses, observing their demeanour and reading the transcript. After a preliminary collation of the questions and answers referable to these charges, I conclude that Mr. Brown has not testified that anyone was involved in any conspiracy or plot to secure illegal votes for New Democratic Party candidates or anyone. He has stated that he does not support the accusations in this respect made by Mr. Turner. He further states that in his view no enumerators were deliberately deceived either by unions or by anyone else. I have no hesitation in accepting Mr. Brown's testimony since he appeared to me to be an honest and straightforward witness. It appears to me that in a mood of zealous investigatory journalism

Mr. Turner drew inferences from Mr. Brown's statements and material which cannot be supported.

At Page 208 of the transcript of Mr. Locke's examination of Mr. Turner, the following questions and answers are reported:

Question: "Now, Mr. Turner, leaving aside the reported conversation of the union official, what direct evidence actually have you of the involvement of any particular named trade union in the Federal Election of 1963?"

Answer: "None."

Question: "In what I would call a corrupt way?"

Answer: "None."

Question: "Leaving aside the conversation with the official, trade union official, and we do not know, of course, yet, its full scope, but leaving that out for the minute, what evidence, what direct evidence have you of the corrupt involvement of the New Democratic Party with the Federal Election of 1963?"

Answer: "None."

Question: "Is it fair to say that a great many of the opinions which you expressed in the articles have been based upon, principally upon material presented to you by Mr. Morland Brown, from which you drew certain inferences?"

Answer: "Yes sir."

I will deal with the conversation with the trade union official referred to in this exchange, below.

Aside, therefore, from Mr. Turner's reliance on Mr. Brown's work, I need only consider Mr. Turner's other sources of information. These he stated to be:

- (a) A conversation that Mr. Turner had a few years before the Federal Election with an unnamed person in the Admiral Hotel Beer Parlour in Burnaby,
- (b) The conversation between "the trade union official" and another person,
- (c) Some comparison he made of voters' lists.

As far as (a) is concerned, I find that such conversation has no relevance whatsoever in relation to the charges I have outlined. As far as (c) is concerned, any investigation done by Mr. Turner is insignificant when compared to Mr. Brown's voluminous research and adds nothing new to Mr. Brown's material. As far as (b) is concerned, Mr. Turner's testimony in this regard concerns a conversation related to him by Miss Lynn Morrow between Miss Morrow and Mr. John McNevin, Assistant Secretary of the B.C. Federation of Labour.

Miss Morrow gave evidence before me. She has had considerable experience in political elections. In British Columbia she was at one time president of the Progressive Conservative Women's Association and in 1963 was a candidate for that party in the Federal Riding of Burnaby-Coquitlam. I found her to be a sophisticated observer of matters political and a frank witness. Her admiration for the New Democratic Party organization in Burnaby-Coquitlam led her, after the election, to make inquiries as to the nature of that organization.

She testified that while having lunch with Mr. McNevin, he made a remark that she interpreted as meaning that the B.C. Federation of Labour was responsible for double enumerations in

the 1963 Federal Election in British Columbia. I quote Miss Morrow's testimony verbatim:

"--- and I said, 'Was Tommy [The Hon. T.C. Douglas, M.P.] responsible for the double listings too?', and he said, 'Oh no-, we did that.' And then we just went on to other things."

Question: "Now, when he said, 'Oh no, we did that', whom did you understand the 'we' to refer to?"

Answer: "Well, I would assume that he meant the Labor Federation."

Question: "B.C. Federation of Labor, of which you understood he was an official?"

Answer: "Yes."

Miss Morrow described this remark as "... purely casual in the course of a fairly casual conversation." She did not connect this remark with any illegality having occurred during the election since she testified that she knew that it was not illegal to be listed on two preliminary lists of electors. Mr. McNevin in his testimony stated he did not recall the conversation as related by Miss Morrow, but admitted such a conversation could have taken place.

If Mr. McNevin made the statement attributed to him by Miss Morrow, the statement I find is equivocal and is consistent with efforts made prior to polling day by the B.C. Federation of labour to encourage union members to be enumerated. I find nothing in the testimony of Miss Morrow or Mr. McNevin that supports charges numbered two and three.

ACCORDINGLY I FIND THAT THE EVIDENCE ADDUCED BEFORE ME DOES NOT SUPPORT CHARGES TWO AND THREE.



CHARGES FOUR AND FIVE

4. That irregularities and "phoney" registrations occurred in a number of B.C. ridings, including Burnaby-Coquitlam, Fraser Valley, the Nanaimo Riding, and Coast Capilano.
5. That in Poll 69(A) of the Nanaimo Riding 14 of the 299 names appearing in the Rural Preliminary List of electors were fictitious, and "phoney addresses" were used.

As I have already indicated, Mr. Turner in writing his articles in the Province relied essentially on information presented to him by Mr. Brown. To compile this information Mr. Brown examined lists of electors for duplicate enumerations, non-existent addresses and inaccuracies in spelling. Mr. Brown testified that he spent possibly as many as 5,000 hours in examining such lists. He began with Poll No. 1 and Poll No. 3 in the Burnaby-Coquitlam Riding. Next he selected the Fraser Valley Electoral District logging camp Polls 77(A) to (G) inclusive and then he examined Poll 234 in the Coast Capilano Electoral District and later Poll 69(A) in the Nanaimo Riding.

Mr. Brown was "astounded" to find that many people had been enumerated at two separate polling divisions. When he first began to examine the lists of electors he did not realize that a person could quite properly be enumerated at more than one polling division. It also appears that he was not aware of the provisions of Section 16(11) of the "Canada Elections Act" Revised Statutes of Canada, 1952, as amended, and quoted below, in respect of temporary workers until

he received a letter from Mr. Nelson Castonguay, dated September 11th, 1963.

I quote this letter:

September 11, 1963.

Dear Mr. Brown,

I acknowledge receipt of your letter of September 7th. On receipt of the lists of electors you mention, I shall be able to give consideration to this matter.

I do not know if you are aware that there are certain provisions of section 16 of the Canada Elections Act that permit the name of an elector to be included in the list of electors prepared for a polling division situated in an electoral district other than the one in which is situated the elector's place of ordinary residence at the date of the issue of the writ ordering a federal election. Under these provisions the names of various electors can legally appear on the lists of electors of two electoral districts and the electors may vote in either one of such electoral districts as they may elect.

I am sending you herewith a copy of the General Election Instructions for Returning Officers (Book A39) to which is appended an office consolidation of the Canada Elections Act. Your attention is drawn to the provisions of subsections (7), (8), (9), (11), (13), and (14) of the said section 16 printed at pages 165

"to 167. I wish to draw particularly to your attention the provisions of subsection (11) of the said section 16 which applies extensively to persons employed on construction projects.

I also do not know if you are aware that the enumerators at a federal election are given only six days to compile lists of electors containing approximately the names and other details of 10,000,000 electors; I think you will agree with me that in that period of time it is physically impossible for an enumerator or a pair of enumerators to contact each elector in order to obtain the exact details as to his name, occupation and address. My instructions to enumerators are printed in the books which I am enclosing. You will notice in paragraph 6 printed at page 11 of my book of Instructions to Urban Enumerators (Book E) my directions to such enumerators pertaining to visits and inquiries. I also wish to draw to your attention how the details relating to women are to be recorded. My instructions to urban enumerators appear in paragraph 8(3) printed at page 14 of the said Book E. My instructions concerning the collection of information pertaining to rural electors are set out in paragraph 10 printed at page 12 of my book of Instructions for Rural Enumerators (Book F).

I am pointing out these matters to you because from the information set out in your letters to date it would seem to me that you may be under the impression that the

"method of enumeration at federal elections is similar to the method of registration for provincial elections in the Province of British Columbia. At federal elections, a person does not have to fill out a registration card to have his name included in the list of electors; moreover, the qualifications and rules of residence of electors are not similar.

The evidence submitted by you to date appears to have been obtained solely from a comparison of lists of electors prepared for various electoral districts. I should be grateful to you if you would inform me whether or not any of the allegations you make in your letter of September 7th were substantiated by any other evidence such as an investigation by you at the dwellings of the electors concerned.

Yours sincerely,

'N. Castonguay',

Chief Electoral Officer."

After receiving this letter Mr. Brown continued his examination of voters' lists and eventually studied Poll 69(A) of the Nanaimo Riding. What now "amazed (him) more than anything else" was not the duplicate enumerations, but the 14 non-existent addresses that he allegedly found. He checked these by personally attending at the addresses shown in the electoral list and/or by sending registered letters to the addresses set out. The Royal Canadian Mounted Police at my request investigated these 14 addresses and I

will deal with these later.

Mr. Brown on finding the duplicate enumerations observed that many of the persons duplicated were in what he describes as "transient type" occupations, as for example logger, labourer, construction worker or carpenter, and that in 10 of the 11 polls that he selected for special study, where there were heavy duplications, the New Democratic Party carried these polls on election day. These 11 polls are Poll 69(A) in the Nanaimo Riding, polls 1 and 3 in Burnaby-Coquitlam Riding, Poll 234 in the Coast Capilano Riding, and Polls 77(A) to (G) inclusive in the Fraser Valley Riding. I examined 10 out of these 11 polls in detail. It appears to me that Mr. Brown's reasons for suspecting the irregularities referred to in charges four and five are substantially these:

- (a) He found duplications of names on voters' lists.
- (b) He found 14 false addresses on the voters' lists for Poll 69(A) and one false address on the list for Poll 234.
- (c) He found that on polling day the New Democratic Party candidate topped 10 of the 11 polls that he selected for special study.

In order to explore charges numbered four and five Commission Counsel went to extraordinary lengths to adduce in evidence any facts which might be relevant or connected to the proof of such charges. In this respect they were ably assisted by Sergeant Leas of the Royal Canadian Mounted Police and his assistants, who spent many days in searching out people for questioning.

Seven enumerators and two returning officers were called as witnesses. I will first deal with the part played by these enumerators and returning officers in the federal election.

Without any doubt whatever I found the returning officers and enumerators to be an honest and intelligent corps of public spirited citizens who performed a first rate job under conditions of pressure due to time factors that arise under the provisions of the "Canada Elections Act". The Act requires that the returning officers appoint enumerators as soon as possible after the issuance of the Order-in-Council that names the date on which the election is to be held. At least five days before the enumerators are appointed the returning officers must give notice of their proposed appointments to the candidates who at the preceding election received the highest and second highest number of votes. The enumerators on the 49th day before polling day start the enumeration period. It lasts six days and the sixth day ends on a Saturday. On the following Monday (this being the 42nd day before polling day) the lists of names enumerated and prepared by the enumerators must be submitted to the returning officers and a copy of the lists must be posted in a conspicuous place in each polling division. The returning officers must have these lists printed not later than the 25th day before the election, in order to allow the revising agents to commence revision sittings. These revision sittings commence on the 24th day before polling day. The details of the revision procedure are carefully set forth in the "Canada Elections Act". The entire procedure is such that the returning officers and the enumerators are always short of time. This was substantiated by the evidence given by Mr. E.A. Anglin, Q.C., who has

been the Assistant Chief Electoral Officer for Canada since 1949.

Section 16(11) of the "Canada Elections Act" provides as follows:

"Except as provided in subsection (13), a person shall be deemed to be ordinarily resident, on the date of the issue of the writs ordering a general election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and is entitled to have his name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election, if such person is otherwise qualified as an elector; such person is not, however, entitled to vote in such polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation; this subsection is not applicable at a by-election."

The difficulty that faced some of the enumerators was to correctly interpret this subsection having regard to two main groups of temporary workers employed at some of the logging camps in the Harrison Lake district of the Fraser Valley Riding and at one camp (Toba Inlet) in the Coast Capilano Riding. One group of workers who arrived in camp for the first time after February 6, 1963 (the date of the issuance of the election writ) had not been employed or resident at the site previously. In general the men in this group had arrived

by February 23, 1963, and some enumerators posted them to the preliminary lists. The other group of workers who arrived in camp after February 6, 1963, were former employees returning to their employment which they had temporarily left, either because of a work shutdown or for other reasons. Some of these men may have established temporary residence at these camps previous to February 6, 1963. While I am not called upon to interpret this subsection it would appear to me that the first group were ineligible for enumeration, while it is arguable that the latter group, depending on the circumstances in individual cases, might be considered eligible. The enumerators and their superiors may have erred on legal grounds in extending enumeration in some cases within the first group but there is not the slightest doubt in my mind that it was in each case done bona fide and no question of moral turpitude at all arises. THE USE THEREFORE OF THE WORD "PHONEY" IN CHARGE FOUR WAS COMPLETELY UNJUSTIFIED. I may add parenthetically that any evidence in connection with the activity of the enumerators in this respect first came to light during this Inquiry and was not therefore material upon which Mr. Turner could have founded these charges. However, even if one takes into consideration such extended enumeration, the total number of workers so enumerated in both groups was insignificant when related to the total votes cast in each of these two ridings. Even if all of the workers in both groups are considered to be irregularly enumerated and to have voted (which is not determined) I am satisfied from the evidence adduced that their votes would not have changed the outcome of the election in any of the electoral districts examined.

In the two ridings concerned I have hereunder tabulated the



sult as well as indicated the party designation of the winner and runner up:

<u>Coast Capilano</u>	Charles Caron	682 votes
	Jack Davis (Liberal)	27,177 votes
	Peter Faminow (N.D.P.)	11,731 votes
	James Fullerton	4,160 votes
	Mary Southin	10,206 votes
	Rejected ballots	<u>199</u>
		54,155
<u>Fraser Valley</u>	W. Hicks	7,500 votes
	W.R. Jack	9,226 votes
	H. Millar	232 votes
	A.B. Patterson (Social Credit)	11,500 votes
	E. Regier (N.D.P.)	9,735 votes
	Rejected ballots	<u>251</u>
		38,444

It will later be seen that in the one impugned poll in Coast Capilano, only 48 people could have been irregularly enumerated. In the six impugned polls in Fraser Valley riding, only 56 persons could have been irregularly enumerated. It is not possible to say how many of these 104 persons voted. Although other polls in these ridings, not impugned and not examined by this Commission, might similarly have had some degree of irregular enumeration, and this is merely conjecture, it must be remembered that the percentage of

polls requiring the enumeration of temporary workers would be small in comparison to the regular polls in both the rural and urban portions of each of these ridings.

Of the 11 polls examined by Mr. Brown, I heard evidence in regard to 10. Both Sgt. Less of the Royal Canadian Mounted Police and the officers and enumerators directly concerned were called as witnesses. I now deal with these 10 polls seriatim:

BURNABY-COQUITLAM ELECTORAL DISTRICT:

Poll No. 1, Burnaby-Coquitlam (Alvin)

This is the site of the Alvin poll in the Burnaby-Coquitlam Riding and is a logging camp operated by B.C. Forest Products Ltd. located approximately five miles up the head of Pitt Lake, British Columbia. Mr. Brown first became suspicious of the existence of "irregularities" as a result of his work in connection with this poll. The enumerator was Mrs. James Nicoll. Her testimony was clear and straightforward and she impressed me as having done a thorough and precise job. She accounted for all of the 68 persons on the preliminary list of electors. 19 of these persons had been permanent residents in the area and the remaining 49 persons had been employed and temporarily residing there on February 6th, 1963. She further gave evidence that all the non-permanent residents (49) had homes or residences in the Fraser Valley or elsewhere than Alvin, and that nobody left the logging camp on voting day. Mrs. Nicoll was also the Revising Officer and no changes or corrections were made in the preliminary list that she had prepared.

Poll No. 3, Burnaby-Coquitlam (Buntzen)

Buntzen is located on the North Arm of Burrard Inlet and it appears to be accessible only by boat or plane. This is also a logging camp poll, the camp being operated by Canadian Collieries Limited. The payroll records of this company were examined by Sgt. Leas. 65 persons were enumerated. 39 of these persons were present on February 6th working for Canadian Collieries. The remaining 26 persons were not employed by this company on February 6th, but were probably residing in the poll area on February 6th, 1963. While Sgt. Leas' evidence was that 11 persons enumerated at this poll may also have been enumerated at other polls, nothing turns on this since duplicate enumerations, as such, are not in contravention of the "Canada Elections Act". Mr. Turner and Mr. Brown both gave these two polls as examples where irregularities occurred in the 1963 Federal Election.

AFTER CONSIDERING THE EVIDENCE I CONCLUDE THAT THERE WAS NEITHER IRREGULAR NOR IMPROPER ENUMERATION, NOR ILLEGAL VOTING IN THESE TWO IMPUGNED POLLS. THE OUTCOME THEREFORE OF THE ELECTION IN THE RIDING OF BURNABY-COQUITLAM WAS NOT AFFECTED IN ANY WAY.

NANAIMO-COWICHAN-THE ISLANDS ELECTORAL DISTRICT:

Polling Division 69(A) (Harmac)

This poll was located at Harmac, about eight to ten miles from Nanaimo on Vancouver Island, where the MacMillan, Bloedel & Powell River Company were then constructing a large pulp mill. After enumeration was completed on February 23rd the returning officer for the Nanaimo Riding, Mr. F.G. Spencer, discovered that the enumerators had not enumerated approximately

400 persons who were employed at this construction site by a number of construction companies, and who lived in bunkhouses or trailers nearby. In order to enable these persons to be enumerated the returning officer (who has been returning officer for this riding since 1959) obtained leave to and did set up a special polling division for Harmac.

The persons who were enumerated at this site were employed during the course of a three shift working day and in order to reach them the enumerating booths were set up in an eating place used by the workers. Mr. Spencer correctly described the situation as an emergency one.

Mr. William P. Hoggan was appointed enumerator. He testified that he interpreted the "Canada Elections Act" as providing for temporary workers to be eligible to be enumerated if such persons had been at the site on February 6th, 1963. He ascertained that all 299 persons enumerated were present at the site on that date by questioning each of the 299 persons after he had obtained names and addresses from the payroll records of the employer contractors. I found Mr. Hoggan to be an honest and capable enumerator who under the pressures existing at the Harmac site performed a competent job of enumeration.

Sgt. Leas gave evidence concerning the payroll records relating to the persons enumerated on the Rural Preliminary List. His evidence indicates that on February 6th, 1963, 266 of the 299 people enumerated were employed at the site. The remaining 33

persons were not shown as being on the February, 1963 payroll records obtained by Sgt. Leas. However, I point out the evidence does not indicate that these 33 persons were not working at or residing at or near the Harmac Polling Division on February 6th. In fact it appears that these 33 persons may either have been working for contractors whose payroll records were not now available, or they may have been living in the camp in trailers or other accommodation, but not actually working on February 6th.

It is in this Harmac poll that Mr. Brown alleged that there were 14 fictitious addresses recorded on the electoral list. Sgt. Leas carried out a thorough investigation of these addresses. His evidence indicates that of the 14 impugned addresses, one, in fact, was correct, namely that of E. Eckman, 21122 - 44th, Langley. The 11 others were errors which one could expect to be made in any such system of enumeration. These 11 addresses were, in my opinion, either erroneously given, erroneously taken down or erroneously printed - but not fictitious. Of the two remaining, one (1790 Haro) may be accounted for by the fact that a new school has recently been erected in the 1700 block Haro and displaced the former premises in that block. The 14th address is non-existent and no explanation was available.

A detailed examination of the 11 addresses erroneously listed shows:

A.D. Dunn,

1629 Napier, Castlegar. The investigation showed that this person had a Box No. 705 at Castlegar and owned property at 1629 Napier Street, in Vancouver.

O. Carlson,

23 Southfield Avenue, Burnaby. The investigation showed this person to be living at 23 South Fell Avenue, Burnaby.

D.B. Groenhuysen, 8880 - 117 A Street, North Burnaby.

The investigation showed that he lived at 8880 - 117 A Street, North Surrey, B.C.

A. Harkness,

12203 - 90th, North Burnaby. The investigation showed him living at 12203 - 90th, North Surrey, B.C.

H. Klassen,

5099 Nansimo, Vancouver. The investigation showed him living at 6079 Nansimo Street, Vancouver.

C. Morrettin,

14519 - 38th Avenue, North Surrey. The investigation showed him living at 14519 - 88th Avenue, North Surrey, B.C.

J. O'Henly,

11 Dunsmuir, Vancouver. The investigation showed him as having an address at 111 Dunsmuir Street, Vancouver, B.C., which is a union hall address.

M. Rudy,

8142 - 117th, North Surrey. The investigation showed him living at 8142 - 112th Street, North Surrey, B.C.

A.D. Morrison, 3724 Avondale, Vancouver. The investigation showed him to live at 3724 Avondale, Burnaby, B.C.

E. Lee, 3941 Wood, South Burnaby. The investigation showed him to live at 3941 Southwood, Burnaby, B.C.

T. Ferrier, 345 Island Highway, Vancouver. The investigation showed that he was living at 345 Island Highway, Victoria.

Of the 14 persons who were enumerated in this poll and whose addresses were erroneously shown, only three (A. Harkness, H. Klassen and M. Rudy) were not shown on the payroll records produced as having worked at Harmac on February 6, 1963. However, even in the case of these three persons, it cannot be said with any assuredness that they were not working or resident at Harmac on that day.

ACCORDINGLY I FIND THAT AS FAR AS CHARGE FIVE IS CONCERNED THE EVIDENCE INDICATES THAT DESPITE THE ERRONEOUS LISTING OF SOME OF THE ADDRESSES REFERRED TO ABOVE, THAT NO IMPROPRIETIES WERE PROVEN. IN ANY EVENT ANY ERRORS MADE IN THE LISTINGS IN THIS POLL WOULD NOT HAVE AFFECTED THE OUTCOME OF THE ELECTION IN THE NANAIMO RIDING.

C EAST CAPILANO ELECTORAL DISTRICT - POLL 234

This polling division was located at a remote logging camp at the head of Toba Inlet and was accessible mainly by plane.

No persons left the camp on polling day.

There were 73 persons named on the Rural Preliminary List of electors. Of these 25 persons were at Toba Inlet on February 6th, 1963 when the Writ of Election was issued. The remaining 48 were not there on that date, but were there sometime during the period of enumeration. Of these 48 persons the majority were employees returning to the logging camp which had been closed down during part of the winter season. The remainder were not previously resident or employed at the camp and accordingly were erroneously enumerated.

Evidence was adduced that would confirm Mr. Brown's allegation of the non-existence of the address of Mr. B. Morrissey. He was shown on the list as residing at 1073 Adderley Street, Vancouver. It appears now that this address should have been 1093 Adderley Street, North Vancouver. While the address was incorrect, the person named was not "fictitious".

THERE IS NO EVIDENCE BEFORE ME TO INDICATE THAT ANY OF THOSE PERSONS WHO WERE ERRONEOUSLY ENUMERATED DID IN FACT VOTE IN THE COAST-CAPILANO RIDING.

FRASER VALLEY - POLL 77(A - G) inclusive

These Fraser Valley polling divisions were all located on Harrison Lake, British Columbia. They were the sites of logging camp operations and normally accessible by boat or plane.

Polling Division 77(A) (Located at Eagle Creek Logging Camp)

The evidence adduced showed that 21 persons were listed



on the Rural Preliminary List of electors. 13 of these were employed or resident at this polling division on February 6th, 1963. Seven of the remaining eight persons were employed at the site during the period of enumeration. No evidence was adduced to show that these eight persons were not at the site on February 6th and as a result I am unable to determine whether they were there or not on that date. In respect of Polling Division 77(A) I conclude that there is no evidence of faulty enumeration having occurred.

Polling Division 77(B) (Located at Westwood Logging Camp)

There were 21 persons on this Rural Preliminary List. All were present during the period of enumeration, having come to camp on February 12th, but probably only two, who were permanent residents, were present on February 6th, 1963. On this date the camp was still closed, having been shut down because of adverse weather conditions toward the end of January, 1963. The 19 persons who were not permanent residents at the polling site all had permanent homes somewhere else in the Fraser Valley riding. The enumerator wrongly thought that persons were eligible to be enumerated who were present in camp between February 6th to February 18th.

Most of the persons enumerated were workers who had been at this site until the closedown at the end of January. A few may have been new employees. Any who were new employees were clearly improperly enumerated and not entitled to vote.

As in the case of Poll 234 in Coast Capilano, I am not prepared to find that these persons who were absent on February 6th, but had been present at the end of January, when the camp closed, and who later returned and were present during the period of enumeration, were not entitled to be enumerated and to vote at this polling division.

I conclude that the faulty or irregular enumeration at this poll (assuming that persons so enumerated did vote) did not affect the result of the election in the Fraser Valley riding.

Polling Division 77(C) (Spring Creek Logging Camp)

There were 38 persons on the Rural Preliminary List of electors. 20 were permanent residents of Spring Creek, which is the site of the polling division. Seven of the remaining 18 were employed at the site on February 6th. The 11 others were there during the period of enumeration, but were not there on February 6th. All of these 11 people were regular and permanent employees of the logging company which operated the camp at Spring Creek and they had previously worked at the camp, spending approximately ten months there in each year. Some of these 11 voted on polling day.

The enumerator for this poll did not appreciate the significance of the date of the issuance of the Writ of Election and mistakenly thought that the determining date was February 23rd. However, for reasons previously set out, I am not prepared to find any faulty enumeration at this poll and indeed if persons

were improperly enumerated and had such persons voted, they could not have affected the outcome of the election in the Fraser Valley riding.

Polling Division 77(D) (Trethewey Logging Camp)

This polling division is located at Port Douglas Indian Reserve. There were 44 names on the rural preliminary list of electors. All 44 were permanent residents of the area and were properly enumerated.

Polling Division 77(E) (Premier Logging Camp)

This camp had been closed from the end of January until February 12th, 1963. There were 29 persons listed on the rural preliminary list. Of these 20 were either permanent residents or employed and present on February 6th and, therefore, were properly enumerated. The remaining nine were present and employed during the period of enumeration, but were not there on February 6th. The enumerator for this poll did not appreciate the significance of the date of the issue of the Writ of Election and mistakenly considered the last day of enumeration to be the determining date.

It may be that nine persons on the list should not have been enumerated. However, the evidence is not clear as to whether these nine persons had been working and temporarily resident at the camp previous to February 6th, 1963 and I therefore hesitate to conclude that they have been improperly enumerated. In any event, had they been improperly enumerated and had they voted, I

find that this would not have affected the outcome of the election in Fraser Valley riding.

Polling Division 77(F) (Bear Creek Logging Camp)

This camp closed in November, 1962, with a small crew remaining until mid-December. Some of the crew returned to camp in mid-January, 1963. There were 68 names on the Rural Preliminary List. Approximately 40 were permanent residents. Of the 28 remaining, 11 were present and employed on February 6th and 17 were neither present nor employed on February 6th, but they were present during the period of enumeration. The majority of these 17 were people previously employed at the site who had not worked elsewhere after leaving camp.

The enumerator for this poll was mistaken as to his interpretation of the significance of February 6th. He mistakenly thought February 18th was the relevant date establishing eligibility. As a result some of the 17 people should not have been enumerated. The evidence does not disclose how many. Some of these 17 people probably voted on polling day. I conclude that any votes cast as a result of faulty or irregular enumeration that took place in respect to this polling division did not affect the outcome of the election in the Fraser Valley riding.

Of all the polls examined, it appears that in this riding a handful of erroneously enumerated persons may have voted. HOWEVER, IN FRASER VALLEY RIDING THERE IS NO EVIDENCE BEFORE ME THAT WOULD INDICATE THAT ANY PERSONS SO VOTING DID SO WITH IMPROPER MOTIVES. It should also be remembered that the evidence

In regard to these votes, inconsequential as they were when one considers the election results in this riding was adduced for the first time at this Inquiry from the testimony of the enumerators, and was not known to Mr. Turner at the time he wrote the articles.

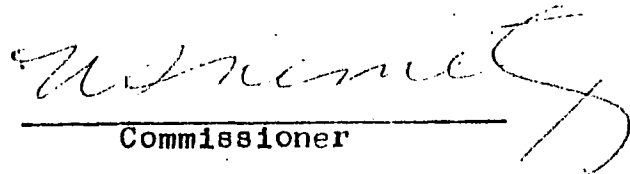
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PART IV

CONCLUSION

AFTER REVIEWING THE WHOLE OF THE EVIDENCE I HAVE ARRIVED AT THE INELUCTABLE CONCLUSION THAT NOTHING OF SUBSTANCE EMERGES THAT WOULD SUPPORT ANY OF THE SERIOUS CHARGES MADE BY MR. TURNER IN THE ARTICLES UNDER REVIEW BY THIS COMMISSION.

Dated at Vancouver, British Columbia, this 2nd day of August, 1965.

  
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Commissioner