

SESSION 1931
HOUSE OF COMMONS

MINUTES OF PROCEEDINGS

of the

SELECT STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

No. 1

THURSDAY, JUNE 18, 1931

WITNESSES:

James C. Young, Alexander Campbell, Frederick Benjamin Chidwick,
James G. Harvie, Patrick J. McCormick, Dennis Arthur Daley.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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ORDERS OF REFERENCE

HOUSE OF COMMONS,

THURSDAY, April 23, 1931.

Resolved, That the following Members do compose the Select Standing Committee on Privileges and Elections:—

Messieurs:

Anderson (<i>Toronto High Park</i>)	Lennox
Beaubien	MacDonald (<i>Cape Breton South</i>)
Burns	MacNicol
Casgrain	Mareil
Casselman	McPhee
Duff	Mercier (<i>St-Henri</i>)
Dupré	Morand
Elliott	Ralston
Esling	Spencer
Gagnon	Stinson
Gardiner	Sullivan
Gray	Thompson (<i>Simcoe East</i>)
Hanson (<i>York-Sunbury</i>)	Turnbull
Jacobs	
Lapointe	
Lawson	

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

Ordered, That the Select Standing Committee on Privileges and Elections be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, June 4, 1931.

Ordered, That all correspondence and other communications in the possession of the Government relating to the preparation of the voters' list for the municipality of Port McNicoll, in the riding of East Simcoe, and a copy of the

original list prepared by the enumerator, and of the revised list as prepared by him for use on election day, together with a copy of any communications exchanged between the Chief Electoral Officer and the returning officer or any other person as to the conduct of the poll on election day, laid on the Table of the House on Wednesday, the 27th May, 1931, be referred to the Select Standing Committee on Privileges and Elections with instructions to inquire fully into the registration and polling of the votes or other related matter in connection with the election in the electoral division of East Simcoe, on July 28, 1930.

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, June 18, 1931.

Ordered, That the said Committee be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the said Committee to be printed, for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

Attest.

(Signed) ARTHUR BEAUCHESNE,
Clerk of the House.

REPORT OF THE COMMITTEE

THURSDAY, June 18th, 1931.

The Select Standing Committee on Privileges and Elections begs leave to present the following as its first Report:—

Your Committee recommends that it be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the said Committee to be printed, for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

All of which is respectfully submitted.

R. B. HANSON,
Chairman.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

WEDNESDAY, June 10, 1931.

The Select Standing Committee on Privileges and Elections met this day at eleven o'clock a.m., the Chairman, Mr. Hanson, presiding.

The following members were present: Messrs. Anderson, Burns, Casgrain, Casselman, Duff, Elliott, Esling, Gray, Hanson, Jacobs, Lapointe, Lawson, MacNicol, Stinson, Thompson, Turnbull.

The Chairman read the Order of Reference of June 4, relative to an inquiry into the registration and polling of the votes or other related matter in connection with the election in the electoral division of Simcoe East, on July 28, 1930.

On motion of Mr. Thompson,

Resolved, that the following persons be summoned to appear before the Committee at 11 o'clock a.m., on Thursday, June 18:—

Alexander Campbell, Port McNicoll, Ont.
Frederick Benjamin Chidwick, Port McNicoll, Ont.
Dennis Arthur Daley, Port McNicoll, Ont.
James G. Harvie, Orillia, Ont.
Jos. J. D. McNamara, Penetanguishene, Ont.
James C. Young, Port McNicoll, Ont.
Jules Castonguay, Chief Electoral Officer, Ottawa.
Colonel O. M. Biggar, K.C., Ottawa.

Mr. Lawson referred to the advice given the Chief Electoral Officer by Colonel Biggar, as suggested by correspondence included in the Return laid on the Table of the House on May 27, and stated that in his opinion any memorandum confirming such advice should be produced before the Committee. After some discussion on the nature of the documents to be produced, the Chairman called the attention of the Committee to Section 76 of the Dominion Elections Act, 1927, subsection (5) of which provides that no other documents than those referred to under subsection (2) "shall be inspected or produced except under a rule or order of a Superior Court or of a judge thereof."

The Committee then adjourned till Thursday, June 18, at 11 o'clock a.m.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

THURSDAY, June 18, 1931.

The Committee came to order at 11 o'clock, Mr. Hanson presiding.

Members present: Messrs. Anderson, Casgrain, Dupré, Elliott, Esling, Gagnon, Gray, Hanson, Jacobs, Lapointe, Lawson, MacDonald, MacNicol, Morand, Spencer, Stinson, Thompson and Turnbull.

On motion of Mr. MacNicol, seconded by Mr. Stinson, resolved that the Committee report to the House recommending that it be given leave to print, from day to day, the minutes of proceedings and evidence taken, and also such papers and documents as may be directed by the Committee to be printed for the use of the Committee and of Members of the House, and that Standing Order 64 be suspended in relation thereto.

The following witnesses were called, sworn, examined and discharged:—

James C. Young, Port McNicoll, Ontario; Alexander Campbell, Port McNicoll, Ontario; Frederick Benjamin Chidwick, Port McNicoll, Ontario; James G. Harvie, barrister, Orillia, Ontario; Patrick J. McCormick, Port McNicoll, Ontario; and Dennis Arthur Daley, Port McNicoll, Ontario.

At the request of the Committee, Mr. Castonguay, Chief Electoral Officer, produced the following documents:—

The original list of poll No. 1 of Port McNicoll, electoral district of Simcoe East, as prepared by the Enumerator;

The revised list of poll No. 1 of Port McNicoll, electoral district of Simcoe East, supplied to the Deputy Returning Officer of said poll;

The poll book of said poll No. 1 of Port McNicoll, letters A to L inclusive; and

The poll book of said poll No. 1 of Port McNicoll, letters M to Z inclusive.

The above were admitted as evidence and filed as Exhibits Nos. 1, 2, 3 and 4.

On motion of Mr. Lawson, seconded by Mr. Gagnon, the Clerk was instructed to provide for payment of witness fees and allowances to Mr. Patrick J. McCormick whose name appears in the list of witnesses called as above stated.

On motion of Mr. Lawson, seconded by Mr. MacNicol, the Clerk was also instructed to issue subpoenas to the following persons, requesting their attendance before the Committee on Tuesday, June 23, at 11 a.m., viz:—

William Ramsay, Port McNicoll, Ontario.

Joseph Connolly, Port McNicoll, Ontario.

Clifford Graham, Port McNicoll, Ontario.

Mr. J. D. J. McNamara, one of the witnesses summoned to appear before the Committee this date, was also instructed to be again in attendance on Tuesday, June 23.

On motion of Mr. Gray, the Committee adjourned till 11 o'clock, on Tuesday, June 23.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268,

THURSDAY, June 18th, 1931.

The Select Standing Committee on Privileges and Elections met at eleven o'clock, R. B. Hanson presiding.

The CHAIRMAN: We have a quorum now and I think we might proceed. You are all familiar with the order of reference. The House ordered: "That all correspondence and other communications in the possession of the government relating to the preparation of the voters list for the municipality of Port McNicoll, in the riding of East Simcoe, and a copy of the original list prepared by the enumerator, and of the revised list as prepared by him for use on election day, together with a copy of any communications exchanged between the Chief Electoral Officer and the returning officer or any other person as to the conduct of the poll on election day, laid on the table of the House on Wednesday, the 27th May, 1931, be referred to the Select Standing Committee on Privileges and Elections with instructions to inquire fully into the registration and polling of the votes or other related matter in connection with the election in the electoral division of East Simcoe, on July 28th, 1930."

Mr. Thompson, you are promoting this matter, are you ready to go on now?

Mr. THOMPSON: Yes sir, I am ready.

The CHAIRMAN: Is it the desire of the committee that the evidence be printed? If so, there will have to be a motion to that effect.

Mr. MACNICOL: It comes out in small printed pamphlets, does it?

The CHAIRMAN: Yes.

Mr. MACNICOL: I move that the evidence be printed.

Motion carried unanimously.

The CHAIRMAN: Ordinarily we would not want to sit while the House is in session, but it was thought that the enquiry should be extended further. In order to sit while the House is in session it is necessary to have leave granted. What is your pleasure? I am in the hands of the committee.

Mr. MORAND: I think we had better go on and see how the matter develops.

The CHAIRMAN: Very well.

Mr. LAWSON: As this matter arose in Mr. Thompson's riding, he felt some diffidence about examining the witnesses and so forth, and he has asked me if I would assist him in that regard and therefore, on behalf of Mr. Thompson, I am going to ask that certain witnesses be called by the committee. The first one is Mr. Young of Port McNicoll.

JAMES C. YOUNG a witness called and being duly sworn, testified as follows:

By Mr. Lawson:

I think it is customary, Mr. Chairman, to allow the witnesses to be seated.

The CHAIRMAN: Yes, he may be seated. He had better sit somewhere near the reporter so he can hear.

Mr. LAWSON: I would suggest that the reporter be seated between the witness and those asking questions. It would be an advantageous arrangement.

Q. Have you the full name and address of the witness, Mr. Chairman?

The CHAIRMAN: James C. Young.

Q. What is your occupation?—A. Clerk of the village.

Q. Clerk of the municipality?—A. Yes.

By Mr. Lawson:

Q. As clerk of the municipality, of the village of Port McNicoll, are you familiar with the territorial limits of that village?—A. Yes, sir.

Q. Do you know the location of the docks at which the C.P.R. steamers plying between Port McNicoll and Fort William and the head of the lakes dock?—A. Yes, sir.

Q. Are those docks within the territorial limits of the village of Port McNicoll?—A. Yes, sir.

Q. Are they within the territorial limits of the riding of East Simcoe?—A. Yes, sir.

Q. Have you any knowledge as to when the C.P.R. Steamer *Keewatin*—I do not know how they pronounce it, we will call it *Keewatin*—docks during its summer run at Port McNicoll?—when it docks, and when it leaves again for the head of the lakes?—A. It docks on Monday morning, eight o'clock, and leaves Wednesday afternoon at four o'clock.

Q. In the afternoon?—A. Yes.

Q. And returns when?—A. Monday morning at eight a.m.

Q. It arrives on the Monday of each week?—A. Yes.

Q. It leaves on Wednesday of each week at the times you have told us?—A. Yes, sir.

Q. Do you know personally Alexander Campbell?—A. Yes.

Q. How long have you known him?—A. About two years I guess I have known him.

Q. How and in what capacity have you known him?—A. I know him to work on the boats, also to live in the village.

Q. You say he lived in the village?—A. Yes, sir.

Q. Has he lived in the village during the two years that you say you have known him?—A. Yes, sir.

Q. And did you know where he lived in the village?—A. Yes, sir.

Q. And with whom did he live?—A. With Mrs. Scott, boarded with Mrs. Scott.

Q. And did he board with Mrs. Scott during the whole of each year, or during a part of each year?—A. Just part of each year, in the winter time.

Q. Where did he live so far as having his board and clothes and so forth is concerned, during the summer time?—A. On the boat.

Q. On the steamer— —A. On the steamer *Keewatin*, yes.

The CHAIRMAN: What years are you referring to?

Mr. LAWSON: He said he has only know him for two years. The past two years?

The WITNESS: The past two years, yes sir.

By Mr. Lawson:

Q. Did you, as clerk of the municipality, have occasion to see the original list posted by the rural registrar for polling subdivision No. 1 in the village of Port McNicol in the riding of East Simcoe?—A. Yes, sir.

Q. Was the name of Alexander Campbell upon that list?—A. It was on the list, yes.

Q. Did you have occasion to see the list for polling subdivision No. 1 in the village of Port McNicoll in the riding of East Simcoe as revised by the rural registrar for that polling subdivision?—A. I do not remember seeing the revised list any more than in a committee meeting I seen a list taken off.

Q. Saw what?—A. On the list that we had in the committee meeting I seen the name scored off.

Q. What name scored off?—A. Campbell's name taken off.

Q. Campbell's name scored off?—A. Yes, sir.

Q. Do you know Frederick Benjamin Chidwick?—A. Yes, sir.

Q. How long have you known him?—A. Probably about the same time; I guess it would be about two years.

Q. How and in what manner have you known him?—A. As a sailor working on the boats, and he lived in the hotel one winter, as far as I remember.

Q. What winter?—A. It would be 1929, I think.

Q. The winter of 1929?—A. Yes.

Q. He lived in the hotel?—A. Yes.

Q. In Port McNicoll?—A. Yes, in Port McNicoll.

Q. And is that the same steamer?—A. The same *Kecwatin*.

Q. Did you see the name of Frederick Benjamin Chidwick upon the list prepared by the rural registrar for polling subdivision No. 1 of the village of Port McNicoll in the riding of East Simcoe?—A. Yes, his name was on, too.

Q. Did you see his name upon the revised list subsequently issued by the registrar after revision?—A. Just in one of our committee meetings I seen the list.

Q. Yes. At this committee meeting at which you saw the list, was the name of Frederick Benjamin Chidwick still there?—A. No, struck off.

By the Chairman:

Q. What committee meeting was this?—A. A committee meeting of our own that we had.

Q. A political meeting?—A. Yes.

Mr. TURNBULL: You should get an order for that original list, although I am not objecting to it, now.

Mr. LAWSON: I might say, Mr. Chairman, I am going to call for it.

Hon. Mr. ELLIOTT: I suppose the original list is here, is it not?

The CHAIRMAN: I should think so.

Hon. Mr. ELLIOTT: Why should this gentleman give evidence about that original list, if it can be secured?

The CHAIRMAN: We have not got it now. Are you objecting to the questions?

Hon. Mr. ELLIOTT: No.

The CHAIRMAN: If there is no objection, we may proceed.

Hon. Mr. ELLIOTT: It is only encumbering the record.

Hon. Mr. LAPOINTE: We know all about this.

Mr. LAWSON: Because of a question which was raised at a prior meeting of this committee as to our procuring those lists I have tendered the evidence as a ground work for my subsequent motion before this committee.

The CHAIRMAN: I think we ought to allow him to proceed unless formal objection is taken, and then we will have to deal with the question.

Hon. Mr. LAPOINTE: We know they were stricken off after communication with the officer.

The CHAIRMAN: We are establishing the fact—I presume the members of the committee are establishing the fact.

Hon. Mr. LAPOINTE: It is useless for this witness to say "I seen they were stricken off."

The CHAIRMAN: It goes to the weight, not so much to the admissability of it. Proceed.

Hon. Mr. ELLIOTT: We ought to see the list, and I submit, Mr. Chairman, that the list itself is the best evidence.

The CHAIRMAN: You are quite right.

Mr LAWSON: I am going to get the list, if I can.

The CHAIRMAN: Mr. Lawson said he was laying the foundation.

Hon. Mr. ELLIOTT: If he can possibly get it, why give other evidence as to those lists?

The CHAIRMAN: Proceed.

Mr. LAWSON: I am finished.

The CHAIRMAN: Are there any questions that anybody would like to ask this witness?

By Mr. Turnbull:

Q. Were these boats sailing, which you describe as arriving on Monday and leaving on Wednesday, during 1930, and particularly during July and June, 1930?—A. All the year round, during what we call the passenger service. The boats started to run in the month of April, but they did not run on schedule until May, from May up until near December on schedule.

Mr. GRAY: You have no connection whatever with the boat in question?—A. No, sir, I have no connection with the boats.

Mr. MACNICOL: I have a hazy recollection that in any place, outside municipalities outside of Toronto or large cities, if a voter finds himself off the voters' list on election day, all he would have to do would be to take two others whose names are on the list— —A. That is right.

The CHAIRMAN: One other.—A. Yes, that is right.

Mr. MACNICOL: —and go to the poll and make application to vote.—A. This man did that.

Mr. GRAY: I object to the witness giving that evidence.

The CHAIRMAN: If he knows he can tell what transpired.

Mr. LAWSON: I am going to prove it to the hilt.

The witness retired.

ALEXANDER CAMPBELL, a witness called, and being sworn, testified as follows:—

By the Chairman:

Q. What is your name, occupation and address?—A. Alexander Campbell.

Q. What is your occupation?—A. SS. *Keewatan*, Port McNicoll.

Q. What is your occupation?—A. Sailor.

By Mr. Lawson:

Q. Mr. Campbell, what is your age?—A. 29 years of age.

Q. When did you come to this country first?—A. 1927.

Q. And where did you go to reside when you came here?—A. Owen Sound.

Q. How long did you remain in Owen Sound?—A. Exactly one year.

Q. And, then, where did you go to reside from Owen Sound?—A. Port McNicoll.

Q. And what time of the year did you go to reside in Port McNicoll in 1928?—A. June, 1928, the 14th of June.

Q. How long did you continue to reside at Port McNicoll after June 14, 1928?—A. Until 16th of December, 1929, I took a trip home.

Q. On the 16th of December when you took a trip to the Old Country—you returned to Canada, when?—A. April, the 16th of April, 1930.

Q. April 16, 1930. On your return to Canada, where did you continue your residence?—A. Port McNicoll again.

Q. How long did you remain as a resident of Port McNicoll after April 16, 1930?—A. Until now.

Q. Until now. What is the nature of your residence in Port McNicoll during these years. I mean by that, do you maintain a house or do you rent a room?—A. I room.

Q. You rent a room. Do you maintain that room as your own during the whole period of the year or just during parts of the year?—A. I ask them to hold it but I do not pay for it in the summer time, I only pay for the four months during the winter.

Q. What do you do in the summer time?—A. Well, on the SS. *Keewatin*.

Q. On which ship you are employed?—A. Yes.

Q. And do you move your personal effects, such as your clothes, on to this steamer?—A. Yes, sir.

Q. Then you told me you asked them to keep your room in Port McNicoll?—A. Yes.

Q. Do you go back to that room in the winter?—A. That same room.

Q. Then, are you a British subject?—A. Yes.

Q. When you are upon the steamship *Keewatin* working in the summer time where do you receive your mail?—A. I receive some on the boat and others which goes to the general delivery of the house where I stay.

Q. To the general delivery what?—A. To the house I stay in during the winter; they have a box, general delivery.

Q. Oh, I see. The people with whom you room in the winter time?—A. Yes, have a box.

Q. They maintain a box?—A. Yes.

Q. In the general post office at Port McNicoll?—A. Yes.

Q. And your mail during your absence goes either to that box— —A. Or to the steamboat office.

Q. Or to the steam boat office?—A. Yes.

Q. You receive it there?—A. Yes.

Q. What portion of each week is the steamship *Keewatin* back at Port McNicoll?—A. It docks Monday morning at eight o'clock, leaves Wednesday afternoon at four o'clock.

Q. Of each week?—A. Of each week.

Q. During the season that you are employed upon the vessel?—A. From May until the end of September.

Q. And did you make any enquiries prior to election day, which was July 28, 1930, for the last Dominion Election, to ascertain whether or not your name was upon the list of voters entitled to vote at the election?—A. No, sir. I had been allowed to vote the year before and I did not think there would be any objection the next year.

Q. You mean in the provincial election of 1929?—A. Yes, sir.

Q. You voted. Then, on the day of the election, what we call polling day— —A. Yes.

Q. —the 28th of July, 1930, did you endeavour to vote?—A. Yes.

Q. And where did you endeavour to vote?—A. Where they were taking—

Q. What place was it in?—A. The curling rink in Port McNicoll?

Q. Did you know the name and number of the polling sub-division at which you attempted to vote?—A. No, sir.

Q. What time of the day did you go to attempt to vote?—A. About two o'clock in the afternoon.

Q. Would you just tell us what occurred, who did you see, what did you say, and what did they say to you?—A. I could not do that with truth.

Q. Let me see. You went into the polling booth, and did you ask somebody to let you vote?—A. Yes.

Q. Was the man you asked to let you vote seated at a table or standing up?—A. He was sitting at a table.

Q. Do you know his name?—A. Yes.

Q. What is his name?—A. Daly.

Q. What?—A. Daly, I think.

Q. And what did he say about your voting?—A. He said, "No."

Q. Yes?—A. Finlayson asked him why.

Q. Who?—A. Finlayson.

Q. Mr. GRAY: Who is Finlayson?—A. The Minister of Lands and Forests for Canada.

Q. For Canada?

Mr. LAWSON: No, we will limit it.

The CHAIRMAN: Ontario.

Mr. LAWSON: That is evidence of the regard with which he is held in the constituency. I am sorry I interrupted you.

Mr. GRAY: Finlayson said what?—A. He asked why he could not let me vote.

By Mr. Lawson:

Q. What did Mr. Daly do?—A. He looked at the names on the list, and my name was there and it was scored off.

Q. Your name was on the list and scored off?—A. Yes.

Q. What next happened?—A. He asked if he would let me vote if I took the oath.

Q. Who is he, Finlayson?—A. Finlayson.

Q. Finlayson asked if you would be allowed to vote if you took the oath?—A. Yes.

Q. Then, what happened?—A. I was asked to take the oath anyway.

Q. Yes?—A. And I took the oath.

Q. You took the oath?—A. Yes.

By Mr. Gray:

Q. Who asked you to take the oath?—A. A man by the name of Harvey; he is from Orillia.

By Mr. Lawson:

Q. Did you know who Mr. Harvey was?—A. No, sir. I gave the wrong answer to the other one, so I won't attempt this one.

Q. No, no you did not. Don't let that worry you. A. I think he is sitting out there, anyway.

Q. Harvey is sitting up here. Then the man who is sitting here is the Harvey to whom you refer?—A. Yes.

Q. You took the oath, and then what happened?—A. He swore I committed perjury?

Q. Harvey did?—A. Yes.

Q. Who did he swear that before?—A. Before that fellow who was taking the votes.

Q. Daly?—A. Yes.

Q. Then what happened?—A. The constable laid hands on me to take me to the jail, I suppose.

Mr. SPENCER: Will the witness speak up a little louder?

The CHAIRMAN: If you would not go so fast—do not talk quite so fast.

Mr. LAWSON: Let me pick up, for the benefit of the hon. members who did not hear the last of the remarks, you took the oath?—A. Yes, sir.

Q. A man by the name of Harvey then swore out an information before the D.R.O. Daly that you had committed perjury?—A. Yes, sir.

Q. You say the constable laid hands upon you and took you to the police station?—A. He did not take me.

Q. He did not take you?—A. Because Finlayson intervened.

By Mr. Gray:

Q. Who intervened?—A. Finlayson.

Q. This man Finlayson?—A. This Mr. Finlayson.

By Mr. Lawson:

Q. The constable laid hands upon you, and what did Mr. Finlayson say or do? You say he intervened?—A. I cannot say exactly what he did, but I was relieved, anyway.

Q. As a result of what he said, which must have been very effective, the constable let you go, did he?—A. Yes.

Q. What did you do, walk out of the polling booth?—A. Walked out and went back to the boat?

Q. Did you vote?—A. No, I did not vote.

Q. When you took the oath was there any person there to vouch for you?—A. Yes, sir.

Q. Who was that man?—A. Bert Scott.

Q. Is Bert Scott an elector in the riding of East Simcoe?—A. I think, but I am not sure.

Q. Then you say you did not vote?—A. No, I did not.

Q. Why?—A. Because they would not let me.

Q. When you went to Scotland for a holiday, you told us in December of 1929, and returned on April 16, 1930, did you purchase a return ticket or a single fare ticket?—A. A return ticket.

Q. Was it your intention, when you left this country, to go to Scotland, to return to Canada?—A. Yes, sir, fully.

Mr. LAWSON: That is all, thank you.

By Hon. Mr. Elliott:

Q. Just a question, Mr. Campbell. I think I have understood you pretty correctly. Is this correct, did you have your boarding house at Port McNichol and leave it when you went on to the boat?—A. Yes, sir.

Q. And you ceased to pay board or lodging when you went onto the boat?—A. Yes.

Q. And that also applies to your trip to Scotland?—A. Yes.

Q. And you went onto the boat about the— —A. About the 10th of April. Which year do you mean on the boat?

Q. 1930?—A. 1930, the 16th April.

Q. On the 16th April you went onto the boat and ceased to pay lodgings at Port McNichol and resided on the boat?—A. Yes, sir.

Q. And the only connection you had with your landlord was that some of your mail came into their box?—A. That is all.

By Hon. Mr. Lapointe:

Q. When did you come back from Scotland?—A. The 16th April, 1930, I arrived at Port McNichol.

Q. And you left your room when?—A. I left the boat to go to Scotland on the 16th December.

Q. And you came back from Scotland in April?—A. Yes, in April, 1930.

Q. And went on the boat?—A. And went on the boat.

Q. Your room there, were you paying for it by the month or by the week?

—A. By the week.

By Mr. Gray:

Q. You say you left the boat on the 16th to go to Scotland?—A. It might be the 12th; I could not say that for sure; it is either the 12th or the 16th.

Q. You were living on the boat at that time?—A. Yes.

Q. As a ship's housekeeper, or what?—A. As a watchman.

Q. A watchman on the boat?—A. Yes.

By the Chairman:

Q. Was the boat at the dock?—A. Yes, the boat was tied at the dock seven days before we were laid off.

By Mr. Morand:

Q. And the boat stays there all winter?—A. Yes.

By Mr. Lawson:

Q. Some member of the committee asked me to ascertain; were you ever brought before a court after this occasion on which the constable arrested you and then Mr. Finlayson procured your release?—A. No, sir.

Hon. Mr. ELLIOTT: It is not necessary to ask that question.

Mr. MACNICOL: I would like to ask him who allowed him to take the oath. If the returning officer allowed him to take the oath, was it because he thought he was entitled to vote, or did he allow him to take the oath to have him arrested afterwards.

Hon. Mr. ELLIOTT: I suppose the returning officer has to allow him to take the oath.

Mr. MACNICOL: That was what I wanted to find out, why he did not get the ballot afterwards.

The CHAIRMAN: He was arrested.

Mr. MACNICOL: In other words he was intimidated. I do not say he was intimidated, Mr. Chairman.

The CHAIRMAN: Who is your next witness?

FREDERICK BENJAMIN CHIDWICK, a witness, called and being duly sworn testified as follows:—

By Mr. Lawson:

Q. Mr. Chidwick, how old are you?—A. 24, sir.

Q. Where were you born?—A. London, England.

Q. Are you a British subject?—A. Yes.

Q. When did you come to Canada?—A. 1922, September 22nd.

Q. Have you remained in Canada ever since?—A. Except that in 1924 I went to England for a holiday.

Q. When you came to Canada, where did you go to reside?—A. When I first came to Canada I went to Shelburne, where I resided on a farm for fourteen months.

Q. That is Shelburne, in the Province of Ontario?—A. Yes.

Q. After spending fourteen months on a farm at Shelburne, where did you go?—A. I went to the City of Toronto, where I stayed for a few weeks, after which I went up to Port McNicoll.

Q. So that you have been in Port McNicoll, with the exception of the trip to England, of which you have told, since some time in the year 1923?—A. Yes, sir.

Q. And in Port McNicoll did you maintain a residence or board with somebody?—A. Yes, sir.

Q. Which?—A. I boarded at the C.P.R. Hotel and also a boarding house of Mrs. Turcotte's, and also the boarding house of Parent; he is not there now; he has sold out.

Q. But that is a home in which you have boarded?—A. Yes.

Q. And did you board in these places continuously during the whole of any year or during part of the year?—A. Parts of the year, sir.

Q. What part of the year did you board in these different places of which you have told us, in Port McNicoll?—A. Well, during April, May—March, April and May.

Q. You boarded in these different places of which you have told us?—A. Yes.

Q. And when you have not been boarding in these different places of which you have told us, in Port McNicoll, where have you been boarding?—A. I have been on the C.P.R. steamboats ever since.

Q. And at present I believe you are on the steamship *Keewatin*?—A. Yes.

Q. And in what capacity are you employed there?—A. As a waiter.

Q. And for what length of time have you been a waiter on the steamship *Keewatin*?—A. For five years.

Q. And during the winter—I am taking the months that you have not included as being on the ship—during the months of December, 1929, say, January, February, March and part of April, 1930, did you board and reside in Port McNicoll?—A. No, sir, I did not reside nowhere in particular. I have travelled around mostly, and taken short vacations up to Port McNicoll during that winter.

Q. Did you maintain a room that winter in any particular place?—A. No, sir.

Q. Then on what date in the year 1930 did you go upon the steamship *Keewatin*?—A. To the best of my knowledge it was on April 12th to the 15th.

Q. Somewhere between April 12th and 15th of 1930?—A. Yes, sir.

Q. And did you continue upon the steamship *Keewatin* from that date until after the 28th July, 1930?—A. Yes, sir.

Q. And on the steamship *Keewatin* you get your board?—A. Yes.

Q. And you keep your clothes there?—A. Yes, sir, except what I leave up with the lady where I have my washing done.

Q. That is, you have your washing done all the time in Port McNicoll?—A. Yes, sir.

Q. And you leave some of your clothes with the lady to keep for you?—A. Yes.

Q. Then, during the period of 1930, while you were upon the steamship *Keewatin*, what duration of time during each week did you with the steamship spend in Port McNicoll?—A. From 8 o'clock Monday morning until 4.30 Wednesday afternoon.

Q. And you told me you had your washing done in Port McNicoll. Where did you receive your mail?—A. In the post office at Port McNicoll and also at the Steamship office at Port McNicoll.

Q. There is not a postal delivery at Port McNicoll?—A. Only at the post office.

Q. You go for your mail to the post office?—A. Yes, sir.

Q. By the way, did you vote in the last provincial election, in 1929?—A. Yes, sir.

Q. And, on July 28, 1930, the polling day in the last election, did you attempt to vote?—A. Yes.

Q. Where did you attempt to vote?—A. At the curling rink in Port McNicoll.

Q. And what happened when you went there and attempted to vote?—A. I went up there first in the morning to get my vote. Deputy Returning Officer Daly looked up the list and saw my name on the list and said it was scratched out and that I was not entitled to a vote. Also in the afternoon I went up again and asked for my vote.

Q. Did you take anybody with you when you went in the afternoon?—A. There was Mr. McCormick and Dr. McPhee.

Q. Is Mr. McCormick an elector in the riding of East Simcoe?—A. I do not understand that, sir.

Q. Where does Mr. McCormick reside?—A. In Port McNicoll.

Q. How long has he resided there to your knowledge?—A. He has been there ever since 1924, when I went there.

Q. Then you went back in the afternoon and took another gentleman with you, Mr. McCormick, and Dr. McPhee, and then what occurred in the polling booth?—A. I went up and asked for my vote, and also District Returning Officer Daly said: If you will swear in, we will give you your vote. After swearing me in, Mr. Harvey, another gentleman who was there, from Orillia, started to tell District Returning Officer Daly that he was doing wrong by letting me vote, and kept at him until he made him change his mind, and after swearing me in, by the suggestion of Mr. Harvey, Mr. Daly had me arrested by Constable J. Bosley.

Q. And after you were arrested by Constable Bosley, what happened?—A. Mr. McCormick and Dr. McPhee came up with bail.

Q. After you were arrested by Constable Bosley, were you taken from the polling booth?—A. Constable Bosley came up and laid hands on me and said I was under arrest.

Mr. LAWSON: I think that is evidence of an arrest for the purpose of an action for false arrest anyway.

By Mr. Lawson:

Q. Then Constable Bosley told you you were under arrest, and did he remove you from the polling booth?—A. Mr. McCormick and Dr. McPhee came up and went bail for me.

Q. Did this all occur in the polling booth?—A. Yes, in the polling booth; Mr. Harvey saying that I was being arrested for perjury.

Q. Did you vote?—A. No, sir, they would not let me.

Q. Have you ever been brought up before a court in connection with this charge and arrest which was made?—A. No, sir, as far as I know, to the best of my ability, I am still under arrest for that. I have not heard anything different.

Mr. GRAY: It was not close arrest, anyway.

By Mr. Lawson:

Q. We call arrest, Mr. Chidwick, when a man is under custody. Were you allowed out on bond?—A. I was let out on bail.

Q. And, so far as you know, your bail has not been released?—A. No, sir.

Q. But you have not been summonsed or brought before any court since that day?—A. No, sir.

By Mr. Spencer:

Q. I would like to ask whether you know if money was put up by the guarantor, and whether it has been paid back again?

The CHAIRMAN: We need not worry about that, as to the bail money.

Hon. Mr. ELLIOTT: I do not suppose that the witness knows whether there was bail money put up or not.

The WITNESS: No, I do not know, sir.

Q. Have you ever been called upon before a court or magistrate to renew that bail since that time?—A. No, sir.

Q. Or to answer to any charge?—A. No, sir.

By Mr. Gray:

Q. You were not allowed to vote?—A. No, I was not allowed to vote after being sworn.

By Hon. Mr. Elliott:

Q. Do I understand you correctly to say that you have worked on the steamship *Keewatin* in the summer time?—A. Yes.

Q. And then when you finish your summer season you travel a good deal in different parts?—A. I am with the company from April until practically the end of December, and from that time until I join my ship again I am travelling around different cities, sometimes staying in one place and working for a short time.

Q. Sometimes staying at one place and sometimes at another?—A. Yes.

Q. And your only connection with Port McNicoll was that you considered that as your— —A. I always considered Port McNicoll as my home, my home town, as I have no other place.

Q. But when you came back from your travelling you went onto the boat?—A. Sometimes we stayed at the hotel, sir; but in the year 1930 we stayed in Port McNicoll prior to sailing about two weeks.

Q. What two weeks were those?—A. While we were fitting the boat out, sir.

Q. And you went on the boat on what day?—A. Around April 12th to the 15th.

By Mr. Gray:

Q. Did you ever stay in a bunkhouse or anything of that kind?—A. I have stayed in a bunkhouse in Port McNicoll in 1924, for around two months.

Q. But not in the spring of 1930?—A. No, sir.

By Hon. Mr. Lapointe:

Q. Where did you stay during the winter of 1930—A. I went down to Toronto, and also I was travelling back and forward to Port McNicoll.

By Mr. Gray:

Q. And where did you stay in Port McNicoll when you went back—A. Sometimes I went to visit friends and stayed with them.

By Mr. Morand:

Q. When you went back to Port McNicoll in 1930, did you just take your chance of getting a job?—A. No, sir, I was hired.

By Mr. Anderson:

Q. You were a single man?—A. I was then, sir, but I am married now; I was married last December.

By the Chairman:

Q. Where is your home now?—A. I am just boarding with my wife's people in Midland, but my home town is still Port McNicoll.

By Hon. Mr. Lapointe:

Q. But your wife lives in Midland?—A. My wife lives in Midland with her family, sir.

By the Chairman:

Q. Is it in the same county and the same constituency?—A. In Midland, that is just four and a half miles from Port McNicoll.

Hon. Mr. ELLIOTT: We know it is in the same constituency, Mr. Chairman.

The CHAIRMAN: I did not know that. Are there any other questions?

JAMES G. HARVEY, a witness, called and being duly sworn testified as follows:

By the Chairman:

Q. What is your post office address and occupation?—A. Orillia, Ontario; occupation, barrister.

By Mr. Lawson:

Q. You told the Chairman, Mr. Harvey, that you resided in Orillia?—A. Yes, sir.

Q. What distance is Orillia from Port McNicoll?—A. About twenty-five miles.

Q. Have you ever been a resident in Port McNicoll?—A. No.

Q. In the last Dominion Election you were apparently in the polling booth in the curling rink in Port McNicoll. In what capacity were you there?—A. As agent for the Liberal candidate, Mr. McLean.

Q. In the provincial election of 1929, I believe you were the Liberal candidate in the provincial constituency similar to this dominion constituency?—A. Yes.

Q. Have you ever lived in Port McNicoll?—A. No.

Q. Have you spent any particular portion of your time there?—A. No, just through it very often.

Q. Have you ever met or did you know personally either Frederick Benjamin Chidwick or Alexander Campbell, prior to the polling day, July 28, 1930?—A. No.

Q. On July 28, 1930, do you recollect the circumstance of Alexander Campbell coming to the polling booth in which you were the Liberal scrutineer and making application for a ballot?—A. I recollect two men; I could not identify them by their names.

Q. Having seen Alexander Campbell here this morning, do you recognize him as one of the men?—A. No, I cannot identify him.

Q. Of the two men who came to the booth in respect of which you were very active in challenging their vote—

Mr. GRAY: Why add that? I object to that. Ask him the question.

By Mr. Lawson:

Q. On the polling day did both these men, of whom you have not a distinct recollection, appear and were they refused a ballot both in the morning and both in the afternoon, or one in the morning and one in the afternoon?—A. I do not recall just the time they were refused, but they were refused at first and then they were sworn in later.

Q. You heard the statement made here to this committee this morning by Alexander Campbell, the second witness called but the first of the two men who alleged that they were refused the ballot?—A. Yes.

Q. Do you disagree with his evidence?—A. No, it is substantially correct.

Q. That is as to the occurrences in the polling booth?—A. Yes, as to my part in it.

Q. Did you challenge this man's right to vote?—A. Yes.

Q. Were you present when he took the oath prescribed by the Dominion Elections Act?—A. Yes.

Q. Did he have with him one who alleged he was an elector in the riding of East Simcoe, to vouch on his behalf as required by the Act?—A. Yes, I think he did.

Q. And did that person signify his willingness to vouch?—A. Yes, I think he did.

Q. Then, Campbell having taken the oath, did you swear out an information against him for perjury before the Deputy Returning Officer, Daly?—A. Yes, I think it was I,—either I or the Deputy, but I think I did.

Q. And on what information did you swear that information before the Deputy Returning Officer?—A. On the information of the registrar himself.

Q. Who was the registrar?—A. Mr. Joseph Connolly.

Q. And what information did the registrar, Connolly, give you?

Mr. GRAY: That is not evidence, surely; the registrar is here.

The CHAIRMAN: He can give the information.—A. Well, the registrar informed me that this man was a non-resident of Port McNicoll and had been a sailor, and I think—I do not identify either of the men clearly, but I think one of them had been a sailor a previous year and had gone to England or Scotland and had just returned in time to take employment on the boats.

Q. Is that the only information you had upon which to swear that information?—A. That is all.

Q. You had no personal knowledge of these men at all?—A. No personal knowledge at all.

Q. When and where did you obtain the information, of which you have told us, from the registrar, Connolly?—A. Mr. McLean, the candidate, I think told me the evening before of a number of men who had been struck off the list, who were sailors, and in his opinion there would be an attempt made—

By the Chairman:

Q. How many did he tell you had been struck off the list?—A. I do not remember clearly.

Q. Was there a large number?—A. Quite a number.

Q. The whole crew?—A. I do not remember that.

Q. I want to know whether it was wholesale or whether it was an isolated case.—A. If I remember correctly, I think there were some ninety people struck off the list. I do not know whether they were all sailors or not. That is only my memory. And Mr. McLean instructed me to go up to Port McNicoll the next day and if any of these men who had been struck off the list attempted to vote, I was to charge them with perjury, because they were not entitled to vote and were not residents there.

Upon going up there I conferred with Mr. Connolly, I think, about those who had been struck off; and he was present during the whole of the polling, and as each man came up, if he happened to be a man who was struck off the list I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list.

Q. In what capacity was the registrar, Connolly, in the polling booth?—A. He was not in the booth. I do not recall whether he was an outside scrutineer, but he was on the job all day.

By the Chairman:

Q. Inside?—A. No, outside.

Q. And you communicated with him?—A. Yes.

By Mr. Lawson:

Q. And you were in the booth. A. Yes.

Q. And did I understand you to say that you thought this registrar may have been acting as scrutineer?—A. He may have been, but I do not recall.

Q. In any event, he remained outside of the booth all day and was available to you when you wanted him?—A. Exactly.

The WITNESS: I may say that Mr. Connolly had supported Mr. Finlayson against me in the previous provincial election.

Hon. Mr. Elliott:

Q. So that there was no partisanship?—A. I do not think so.

By Mr. Lawson:

Q. Did you not know that he was supporting Mr. McLean in the last election, and not Mr. Thompson?

An Hon. MEMBER: No, No.

Mr. LAWSON: The witness is no fool, he is a lawyer and I am going into that now that it has been raised. You agree with me; seeing that you have given us so much information voluntarily, Mr. Harvey, is it not a fact that you knew that this registrar, Connolly, was opposing Thompson, the Conservative candidate in the last dominion election?—A. Yes, I understood that.

Q. These informations for perjury that you swore out that day were there just two of them?—A. Yes, just two of them.

Q. Were they prepared in advance?—A. No, they were written right on the spot. I think I wrote them both out myself.

Q. Were there more than two prepared?—A. No, I do not think so.

By the Chairman:

Q. You prepared them as each case arose?—A. Yes.

Q. Were there blank forms there in the hands of the Deputy Returning Officer?—A. Yes, I asked the Deputy Returning Officer for the forms.

Q. And he had them?—A. Yes.

By Mr. Lawson:

Q. Can you tell me from your recollection, Mr. Harvey, whether or not there had been many voters cast their ballots in this poll before you swore out this first information for perjury?—A. Yes, I think quite a number. I do not think these chaps attempted to vote until rather late in the morning, at least one of them.

Q. Do you recollect a man by the name of Ramsay being on the list and voting?—A. No, I do not.

Q. Have you still in your possession the list of voters which you had with you that day as inside scrutineer?—A. I do not know.

Q. You haven't it with you in any event.—A. I have with me now a copy of the preliminary list that Mr. McLean loaned to me when I was coming down here yesterday.

Q. Is that a copy of the list which you had in your possession inside this poll on election day.—A. No, I do not think so. I think the list I had was simply a typed list of those on the voters' list. I do not recall that clearly.

Q. That would be what we lawyers call the revised list for polling day?—
A. I do not recall. I knew that I had for myself a list of these men who had been struck off, and who it was thought would attempt to vote.

Q. Thought by Mr. McLean, the Liberal candidate, or by Mr. Connolly, the registrar?—A. By Mr. McLean in any event.

Q. Do you recollect a man by the name Collins voting that day?—A. No.

Q. Do you recollect a man by the name of Lytle voting that day?—A. No.

Q. Have any steps been taken by you since that day to prosecute these charges of perjury resulting from the information which you laid?—A. Not by me, no.

By the Chairman:

Q. You were the informant?—A. Yes, as the agent of the candidate.

Q. But you swore it out in your individual capacity?—A. Yes, I filled out the information, sir.

Q. And swore to it?—A. No, I do not think there was any form of oath at all. I had never seen an information in the form of that type before.

Q. In any event you did what the Deputy Returning Officer required of you on which to issue a warrant?—A. Yes.

Q. On which an officer acted in your presence?—A. Yes.

Q. Having accomplished the arrest of this man at that time, did you at any time take any further steps as informant?—A. No, I never did.

Q. You had accomplished your purpose when you had prevented that man voting?

Hon. MEMBERS: Oh, no, no.

The CHAIRMAN: It is a proper question.

Hon. Mr. ELLIOTT: We will have to withdraw that reference to perfection.

The CHAIRMAN: It is perfectly immaterial to me what the reference is. It was a perfectly proper question. He is asking him to draw the inference, and asking you to draw the inference.

Mr. LAWSON: I will withdraw that question and ask this question:

Q. Did you or did you not take any further steps or proceedings on the information?—A. No, none whatever.

Q. And if not, why not?—A. Because I had no instructions. I merely was acting on the instructions of the candidate, and I reported to him after it was done, and it was up to him to do whatever else he wanted to do.

Q. You thought you had done your duty?—A. Yes, absolutely.

By Mr. MacDonald:

Q. Did you have a list of names which you were to swear?—A. I had a list of names and I was instructed to issue an information against any of those men who attempted to vote who had been struck off.

Q. After you had sworn the information against those two, did any others attempt to vote?—A. I think not. I think only those two attempted to vote.

Hon. Mr. ELLIOTT: That showed that the candidate was correct.

Mr. LAWSON: I never could understand the psychology of a man who objects to a question by the chairman and then makes such a statement.

By Mr. Turnbull:

Q. What was the object of having those men arrested in the polling booth that day?—A. In my opinion they had committed perjury.

Q. Did it have any effect upon the other eighty-eight?—A. I do not know.

Mr. THOMPSON: The other eighty-eight were not there that day, that had been taken off the revised list.

The CHAIRMAN: We have no proof of that.

By Mr. Lawson:

Q. Have you any intention of proceeding with the prosecution which you set in motion by swearing out the information for perjury?

Mr. JACOBS: Mr. Chairman, I must object to that. My legal sense will not allow me to let a legal question of that kind be put. We cannot ask a man about his intentions. We may ask him about the past and the present, but not about the future.

Hon. Mr. ELLIOTT: I do not think that question is pressed.

Mr. LAWSON: I still think it is a proper question.

The CHAIRMAN: I would allow it, if you press the question; but I point out to you that in effect the witness has already answered that question. He has said it was not up to him but was up to Mr. McLean.

By Mr. Lawson:

Q. On the list supplied to you that day, as inside scrutineer and agent of the Liberal candidate, how many names were marked upon that list to be challenged if they attempted to vote; against how many were you to swear out information for perjury, if they attempted to vote.—A. I do not know the number of names, but I was to swear out information against anybody who had been on the list and had been struck off and who attempted to vote.

Q. Irrespective of whether they had lived in this municipality for fifty years or not,—surely you do not mean that?—A. That list had been submitted, as I understand, to the Chief Electoral Officer for a ruling and he had ruled that they had no right to vote.

Q. Unfortunately that is not so.—A. Those were my instructions, that they had been ruled off as not possessing the residential qualifications.

Q. Who gave you those instructions?—A. Mr. McLean.

Q. Mr. McLean informed you that the original list as prepared by the registrar and the revised list had been submitted to the Chief Electoral Officer who had ruled that these men were stricken off and were not entitled to vote?—A. I would not say that the list had been submitted, but I say that I understood that a ruling had been obtained from the Chief Electoral Officer as to these men, principally sailors who had not obtained residential qualifications.

Q. Then your instructions from Mr. McLean were not to swear out informations against all persons not on the list who attempted to vote but only against certain persons not on the list, who were alleged to be sailors?—A. I think those persons were those in connection with whom the ruling was obtained, and they were mostly sailors; and it was in connection with the sailors that I had my instructions, if I remember rightly.

By Hon. Mr. Lapointe:

Q. Do you say that you received information from Connolly, the registrar, before challenging those votes?—A. Yes, Mr. Connolly was outside of the booth, and word would come in to me if any of these men who came in had been struck off; word came in to me that they were not qualified to vote, and I then conferred with Mr. Connolly that these men had not the qualifications, and I then swore out the information.

Hon. Mr. LAPOINTE: May I ask whether Mr. Connolly has been summonsed to appear?

The CHAIRMAN: No, he has not been summonsed as yet. His name has not been given to the committee.

Mr. LAWSON: We are going to move for it, before the close of this sitting.

Q. One question arising from that: How did you communicate with Mr. Connolly? Did he come into the booth or did you go outside of the booth, or did you have a runner?—A. I do not remember particularly.

Q. Here is a big event in which you were taking considerable responsibility?—A. There was a good deal of excitement, quite a number had crowded in and Mr. Finlayson was there, and there was a good deal of noise and bickering. I do not know whether Mr. Connolly came inside or not, but I conferred with him outside several times probably,

Q. That is you would go to the door and communicate with him outside?—A. I say probably; I do not remember definitely whether he came in or not. I think it was mostly outside.

Mr. MACNICOL: I would like to make an observation, Mr. Chairman. Two men were prevented from discharging their franchise. That is the contention. What I am trying to get through my head is who was responsible.

The CHAIRMAN: That is one of the questions that the committee will have to decide.

By Hon. Mr. Elliott:

Q. You had a list supplied you, I understand, of those who were said to have been referred to in the rulings?—A. Yes.

Q. And you had your instructions as to those men not having the right to vote?—A. Yes.

Q. That was your information?—A. Yes.

Q. And acting on that information you took the course you did?—A. Exactly.

Q. Did you receive that information before the poll opened?—A. Yes, I received the information that it was thought an attempt would be made to have a number of sailors vote who did not possess qualifications.

Q. And you were given the list?—A. Yes. The same thing obtained, I think, in another part of the riding.

The CHAIRMAN: We are not concerned with that.

By Mr. Lawson:

Q. Do you know the number of this polling subdivision in which you were acting as inside scrutincor?—A. I cannot recall it.

Q. It was in the curling rink in Port McNicoll?—A. Yes.

The CHAIRMAN: Who is the next witness?

The WITNESS: Will I be needed any more?

The CHAIRMAN: I do not know.

Mr. LAWSON: Not as far as I am concerned, Mr. Harvey.

PATRICK J. McCORMICK, a witness, called and being duly sworn testified as follows:

By the Chairman:

Q. What is your name, post office address and occupation?—A. Patrick J. McCormick, Port McNicoll.

Q. And what is your occupation?—A. General foreman of the Canadian Pacific steamships.

By Mr. Lawson:

Q. Are you a British subject?—A. I am.

Q. Have you resided in Port McNicoll, in the constituency of East Simcoe?—A. For seventeen years.

Q. On polling day, July 28, 1930, for the last Dominion election, did you go to the polling booth with a man by the name of Chidwick?—A. I did.

Q. What was the object of your going there?—A. To vouch that he was eligible to vote at that poll.

Q. Were you yourself an elector in the constituency of East Simcoe?—A. I was.

Q. And was this poll to which you went, at the curling rink in Port McNicoll, a poll in the constituency of East Simcoe?—A. It was.

Q. Can you tell me from your knowledge whether or not it was a rural or an urban poll?—A. No, I am not sure of that.

Q. Will you tell me what took place when you went to the poll?—A. Well, they refused—the Deputy Returning Officer refused to give a ballot to Chidwick, and he took the oath, and he still refused; and then they arrested him; and I went bail for him, and he was released.

Q. Did you offer to take any oath?—A. They swore me, too.

Q. You did take the oath then as a voucher for this man Chidwick?—A. I did.

Q. Then you say, as a result of something that happened, Chidwick was arrested and you went bail for him?—A. Yes.

Q. Do you remember whether in going bail for him you signed a document in which you agreed that if he failed to appear at a given time and place, you were to forfeit so much money to His Majesty the King?—A. No, I could not say.

Hon. Mr. ELLIOTT: The document should be produced.

The WITNESS: I do not think anything was signed.

By the Chairman:

Q. Did you make a promise in open court?—A. Just before the Deputy Returning Officer.

By Mr. Lawson:

Q. Have you ever been called into any court in connection with the matter since that day?—A. No.

Q. How long had you known this man Chidwick?—A. About six years.

Q. How and in what capacity had you known him?—A. As a steward on the *Keewatin*. And he was also on the *Albertan* for a year or two.

Q. On the steamship *Albertan* for a year or two, and then on the *Keewatin*?—A. Yes. He had been about five years on the *Keewatin*.

Q. Had he ever resided any place other than Port McNicoll?—A. No, he was away at times, but I considered Port McNicoll was his home.

Hon. Mr. ELLIOTT: That is a question for the committee.

By the Chairman:

Q. Did he ever live in the village to your knowledge?—A. Yes.

Q. When?—A. During the six years I have known him, off and on.

Q. And in the years 1929 and 1930?—A. Yes.

By Mr. MacNicol:

Q. On election day did these men go in their uniforms or in civilian clothes?—A. No, sir, they were in their shirts and trousers,—it was a very warm day.

Mr. MACNICOL: I would recognize especially Chidwick if I saw him ten years from now.

The WITNESS: I think they were in their shirts and trousers. They were working on the boat and it was a very warm day.

Mr. LAWSON: Now, Mr. Chairman, at this stage of the proceedings, by reason of Mr. Harvey's evidence, I think we should have brought before the committee Registrar Connolly.

Mr. GRAY: And one William Finlayson.

The CHAIRMAN: You can have Mr. Finlayson, if you want him.

Mr. LAWSON: I will make my motion after I call Mr. Daly.

The CHAIRMAN: The Clerk has handed me, before the proceedings opened this morning, a minute of the proceedings of yesterday. It is purely formal and I think we should O. K. it here. Then, we will approve of the minutes of the proceedings presented by the Clerk.

DENIS ARTHUR DALY, a witness, called and being duly sworn testified as follows:

By Mr. Lawson:

Q. Mr. Daly, you were the Deputy Returning Officer in the polling booth in the riding of East Simcoe held on the polling day, July 28, 1930, in the curling rink at Port McNicoll?—A. Yes, sir.

Q. Can you give us the number of the polling sub-division in the riding of East Simcoe?—A. Seventy-three, I think, but I am not sure. I believe that was it.

Q. Did you after the conclusion of the poll return to the General Returning Officer for the riding of East Simcoe, as required by the Dominion Elections Act, the original voters' list, poll book, etc. which had been supplied to you?—A. I did.

Mr. LAWSON: At this stage, Mr. Chairman, I would make application for the production of the polling list, poll books, etc. of this polling subdivision, which under the statute have now been returned to the Chief Electoral Officer for the Dominion of Canada.

The CHAIRMAN: Mr. Castonguay, you are asked for the official list returned by the Deputy Returning Officer, which was transferred to the Chief Electoral Officer. Will you produce that list?

Mr. CASTONGUAY: There is a certain objection, under section 76. I am prepared to produce it.

The CHAIRMAN: We will note the objection. It is a Crown document, and unless parliament has specially exempted the operation against the Crown, as was done under the Civil Service Act, it must be produced in answer to an order from parliament.

Mr. LAWSON: And in addition to that, I am prepared to argue that even under the statute there is no prohibition against the document being produced before this committee.

Hon. Mr. ELLIOTT: Parliament has ordered it produced.

The CHAIRMAN: It is up to the committee to overrule that ruling. Mr. Castonguay has the full protection of the statute and the committee in respect to it.

Mr. LAWSON: Then, Mr. Chairman, I would like the original list as prepared by the enumerator, and the revised list as supplied to the Deputy Returning Officer.

Mr. CASTONGUAY: Do you want them now?

Mr. LAWSON: I want them for the purpose of dealing with this witness.

The CHAIRMAN: If you have a copy and will say it is certified as a copy, I think the committee will be prepared to accept it. Have you the original list as prepared by the rural registrar?

Mr. CASTONGUAY: Yes, I have that.

The CHAIRMAN: That is the original list and the revised list as prepared by him for use on the election day. Those are the two things that are wanted.

Mr. LAWSON: One is the tentative list, and the other is the list returned by the Deputy Returning Officer to the Chief Electoral Officer.

The CHAIRMAN: As I understand it, there are only two, the first is the preliminary, which is made by the rural registrar, which is posted, but I think a copy is given to each candidate; then it is revised by the revising officer, and that revised list is the list which is sent out to each deputy returning officer for use on the polling day; and those are the two lists which are required.

Could you proceed in the interval? I understand it will be only a few minutes before we have them.

By Mr. Lawson:

Q. Mr. Daly, I think you have already told us that you were the Deputy Returning Officer in the poll to which we have reference in this investigation?—A. Yes.

Q. When were you appointed? I do not need the exact date.—A. Some time about the middle of June, I believe, 1930.

Q. Did you have any other official capacity in connection with the election in East Simcoe of July, 1930, other than as Deputy Returning Officer?—A. Nothing at all.

Q. You were not an enumerator nor a registrar?—A. No.

Q. Prior to the polling day, was a list supplied you of voters entitled to vote in that polling subdivision?—A. Yes.

Q. Was that polling subdivision a rural polling subdivision or an urban subdivision?—A. A rural subdivision.

Q. Were you familiar with the provisions, or did you familiarize yourself, as Deputy Returning Officer, with the provisions of the Dominion Elections Act which enable one not upon the list entitled to vote to comply with the provisions of that Act on polling day?—A. I did the best I could.

Q. And did a man by the name of Alexander Campbell make application to you for a ballot on polling day, July 28th, 1930, in that poll?—A. He did.

Q. Did a man by the name of Frederick Benjamin Chidwick also make application on that day and in that poll for a ballot?—A. He did.

Q. Were either of them given ballots?—A. No.

The CHAIRMAN: Just identify them.

By Mr. Lawson:

Q. Is the gentleman who appeared before this committee to-day under the name of Alexander Campbell the same man to whom you refused a ballot on polling day?—A. The same man.

Q. Is the man who appeared before this committee this morning under the name of Chidwick the same man as the one to whom you refused a ballot on polling day?—A. The same man.

Q. When Campbell came, did he offer to take the oath required by the Elections Act, as to qualifications?—A. Yes.

The CHAIRMAN: First of all, was he challenged by anybody? Unless he was challenged, he ought to have got a ballot.

By Mr. Lawson:

Q. This man Campbell was not upon the list?—A. No.

Q. Had you knowledge from the list or poll book or documents before you that this man's name had been upon the original list prepared by the registrar, and subsequently stricken off during revision?—A. When the man came in for a ballot, the poll clerk told me that this name had been cut off the list.

By the Chairman:

Q. Who was the poll clerk?—A. Joseph Mayo.

Q. You had possession of the list?—A. I had the list.

By Mr. Lawson:

Q. Yes, and the poll book, and acting upon that information, what did you say to Campbell?—A. I told him I was sorry and I explained the matter to him, that his name had been on the list and had been cut off; and therefore I could not give him a ballot.

Q. And did he thereupon offer to take the oath?—A. Yes.

Q. And did you administer the necessary oath of qualification, as required by the Dominion Elections Act?—A. Not then.

Q. What happened then?—A. I simply told him, as I understood it, the matter had already been dealt with and I had nothing at all to do but to refuse him the ballot.

Q. Who gave you the information that the matter had already been dealt with?—A. I could find nothing in the instructions to cover it, but—

Q. No, no, my dear man. You have just made the statement that you said to Campbell that you understood his name was not upon the list, and that the matter had already been dealt with and that you had no discretion but that you must refuse him the ballot. I ask you where you got that information?—A. I do not think I just follow you.

Q. You told him, I understood, that the matter had already been dealt with and you had nothing to do but refuse him the ballot,—those are your sworn words. I ask you why you understood that?

Mr. GRAY: Because the name was not there.

The CHAIRMAN: That is a perfectly proper question and ought to be answered. You ought not to interfere.

Mr. GRAY: I am a member of the committee, and I can interfere at any time. I do not require permission.

The CHAIRMAN: We will carry this on in an orderly way. This is a perfectly proper question and I have ruled he must answer it.

Mr. GRAY: Do you say, Mr. Chairman, that any member of the committee cannot interfere at any time? At the present time we are having counsel examining a witness. My submission is that any member of the committee at any time can interrupt and ask questions as he sees fit.

Mr. LAWSON: Mr. Chairman, the hon. member is evading the question in his remarks. He did not ask the witness a question, but he made a remark which was suggestive.

The CHAIRMAN: It would be very improper in any court.

By Mr. Lawson:

Q. Now, Mr. Daly, I want to know how and from whom you understood that the question of this man's vote had been dealt with and you had nothing to do but refuse him a ballot?—A. That he had been put on the list and put off.

Q. Is that the only reason?—A. Yes.

Q. Did you not tell me just a few minutes ago that you had endeavoured to familiarize yourself with the provisions of the Dominion Elections Act?—A. I did.

Q. Did you not know that even though a man's name was not upon a list, that man had a right in a rural poll by taking the oath of qualification and having one other elector take the oath vouching for him, to vote in that election?—A. If his name is omitted.

Q. You mean omitted off the list altogether?—A. Yes.

Q. Are you endeavouring to convey to me now that you did not appreciate that still to be the law, because a man's name had been upon an original list and had subsequently been stricken off that list?—A. I would not consider him as a name being omitted.

Q. I want to ask you the specific question: If any man whose name had been upon that list and by the list appeared to have been stricken off, irrespective now of whether you were told he was or was not a sailor, had come before you and taken the oath of qualification, and with him there had come an elector of the riding and taken the oath of one who vouches for a voter, would you have refused that man a ballot?—A. I think I would.

Mr. GRAY: I do not mean to interrupt your questions, but I think you should carry it to a conclusion. The provision of that section says, "Unless he is proceeded against for perjury," which I submit this man was.

Mr. LAWSON: There is no such section.

Mr. GRAY: It is part of the section. I am reading it out of Mr. Thompson's own statement and taking it for granted that this is the section which says "unless he is immediately proceeded against for perjury." Do you know the section, Mr. Thompson?

Mr. THOMPSON: I do not just recall it just now. It is section 232.

The CHAIRMAN: I am told it is in the Act itself, but it is something in the Election Instructions, and I have asked Mr. Biggar to find it for us.

Mr. THOMPSON: In section 64 of the Act, the instruction on page 94, section 232,—that is what is referred to in the margin.

The CHAIRMAN: Section 229 of the Instructions, on page 94 of the Election Instructions is as follows, and I think it is well to have it upon the record:

229. Delivery of Ballot to Voter. If a voter takes the required oath he must be furnished with a ballot unless an information for perjury or personation is immediately sworn, and a warrant forthwith issued for his arrest. On the other hand, a voter who has once refused to be sworn or to answer proper questions is not to be given a ballot either at the time or later in the day, even if upon reflection of encouragement he thinks better of his refusal.

Section 64, of the Dominion Election Act, Name not on List.

64. Subject as herein provided, any person who is qualified to vote in the electoral district and is, on polling day, resident in a rural polling division may, notwithstanding that his name does not appear on the list of voters for such polling division, vote at the appropriate polling station established therefore if, so far as he is aware, his name does not properly appear on the list of voters prepared for any other polling division in the electoral district.

Then, subsection 2:

2. Any such person as is in the last preceding subsection described shall be entitled to vote only (a) upon his being vouched for by some other voter whose name appears on the list for such rural polling division and who is resident therein, and personally attends with him at the polling station and takes an oath in Form No. 36 in Schedule One of this Act, and (b) upon himself taking an oath in Form No. 35.

Then, subsection 3:

3. The poll clerk shall make such additions, alterations and erasures in the voters' list, and such entries in the poll book, as the deputy returning officer directs him to make including the name of the person who vouched for the applicant person, and as are required by any provision of this Act.

Hon. Mr. LAPOINTE: Mr. Chairman, you read Instruction No. 229, but it is 232 which applies to this case.

The CHAIRMAN: This is what was referred to me by Col. Biggar. Now we will see what is in section 232 of the Instructions. There is a note "Not applicable to advance polls."

232. Voter's Name Not on List: Rural Polling Division. Any resident of a rural polling division may vote notwithstanding that his name has been altogether omitted from the list of voters. In any such case the voter must take the oath E on the card, and he must also be vouched for upon oath by some other resident of the polling division whose name is on the voters' list and who must take the oath F on the card. For this purpose, of course, the voter vouching may be admitted to the room at the same time as the voter whose name has been omitted from the list. The oaths the voter is called upon to swear will be noted in the proper column of the poll book and the fact that he has taken them or refused to take them will be entered by the insertion in the next column of the word 'sworn' or the words 'refused to be sworn.' The name and other particulars of the vouching electors, including his number on the voters' list, will be entered in the appropriate columns in the poll book followed in its proper columns by the word 'sworn.' Thereupon the particulars of the voters whose name was omitted from the voters' list will be added to it with the word 'sworn' following, and the voter must be given a ballot unless he is immediately proceeded against for perjury; the deputy returning officer has no discretion to refuse the voter a ballot unless a charge is forthwith laid before him.

Mr. LAWSON: I call your attention, Mr. Chairman, to the fact that those are the Election Instructions which you are reading, and not the section of the Act. Now, may I continue?

The CHAIRMAN: Surely, go ahead.

By Mr. Lawson:

Q. Now, Mr. Daly, I want to be very clear and very fair in my understanding of your position. You tell me now that your understanding of the Elections Act was that it was only in case a man's name was omitted from the list that he could come forward, take the necessary oath, have a voucher, take the necessary oath and be given a ballot?—A. Yes, that is my understanding.

Q. That is your understanding?—A. Yes.

Q. And conversely may I take it that your understanding was that once a man's name was on the list and stricken off, then he could not be permitted to vote even though he took the oath?—A. That is correct.

Q. Then will you tell me why you administered the oath to this man?—

A. On the insistent demand of the Hon. Mr. Finlayson.

By the Chairman:

Q. You did not do it at first, then?—A. No, I refused it.

Q. You refused to even take his oath.—A. Yes.

Q. But because of Mr. Finlayson's predominance, you let him take the oath?—A. I thought there was a possibility of my being mistaken.

By Mr. Gray:

Q. What was Mr. Finlayson's position at the poll?—A. He was there on the courtesy of the poll.

Q. Had he been sworn in as a scrutineer?—A. No.

Q. What right had he in the poll?—A. None.

The CHAIRMAN: He had none, as far as I can see, but he was the county member. They were anticipating trouble.

Mr. GRAY: Oh yes.

By Mr. Lawson:

Q. Then, believing as you did that this man was not entitled to vote, you nevertheless administered to him an oath at the behest of Mr. Finlayson?—A. I wanted to give him the benefit of any doubt. I wanted to be perfectly fair and square with him.

Q. And so you administered this oath?—A. Yes.

Q. When you stated early in your evidence that you understood this matter had been dealt with and you had no alternative but to refuse the man a vote, you were, I believe, referring to your understanding and interpretation of the Dominion Elections Act?—A. I may be confused between the Elections Act and the Instructions.

Q. I would include them as one, Mr. Daly?—A. Yes.

The CHAIRMAN: For the purpose of this question. They are not one.

By Mr. Lawson:

Q. Then immediately after this man was sworn, did someone prefer an information against him for perjury?—A. Yes.

Q. Who?—A. Mr. Harvey.

By the Chairman:

Q. How long after this man took the oath?—A. Immediately.

By Mr. Lawson:

Q. And was that information for perjury sworn before you?—A. Yes.

Q. And having received that information and sworn it, did you give any instructions to the constable?—A. I made out the warrant for the constable.

Q. That warrant being one for the arrest of this man Campbell?—A. Yes.

Q. And the same thing applied in connection with Chidwick?—A. Exactly.

Q. The same procedure?—A. Yes.

By the Chairman:

Q. And you delivered them to the constable?—A. Yes.

By Mr. Lawson:

Q. Had anyone conferred with you or given you any instructions prior to the election day, as to what was to be your course of action, or what you were to do?

The CHAIRMAN: Or on election day.

By Mr. Lawson:

Q. Or upon election day, as to persons upon the election list and stricken off?—A. No. That was my trouble, that no one had, other than what I had read in the papers and picked up off the street.

Q. What had you read in the papers and picked up off the street?—A. I had heard a lot of talk for some time that sailors were not eligible to vote.

Q. Did you hear any talk that they were eligible to vote?—A. No.

Q. All the talk you heard was that they were not eligible to vote?—A. Yes.

Q. Whom did you hear doing the talking?—A. Nobody in particular. I could not recall any individuals.

Q. What had you read in the newspapers?—A. Just prior to the election I read in the papers where I think it was our present member, Mr. Thompson, had wired to Ottawa protesting against the fact that sailors were not allowed to vote. And I saw a reply confirming the fact that they were not allowed to vote.

Q. In the newspaper?—A. Yes.

Q. Was the reply printed in full in the newspaper?—A. I think it would be in the form of a letter or a telegram.

Q. What newspaper was it in?—A. I think it was in the Toronto Star or The Telegram.

Q. A wire from the Chief Electoral Officer, you say, to Mr. Thompson?—A. I do not know about the Chief Electoral Officer, it was a wire from Ottawa.

Q. Do you think you would recollect that wire if you saw it again or the contents of it?—A. I do not imagine I would.

Q. But your recollection was that the substance of it was that sailors were not entitled to vote?—A. That is the sailors referred to in Port McNicoll.

Q. That the sailors in Port McNicoll referred to were not entitled to vote?—A. Yes.

Q. What sailors were referred to?—A. It would be the sailors of the C.P.R. boats.

Q. By sailors do you include waiters, stokers and everybody who might be working on those boats?—A. Yes.

Q. And if a man came to you who to your own knowledge had been living in Port McNicoll for years, but working on these boats in some capacity in the summer time, then you would have felt it your duty on the ruling to refuse him a ballot, if he had been on the list and had been stricken off?—A. Yes.

By the Chairman:

Q. Irrespective of the question of his residence?—A. Yes.

By Mr. Lawson:

Q. In those circumstances, Mr. Daly, did you not appeal to the General Returning Officer for the riding for some instructions before actual polling day?—A. No, I did not get my list until, I think it was, Saturday evening.

Mr. GRAY: Just there, Mr. Chairman, is that the duty of the deputy? I would think it would be the duty of the returning officer and not that of the deputy returning officer.

The CHAIRMAN: I would think if any question arose he ought to appeal to the returning officer, who would go to his superior officer.

By Mr. Lawson:

Q. Do I understand you to say, Mr. Daly, that you did not apply to the returning officer for instructions of any kind?—A. No, there was no doubt in my mind in regard to the handling of it, until election day.

Q. And that doubt was created on the election day by the protest, according to you, of Mr. Finlayson?—A. Yes.

Q. Did anything else create any doubt?—A. No, that was all.

By the Chairman:

Q. Then you went into the poll with the fixed idea that none of these men, under the circumstances referred to by Mr. Lawson, were entitled to vote?—A. Yes.

By Mr. Lawson:

Q. Had you known Alexander Campbell before polling day?—A. I had seen him.

Q. Did you know that during certain periods of the year he lived or boarded in Port McNicoll?—A. No, I was not aware of that.

Q. Did you know Chidwick prior to the 28th July, 1930?—A. I had seen him.

Q. Did you know that at certain times of the year or years he boarded in different places or in any place in Port McNicoll?—A. Practically mostly all of the employees on the boat may board at the Canadian Pacific Railway hotel prior to the boat sailing, during what they call the fitting out.

Q. No, did you know of your own knowledge that either Campbell or Chidwick boarded at any place in Port McNicoll for any length of time prior to their going to live upon these boats?—A. No.

By the Chairman:

Q. Had you spoken to Mr. McLean, the Liberal candidate, in respect to this matter before the poll opened?—A. No.

Q. Had you conferred with Mr. Harvey, the Liberal agent, before or at the poll?—A. I was talking with Mr. Harvey the night before the poll.

Q. About this matter?—A. No, we were not discussing this matter in particular.

Q. Were you mentioning it at all?—A. Yes.

Q. What did he say to you or what did you say to him?—A. I forget what the conversation was, but we were in agreement.

By Mr. Lawson:

Q. Did Harvey tell you that if they came forward and took the oath he would swear out an information against them for perjury?—A. No, I do not remember him making any such statement.

By the Chairman:

Q. Was it understood that if they came forward there would be an information for perjury laid?—A. There was no such statement, as far as I am concerned.

By Mr. Morand:

Q. Who delivered this list to you?—A. It was delivered at my home. I was not there.

By Mr. Lawson:

Q. How many warrant forms were you supplied with for your poll?—A. I think there were two.

Q. That would be a printed form in blank to fill in the names of so-and-so?—A. Yes.

Q. I am speaking now of the warrants which you would issue to a constable after an information had been sworn before you for perjury, you were supplied with two forms only?—A. It was on a sheet, and I think there were only two.

Q. When you speak of a sheet, are you speaking of a sheet of forms?—A. Yes, the warrants came on a sheet, perforated.

Q. And you think there were two?—A. I am quite certain there were two.

Q. And what about the informations to be sworn by any person who wished to swear an information before you, were any forms of that information provided?—A. Yes, I think there were two.

Q. Can you tell me from your recollection whether that day you permitted any man to vote on taking the oath whose name had been upon the list and was shown as stricken off the list?—A. There were none.

Q. None that you permitted to vote?—A. None that I permitted to vote.

By Mr. MacNicol:

Q. You had the list on which the names had been in the first place and then were stricken off, and then the list on which the names did not appear, and those lists did you have with you that day?—A. I had the list which had been given to me by the returning officer, on which the names had been stricken off.

Q. Then the names were not on the list?—A. They had been on there but had been stricken off.

By Mr. Lawson:

Q. In a rural poll, the list is made up by a man who is sometimes called an enumerator, and he sits for five days a certain time before polling day; and if certain conditions occur and he thinks that any name should be stricken off the list he draws a pen through it, or if any should be added he writes it in; and it is that very list and not something made from it which becomes the original list.

Mr. MACNICOL: I got into my head, Mr. Chairman, the idea that the list the returning officer had before him was a new list on which the names were omitted. The names were on the list but had been struck off.

Mr. LAWSON: His view, as I understand his testimony, was that if a man came up before him and swore that he had the qualifications, and if that man's name did not appear on the list anywhere, he would allow him to vote; but if the man's name had been on the list but had been stricken off for any reason, his view was that that man could not vote.

Mr. MACNICOL: Now, may I ask another question?

Q. What would be your argument, then, if a man's name had been on the list and a line had been drawn through it—it was omitted?

Mr. LAWSON: No, he would say that the man's name had been on the list and was stricken off.

By Hon. Mr. Elliott:

Q. I suppose you had your book of instructions there and you would refer to it as the cases arise?

The CHAIRMAN: There would be nothing in it.

Hon. Mr. ELLIOTT: Yes; these very cases are covered by the Instructions. What I am suggesting is that the deputy had his book of instructions there and he would rely upon it to a certain extent, I presume, as the cases arose.

The CHAIRMAN: In reference to the delivery of the ballot; but you are referring to the preparation of the list and the effect of a man's name being originally on the list and being struck through.

Hon. Mr. ELLIOTT: What you are stating, Mr. Chairman, is very secondary to the questions asked of the witness, and it has been discussed as to the effect of a man's name being on the list and being stricken off. His impression was that it was on the list. If it had not been on the list, he would give him the ballot and give him the benefit of the doubt.

The CHAIRMAN: He would let him take the oath.

By Hon. Mr. Elliott:

Q. Your impression was, as I understand it, when you went there, that the striking off by the man who had prepared the list was final?—A. Absolutely.

Q. And that the voter would not have a right to vote, if his name had been stricken off, but upon hearing the arguments that took place in the poll and hearing the Instructions referred to, you did consent to him taking the oath?—A. Yes.

Q. And administered the oath to him?—A. Yes.

Q. And only refused him the ballot upon his arrest?—A. Yes.

By the Chairman:

Q. Had there been no information for perjury, would you or would you not have given him a ballot?—A. I would have given him a ballot.

Mr. MACNICOL: Then, Mr. Chairman, a man whose name is on the list and is stricken off is in an infinitely worse position in regard to the right to vote than is the man whose name was not on the list at all.

The CHAIRMAN: Yes, that is the interpretation which this witness says he put on the law.

By Mr. Gray:

Q. Was Mr. Finlayson in and out of the poll all day long?—A. No, he did not get down until after dinner.

Q. Then was he in and out?—A. I think he stayed inside the poll pretty well.

Mr. GRAY: Mr. Chairman, I see it is 1 o'clock, but I would hate to see the returning officer kept here until next week, if you can finish with him in a couple of questions.

Mr. LAWSON: Yes, I think I can. I could have been finished but for, for the want of a better term, the barrage.

Would Mr. Chief Electoral Officer be good enough to place before the witness the original voting list for this polling subdivision.

Mr. CASTONGUAY: And I have the copy here.

The CHAIRMAN: We can substitute later on the copy for the original which you have here.

Mr. CASTONGUAY: There were two booths for the one poll.

Mr. LAWSON: The top of the list will show the number of the polling booth.

By Hon Mr. Elliott:

Q. Was this polling division No. 1 or polling division No. 2?

The WITNESS: No. 1, I think it was.

The CHAIRMAN: I will mark this original for identification as Exhibit 1, the true copy to be inserted in its place afterwards.

By Mr. Lawson:

Q. Now, witness, will you please look on that list for the name of Alexander Campbell, and throughout I am referring to the list Exhibit No. 1. You point out to me on the list, Exhibit No. 1, voter No. 95 on your list. The name appears in the column as Campbell, A., occupation shown as sailor, post office address shown as Port McNicoll; remarks, none; and a red line drawn through the name and the occupation and the post office address. Is that correct?—A. Yes.

Q. This document which we are referring to as Exhibit No. 1 is a list which you had in your possession as deputy returning officer of poll No. 1 of Port McNicoll, in the riding of East Simcoe, voters whose surnames begin with the letters of the alphabet A to L inclusive?—A. Yes.

Q. Then would you look up the name of Frederick Benjamin Chidwick? There appears upon your list, does there not, under No. 91, Chidwick, F. B.; occupation shown as sailor; post office address shown as Port McNicoll; no remarks of any kind in the Remarks column; and a line drawn in red ink through the name, the occupation and the post office address?—A. That is correct.

Q. Would you look over that list for me and again answer, if you will, after having refreshed your memory by looking it over, whether or not you permitted any elector to vote that day whose name was upon that list and then was stricken off, as in the cases of Campbell and Chidwick?—A. None whatever.

Q. You say none whatever, but just look at it and check them up, to be sure.—A. None that I am aware of.

Q. Still keep that list in front of you for a moment. I observe in the left-hand column of that list a pen mark indicating a tick or a check. What does that pen mark indicate?—A. Nothing to me.

Q. Was it made by you?—A. No.

Q. Then you have no idea of what those ticks represent?

By the Chairman:

Q. Did not you see the poll clerk make those ticks?—A. No, I did not see him make them; I may have seen him make some of them.

By Mr. Lawson:

Q. The poll clerk is the deputy returning officer's servant or assistant on that day. You have no idea of what those ticks represent?—A. I presume it is the fact that they voted.

Q. You have only one name, on your list, of Chidwick, namely the one to which I have previously referred, and it was stricken off?—A. Yes.

Q. And you have only one name upon that list of Campbell, namely the one to which I previously referred and which is stricken off.—A. Yes.

Mr. GRAY: You mean only one name of A. Campbell—there is another F. Campbell, No. 76.

By Mr. Lawson:

Q. Would you qualify that last answer—it should be yes, with the exception of Mrs. F. Campbell?—A. Yes.

Q. Now will you check over that list and see if there is another Chidwick on it? I think that is all, after looking. Then would you look on that list and see if there is a man on there by the name of Ramsay? Oh, he has only from A to L. Then look for the name of Collins?

Mr. GRAY: Joe?—A. There is Joe Collins, that is the only one I see.

By Mr. Lawson:

Q. There appears to be on your list only one man by the name of Collins, namely No. 97, Joe. Colins, listed as a sailor, post office address Port McNicoll; but his name is not stricken off?—A. No.

Q. And there appears opposite this name one of these tick marks in pen, which indicates that he voted?—A. Yes.

Q. Then would you look for the name Lytle?

Mr. GRAY: Lytle, Harold?

Mr. LAWSON: No, he did not vote at this poll. Then might we have produced the original voters' list, by the Chief Electoral Officer, for the surnames of voters in this polling subdivision commencing with the letters M to Z inclusive?

The CHAIRMAN: This is produced by the Chief Electoral Officer, and is marked Exhibit No. 2 for indentification, a true copy to be substituted for it, as for Exhibit No. 1.

Mr. LAWSON: May I have that, Mr. Chairman, as I want to put some information upon the record?

The CHAIRMAN: The witness could not identify that.

Mr. LAWSON: No, we have had it identified by the Chief Electoral Officer.

For the purpose of the record, Mr. Chairman, I desire to call to the attention of the committee, from the voters' list, Exhibit No. 2, produced, that there appear upon the list only two males under the name of Ramsay, one being listed as No. 321, name Ramsay, L., occupation engineer, post office address Port McNicoll; name not stricken off, and ticked, indicating that he voted. The other male voter of that name is No. 323, Ramsay, D., occupation engineer, post office address Port McNicoll; not stricken off the list, but a pen tick opposite the name indicating, as we believe, that he voted. And a third male voter by the name of Ramsay, No. 334, name Ramsay, W., occupation sailor, post office address Port McNicoll; not stricken off the list and not ticked off by the usual tick mark, but two hieroglyphics which I cannot interpret marked opposite that name. The committee might have a look at that.

Mr. GRAY: This other copy has the whole list from A to Z.

Mr. MACNICOL: Those hieroglyphics look like A-1 in plain English.

The CHAIRMAN: The poll books are available.

Mr. LAWSON: That is the next thing I want to ask for.

The CHAIRMAN: This is the poll book from poll No. 1, covering A. to L.

Mr. LAWSON: And might we have the poll book for the subdivision of poll No. 1 from M to Z? Subject to those productions by the Chief Electoral Officer, I have no further questions to ask the witness.

The CHAIRMAN: Has anybody any question to ask this witness? We want to let him go.

I understand there is a further witness from Port McNicoll, who has been subpoenaed for lack of time. I think it is desirable for us to hear his evidence to-day, so as to let him go.

Hon. Mr. ELLIOT: Had you not better go right on?

The CHAIRMAN: I think we had better.

By Hon. Mr. Elliott:

Q. With regard to the Ramsays, do you know the Ramsays?—A. Yes, I do.

Q. Do you know that they reside in Port McNicoll?—A. There is one Ramsay who lives entirely in Port McNicoll; and another one has a home in Port McNicoll; I think he is an engineer on the boat; and the third one is an engineer on the boats; I think he is there, but whether he lives with his brother or not I do not know.

Q. Of course, you cannot speak as to what prompted the enumerator in leaving these men on, or otherwise; but you can only tell us that they are residents, two of these Ramsays, in Port McNicoll regularly?—A. Yes.

Mr. LAWSON: Oh, no, he did not go that far. You said that.

Hon. Mr. ELLIOT: Two of the three; and as to the other he does not know whether he lives with his brother or not, but that is his impression.

The CHAIRMAN: Is there any further question to be asked of this witness?

Mr. MACNICOL: Not unless he can explain what this A-1 means?

The CHAIRMAN: Which Ramsay is that? I do not see any A-1.

Mr. GRAY: It may be the initial of the polling clerk.

The CHAIRMAN: A-1 would mean that this man was allright. I would suggest that, but I would not swear it. Is there anything more to ask Mr. Daly? If not, we will call Mr. McNamara.

Mr. LAWSON: Mr. Chairman, I think in fairness to you and the committee I should say that as far as I am concerned I have no desire to ask Mr. McNamara any questions at this stage.

The CHAIRMAN: Do you mean to suggest that you may not want him at all, or that you may want him at a later stage?

Mr. LAWSON: I am sorry I cannot say whether he will be of use to this committee, in my opinion, until I have had the opportunity of hearing the evidence of the registrar and one other gentleman whom I am going to ask to have brought here.

The CHAIRMAN: What was Mr. McNamara's position in the riding?

Mr. THOMPSON: Mr. McNamara was the returning officer.

Mr. LAWSON: Frankly, I would rather not have it taken piecemeal.

The CHAIRMAN: Then have we concluded the investigation for this morning?

Mr. LAWSON: I have nothing more this morning.

The CHAIRMAN: And you ask that Mr. McNamara stand over until the other witnesses are called?

Hon. Mr. ELLIOTT: Would Mr. McNamara have to remain here?

Mr. LAWSON: Oh no.

The CHAIRMAN: We have had all the evidence excepting Mr. McNamara, of those called, Col. Biggar and Mr. Castonguay are here. Mr. McNamara will not suffer any loss by having to come again.

Mr. LAWSON: I have one or two requests to be made of the committee. In the first place, I called before the committee this morning a witness whom I considered essential but who was not covered in your order, Mr. McCormick. I would ask that the committee pay him his expenses as he came at my request.

The CHAIRMAN: The Clerk of the House has to pass upon all this, as I understand it, and the witness must be here under the authority of the committee.

Mr. LAWSON: Then I would move, if I may have a seconder, that the usual witness fees and expenses be paid to the witness McCormick who was called here this morning, as he was a necessary and material witness to this investigation.

Mr. MORAND: I second the motion.

Carried.

Mr. LAWSON: Then, Mr. Chairman, I would ask to have subpoenaed and brought before the committee, on whatever day you set next, Mr. Joseph Connolly, of Port McNicoll, who was the enumerator and registrar in connection with this polling subdivision. I would also ask, Mr. Chairman, that you would add, if you will, Mr. W. Ramsay, described in this polling list as a sailor, with the address given as Port McNicoll.

Hon. Mr. ELLIOTT: His number is what?

Mr. LAWSON: He is No. 334 on the list, the fellow with the special hieroglyph which I cannot interpret.

The CHAIRMAN: Any others, Mr. Lawson? I think it will be taken for granted that the subpoenaes will be issued.

Mr. LAWSON: As far as we are concerned, we have no desire to keep Col. Biggar and Mr. Castonguay here during the course of the rest of the investigation. I suppose it makes no difference to Mr. Castonguay as he is a permanent official; but we might arrange to telephone to Col. Biggar, when we wish him here, as he has his private practise to attend to. It might be understood that Col. Biggar need not come here until he is telephoned for. While Col. Biggar is here, might we fix the date for the next meeting, so that we may see that it will not interfere with his private engagements.

The CHAIRMAN: I think Mr. Gray suggested that he might want to call some witness.

Hon. Mr. ELLIOTT: If there are the names of some other witnesses who might assist in this investigation which occur to us, I know nothing about them now, I wonder whether we might have the same privilege in regard to them as Mr. Lawson has?

The CHAIRMAN: Yes, if you find out who they are, communicate with me and the Clerk and we will have a subpoena issued, even although they are not ordered.

I would suggest that the committee meet again next Tuesday at 11 o'clock.

The committee adjourned until Tuesday, June 23, 1931, at 11 a.m.

MINUTES OF PROCEEDINGS
AND EVIDENCE

MINUTES OF PROCEEDINGS AND EVIDENCE

of the

SELECT STANDING COMMITTEE

of

PRIVILEGES AND ELECTIONS

No. 2

WEDNESDAY, JUNE 23, 1931

WITNESSES:

William Keenan, C.D., Chairman, Joseph Conroy, J. D., J. McManus
and Prof. O'Connell, and Sigbee, R.D.

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SESSION 1931

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

of the

SELECT STANDING COMMITTEE

on

PRIVILEGES AND ELECTIONS

No. 2

TUESDAY, JUNE 23, 1931

WITNESSES:

William Ramsay, Clifford Graham, Joseph Connolly, J. D. J. McNamara
and Col. Oliver Mowat Biggar, K.C.

OTTAWA
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1931

MINUTES OF PROCEEDINGS

ROOM 268,
HOUSE OF COMMONS,
TUESDAY, June 23, 1931.

The Select Standing Committee on Privileges and Elections met at 11 o'clock, the Chairman R. B. Hanson presiding.

WILLIAM RAMSAY, called and sworn.

By the Chairman:

Q. What is your address and occupation?—A. Port McNicoll, sailor.

Mr. LAWSON: Might I have the poll book and D.R.O. election list for the sub-division M to Z for the purpose of examining this witness. I referred to exhibit No. 2 for identification.

By Mr. Lawson:

Q. What is your first name?—A. William.

Q. On the 28th day of July, 1930, did you vote at the polling sub-division which was in the curling rink in Port McNicoll?—A. I did.

Q. And you live in Port McNicoll?—A. Yes sir.

Q. Are you a married or single man?—A. Married.

Q. How long have you been living in Port McNicoll?—A. 1926 and 7.

Q. Maintaining a house or residence there?—A. Boarding there.

Q. With whom did you board?—A. Hotel.

Q. At the hotel in Port McNicoll?—A. Yes.

Q. Does your family live in Port McNicoll with you?—A. No.

Q. Where does your family reside?—A. Owen Sound.

Q. Do you keep a residence for your family in Owen Sound?—A. No.

Q. Where do they live?—A. They live in Owen Sound.

Q. Whereabouts?—A. I don't know.

Q. You don't know. Then I presume you are separated from your family?
—A. Yes sir.

Q. Being separated from your family you board in the hotel at Port McNicoll?—A. Port McNicoll.

Q. Are you boarding there now?—A. On the boat.

Q. I beg your pardon?—A. On the boat.

Q. What is your position on the boat?—A. Oiler.

Q. And do you give up your room to the hotel in Port McNicoll each year and go upon these boats, and during the season the boat is running live upon the boat?—A. Yes.

Q. What boat are you on?—A. The Assiniboia.

Q. In the year 1930—that is the spring previous to this one of the past—can you give me any idea of the date on which you gave up your room in the hotel and moved upon the boat?—A. About the 12th of March.

Q. It would be the 12th of March, 1930, you ceased to board in the hotel at Port McNicoll?—A. Yes.

Q. And from that day on you had your meals and your room upon the Assiniboia?—A. Yes.

Q. And upon the Assiniboia you docked at Port McNicoll?—A. Every week.

Q. Was it running from the 12th of March?—A. No.

Q. When did it start to run?—A. About the 27th of April, I think.

Q. So that you are on the boat in the dock until the 27th of April, and thereafter return with the boat once a week to Port McNicoll for a day or two?—A. Yes sir.

Q. Did you board in the hotel in Port McNicoll during the whole of the winter of 1929 and 1930?—A. Well, with the exception I was away for a week's vacation.

Q. I suppose that like most of these sailors you go away and see a little bit of the world in the winter time when the boats are not running?—A. It is the only time we have got.

Q. And when you went away from the hotel for this vacation in 1929—in the winter of 1929-30—did you give up your room in the hotel?—A. No sir.

Q. You still kept it?—A. Yes sir.

Q. And when was it you were away during the winter, do you remember?—A. I don't just remember the dates; just after the New Year.

Q. Some time early in the year 1930?—A. Yes.

Q. When you went to cast your ballot on election day in 1930, did any one raise any objection to your right to vote or anything of that kind?—A. No sir.

Q. None whatever. That is all I desire.

Mr. MACNICOL: I would like to ask the witness a question. He stated a moment ago that he didn't give up his room in the hotel when he went on board ship—

Mr. LAWSON: When he went for a week's holidays.

By Mr. MacNicol:

Q. You didn't pay any rent in the hotel when you were on the ship?—A. No.

Q. When you went away in the winter time for any length of time, did you keep the room in the hotel?—A. Yes.

Q. Were you ever away a month?—A. No.

Q. Two weeks?—A. I may have been two weeks.

Q. Did you pay rent in the hotel for two weeks?—A. I paid my room rent; yes.

By Hon. Mr. Elliott:

Q. Have you any brothers or relatives in Port McNicoll?—A. I have two brothers.

Q. Are they L. Ramsay and D. Ramsay?—A. Yes sir.

Q. Have you lived with them at all during the time you were in Port McNicoll?—A. I lived with one of them in 1926 or 27. I cannot be just sure which. I think it was the winter of 1926.

Q. Did you go to Port McNicoll when they went?—A. No sir.

Q. Before or after?—A. After.

Q. And then you resided with one of them for a time in 1926?—A. Yes.

Q. When were you married?—A. When was I married? 1904, I guess it was.

Q. Oh, yes; some time before you went to Port McNicoll.

By the Chairman:

Q. It would be some time during the winter season that you stayed there?—A. Yes.

Q. And you were there only part of one winter?—A. Part of one winter; yes.

Witness discharged.

Mr. LAWSON: I would like to take the poll clerk first, Mr. Clifford Graham

CLIFFORD GRAHAM, called and sworn.

By the Chairman:

Q. What is your post office address and occupation?—A. My address is Port McNicoll and my occupation is a painter.

By Mr. Lawson:

Q. I believe, Mr. Graham, you were the poll clerk in polling subdivision No. 1 at Port McNicoll for that half of the poll which had upon the list of names those surnames commencing with the letter M up to the letter Z?—A. Yes.

Q. I show you here a list of voters filed as Exhibit 2 filed for identification in this investigation with pen marks checked opposite the names of the voters?—A. Yes.

Q. Are those made by you?—A. No sir.

Q. Is that the list you had before you on election day?—A. I could not swear to that, sir.

Q. Did you have a list?—A. I did, sir.

Q. If the chief electoral officer for Canada returns this as the original list, used on election day, would you dispute that this is the list you had before you?—A. I would not dispute it.

Q. Did you have a list of this kind before you?—A. Yes.

Q. On the list which you had before you on election day, did you check off those voters who voted by putting a pencil or pen mark?—A. My poll clerk should check them off.

Q. I thought you were the poll clerk?—A. No, sir, I was the deputy returning officer.

Q. Oh, the man I wanted here was the poll clerk. You didn't mark the list at all?—A. No sir.

Q. What is the name of the poll clerk?—A. Ernest Baurrie.

By the Chairman:

Q. Just let me see that list. Do you know his handwriting?—A. I could not identify it.

Q. You could not identify it. I will show you his signature. This is the poll book. That is your signature?—A. Yes.

Q. And that is his signature?—A. I could not swear to it.

Q. Didn't you see him sign that, and didn't you administer the oath to him?—A. Yes.

Q. Well, whose signature is that?—A. Well, it is a long time since.

Q. Just recall the time?—A. It is pretty hard to do that.

Q. Don't you remember the 28th of July last?—A. I sure do.

Q. Is that your signature there?—A. That is mine.

Q. And that is his signature there?—A. You say it is.

Q. I ask you if you did not administer the oath to him; didn't you see him sign it?—A. I did, sir.

Q. That is his signature then?—A. I don't remember, sir. I only saw him sign his name once.

Q. Now, let us see if that is so. Whose signature is that?—A. Ernest Baurrie.

Q. Did you see him sign that?—A. I must have, sir.

Q. Of course, you did and you signed that here?—A. Yes.

Q. Whose signature is that?—A. That must be his signature.

Q. Don't you know it is?—A. Now I do, sir.

Q. Of course you do?—A. Certainly.

Q. You, at least, saw this man sign his name three times?—A. Yes sir.

Q. Having seen him sign three times, whose handwriting is this on the poll book?—A. I cannot say.

Q. It says A. 1?—A. That is not A. 1.

Q. What is it?—A. That is A. P.

Q. You swear that is A. P.?—A. It looks like that to me.

Q. Is there anything wrong with your vision?—A. Not a thing.

Q. You swear that is A. P.? Whose handwriting is it?—A. I could not swear to that, sir.

Q. What would A. P. mean?—A. Advance poll.

Q. That may be the true explanation.

By Mr. Lawson:

Q. Did Mr. Ramsay, whose name is checked off there, not vote on election day?—A. I could not swear to that now, sir, I don't remember.

Q. If Mr. Ramsay swears, as he did this morning, that he voted on election day—

Mr. GRAY: I think the Chairman ought to give the information—

The CHAIRMAN: Mr. Ramsay called me out a moment after he was off the stand and told me that he voted at the advance poll.

Mr. LAWSON: He did not tell me that.

By Mr. Gray:

Q. Do you know Mr. Finlayson, the Minister of Lands and Forests of the Ontario Government?—A. Yes.

Q. Was he in your poll during the day?—A. Yes.

Q. At your particular box?—A. Yes.

Q. What did he do there?—A. He was raising a disturbance.

Q. And what did you do?—A. I done my best to keep order, sir.

Q. And did he eventually leave your poll and go to the other? The last returning officer we had last week said that he had been to the next poll too?—A. He went back and forwards from one poll to the other, and I took a statement of everything that happened at that time, because I was positive about it. I have a copy in my pocket, and if you gentlemen want to see it I can pass it amongst you.

By Mr. Mercier:

Q. When did you make up those notes?—A. Right at the time it happened.

Q. Have you got them on you?—A. I have, sir.

Q. Can you tell the story referring to your notes?—A. I am on oath, and I would not like to say anything that was not perfectly fair.

By Mr. Gray:

Q. Was Mr. Finlayson abusive at the poll?—A. He certainly was, sir.

Q. What did he say?—A. Well, he used profane language for one thing.

Q. He used profane language?—A. Yes, sir.

Q. Did you order him out of the poll?—A. I certainly did, sir.

Q. And did he go?—A. Not at the time, but shortly after, sir.

Q. And when did he come to the poll?—A. He came to the poll about three o'clock on the afternoon of July 28.

Q. How long did he stay?—A. He stayed probably a half hour.

Q. And was that all the time he was there?—A. He may have been just a little longer than a half hour.

By Mr. Morand:

Q. Did he have an agent's certificate?—A. He did not, so far as I know.

Q. Did you ask him for it?—A. I did not.

Q. Did he produce one?—A. He did not, sir.

By Mr. Lawson:

Q. Was Mr. Connolly around the poll that day?—A. No, sir.

Q. Was he down at your poll at all?—A. Not that I seen, sir.

Hon. Mr. ELLIOTT: I would suggest, just to clear up that matter of this first witness, William Ramsay, voting at the advance poll, that you recall him now.

Witness discharged.

WILLIAM RAMSAY recalled.

By Mr. Lawson:

Q. I believe that instead of voting on the 28th July, 1930, you voted at an advance poll in Port McNicoll?—A. Yes.

Witness discharged.

JOSEPH CONNOLLY, called and sworn.

By the Chairman:

Q. What is your occupation and where do you live?—A. Billiard room proprietor and tobacco store, Port McNicoll.

By Mr. Lawson:

Q. I believe you were registrar or rural enumerator for sub-division No. 1 of the town of Port McNicoll?—A. Yes, sir.

Q. And as such you made up a list of voters as required by the Dominion Elections Act, causing your preliminary list to be posted in certain places, including the post office?—A. Yes, sir.

Q. And upon that list—I am speaking now of the original list—there were the names of Alexander Campbell, of the village of Port McNicoll, and Frederick Benjamin Chidwick, of the village of Port McNicoll?—A. Yes.

Q. And subsequently you struck those two names off your list, when, as rural registrar, you were revising the same?—A. Yes.

Q. Who appeared before you and made complaint against those names being upon the list?—A. No one. When I took my preliminary list to the returning officer, he asked me if those sailors were all residents of Port McNicoll, and I said no, they were not. He said, "they are not entitled to vote". So when I started to revise my list I struck them off.

Q. Why did you not strike Ramsay's name off?—A. Ramsay is a resident of Port McNicoll. He has lived in Port McNicoll for the last two or three years all winter.

Q. Did you know that he boarded in a hotel during the winter time?—A. Yes, quite well.

Q. And you knew that he went upon his boat, the *Assiniboia*, in the spring?—A. Yes, sir.

Q. And you knew that he went upon his boat in March of 1930?—A. Yes sir.

Q. You knew that Campbell, for example—

Hon. Mr. ELLIOTT: April, wasn't it?

Mr. LAWSON: No, March.

By Mr. Lawson:

Q. You knew that Campbell had resided in Port McNicoll, boarding in a boarding house there or in a hotel?—A. He didn't board in Port McNicoll.

Q. I beg your pardon?—A. He didn't board in Port McNicoll the previous winter.

Q. Which winter?—A. The winter of 1929-30.

Q. Did you know that he had boarded in Port McNicoll previous to that?

—A. I did not know until after the election that he had stayed in Port McNicoll the year previous. He was only there for a short time.

Q. Did you know that in the winter of 1929-30 he stayed in Port McNicoll?

—A. He did not stay.

Q. Just a minute. Wait until you hear my question before you answer it. Did you know that with the exception of the time when he took his trip to Scotland he boarded in Port McNicoll, during the winter of 1929-30?—A. Not in Port McNicoll, I did not.

Q. If the man swears that from the time he came off his boat until December 12, 1929—

Hon. Mr. ELLIOTT: Just a minute.

The CHAIRMAN: Don't answer, witness. State your question, Mr. Lawson.

Mr. LAWSON: Let me put it this way. In view of the fact that Campbell swore under oath before this committee that from the time he came off his boat in 1929 until the 12th day of December when he left for a vacation in Scotland he boarded in Port McNicoll, would you deny that statement?

Hon. Mr. ELLIOTT: The evidence is at page 7, the last line:—

“Q. And what time of the year did you go to reside in Port McNicoll?

—A. June 1928, the 14th of June.

“Q. How long did you continue to reside at Port McNicoll after June 14, 1928?—A. Until the 16th December, 1929, I took a trip home.”

By Mr. Lawson:

Q. Did you know that the dock where the boat docks while in Port McNicoll is within the territorial limits of the village of Port McNicoll?—A. It is not classed as such. I do not know. It is not classed as such.

Q. I can take it that no one came to you and made a complaint under oath against Campbell being upon the list?—A. No sir.

Q. And of your own initiative you communicated with the returning officer, and after a conference with him, you struck these men's names off the list?—A. He asked me were these men residents of Port McNicoll? And so I merely went and struck the ones off that were not residents.

Q. The ones that you thought were not residents?—A. Yes.

By the Chairman:

Q. Did you give them notice?—A. I had the list posted up.

Q. Did you give them notice personally?—A. Not personally. I posted the list up and I drew the attention of Mr. Thompson's agents, Dr. McPhee and Mr. McCormick. I told several sailors. I do not say I told these two gentlemen, but I told several sailors.

By Mr. MacNicol:

Q. What was your authority to strike them off?—A. According to the instructions I got in the book.

By Mr. Lawson:

Q. I will refer the witness to rule 10 of schedule B of section 32 of the Dominion Elections Act, found on page 153 of the book which would be issued to you as rural registrar containing the Dominion Elections Act with amendments and election instructions which reads as follows:—

“At any time after the posting up of a copy of the voters' list, and not later than 6 o'clock on the last of the days specified for the correction

thereof in the notices posted by him, and being fully satisfied from representations made to him by any credible person under oath or otherwise that the list as prepared by him in the index book requires amendment as hereinafter mentioned, the registrar may strike out such list by drawing erasing lines through the name of any person who is not qualified as a voter or who is not resident of the polling division."

So that, without anyone appearing before you, or making any representations to you on their oath, you struck—

Hon. Mr. ELLIOTT: Under oath or otherwise, the Act says.

Mr. LAWSON: Under oath or otherwise.

Hon. Mr. ELLIOTT: I would like to point out to you that Mr. Lawson must be reading from an old edition of the Act. Read page 162.

Mr. LAWSON: It is the same as I had. I thought I had the last Election Act, but somebody instructed me this morning that I had not, and so I adopted this one.

The CHAIRMAN: I think perhaps you should read the 1930 one.

Mr. LAWSON: I say, without anyone appearing before you and making representations under oath or otherwise, you struck the names of Campbell and Chidwick from this list?

Hon. Mr. ELLIOTT: I submit that that is not a fair question to put to the witness after he has told you what occurred between him and the returning officer.

Mr. LAWSON: What is your ruling, Mr. Chairman?

The CHAIRMAN: My understanding of the law was that there was some notice to be given.

Mr. GRAY: Where do you find that, sir?

The CHAIRMAN: Will the reporter read that question again, please, which was objected to?

Question read as follows:—

Q. I say, without anyone appearing before you and making representations under oath or otherwise, you struck the names of Campbell and Chidwick from this list?

Hon. Mr. ELLIOTT: I object to it because he has already stated that in conversation with the Returning Officer, or the Deputy Returning Officer, he told him not to put on sailors who were not resident.

The CHAIRMAN: I will allow the question subject to the objection. The facts are clear.

By Mr. Lawson:

Q. What is your answer, witness?—A. That I struck these names off without anybody appearing before me, do you say?

Q. Yes?—A. Well, I say yes, these two men never appeared before me. There was quite a number of men came up and I talked to quite a number and told them they were struck off. I do not remember these two men.

Q. Did anyone appear before you and give you information as a result of which you struck these two men's names off the list?

Mr. GRAY: There is nothing which says "appear" in the Act; be fair, it says "representations."

Mr. LAWSON: I can ask him if anybody appeared, or if anybody wired or if anybody made representations.

By Mr. Lawson:

Q. Did anyone appear before you as an individual objecting to the names of Campbell and Chidwick being upon the list?—A. Not that I remember of, no.

Q. Did anyone write you objecting?—A. No.

Q. Did anyone telegraph you objecting?—A. Not that I remember, no.

Q. Did anyone make representations to you in writing with respect to anything, regarding these two men?—A. Not as I remember.

Q. You were exercising what you believed to be your knowledge as to whether or not they were residents in Port McNicoll?—A. No, sir.

Q. And that sums up the whole situation?—A. Yes, sir.

Q. You did, however, after you had prepared your original list, consult with the Returning Officer for the riding?—A. Yes, sir.

Q. When you made up your original list, why did you put these two men's names on that list?—A. I put all the sailors on, because it has been a custom in the past for those men to vote.

By the Chairman:

Q. They always voted in the past?—A. Yes.

By Mr. Lawson:

Q. And you had the same knowledge as to their residence or non-residence when you put them on the original list that you had when you struck them off in the revising?—A. Yes, I would say I had the same knowledge. I knew these men did not live in Port McNicoll.

Q. You thought you knew that?—A. I pretty well know. It is a very small village and I pretty well know the people in Port McNicoll.

Q. Then, as I say, you had no additional information when you struck them off the list, or knowledge, than you had when you originally put them on?—A. Only from the Returning Officer, who told me that the men who did not live in Port McNicoll were not eligible to vote.

Q. Did the Returning Officer define for you what constituted, as you say, living in Port McNicoll?—A. Yes.

Q. What qualifications did people have to have to vote in that riding?—A. They had to be resident in Port McNicoll two months previous to the date of election.

Q. That is, the Returning Officer for the riding told you that unless these men were living in Port McNicoll two months before the polling day they should be stricken from the list as non-residents—is that correct?—A. Yes.

Q. Now, two months before polling day would be the 28th day of May, 1930, would it not?—A. Yes.

Q. And did you not know that Ramsay had gone on his boat away back in the previous March?—A. Yes.

Q. Then why did you keep him on the list?—A. Because he had been a resident for the last two or three winters.

Q. What you just told me a few moments ago was that your instructions from the General Returning Officer for the riding were that unless they had been living in Port McNicoll two months before polling day they should be stricken off the list?—A. Well, that is alright, but what I interpreted out of it was that if these men had kept permanent residence in Port McNicoll in the winter time, that that made them a resident of Port McNicoll; but if they only came to Port McNicoll and went on the boat, they were not residents of Port McNicoll.

Q. At least you considered, in Ramsay's case, that he was a resident of Port McNicoll because he boarded in the hotel part of the winter preceding the election?—A. He was there part of the winter, anyway.

Q. He was not there from the 12th March, was he?—A. No, he was on the boat—yes, he was in the hotel after the 12th March; he still continued to board in the hotel.

Q. He swore here this morning that he went upon the boat—A. He went working on the boat, but he continued—

Q. He swore here this morning that he had his room and board upon the boat from the 12th day of March.—A. April, I think.

Q. But he said he lived on the boat from the 12th day of March, and I followed it up by asking him whether the boat was tied up to the dock from the 12th March?

Mr. W. RAMSAY: That was an error of mine.

By Mr. Lawson:

Q. Did any other person speak to you or approach you in connection with striking the names of these sailors off the list, other than your conference with the General Returning Officer for the riding?—A. No, sir.

Q. Throughout you exercised your own unfettered discretion, with the exception of your conference with the Returning Officer of which you have told us this morning?—A. Yes. I notified Mr. Thompson's agents.

Mr. THOMPSON: You notified them after you had struck them off.

The WITNESS: I was striking them off the day these men came in, and I told them I was striking them off.

Q. You had not given any notification to the people themselves?—A. No, sir.

By Hon. Mr. Elliott:

Q. How long have you lived in Port McNicoll?—A. Seventeen years.

Q. What is your business there?—A. I run a billiard room.

Q. How far is that from the dock?—A. About a block or block and a half.

Q. And what do you say as to your means of knowing the residences of these sailors?—A. I have been there so long that I know practically every sailor, and the majority of those sailors now come there, the after crews on the boats come along about the 15th of March, and they board at the hotel for two or three weeks and then they go on the boat; and the forward crews and the stewards come along about the 15th April and they go on the boats as soon as they come.

Q. What is that enables you to speak as to where they reside when they come to Port McNicoll? Are you familiar with these men?—A. Oh, yes, I meet practically them all. I might also add here that it is greatly exaggerated about the number of voters being disfranchised. What happened this year, the election was in July while the boats were running on schedule, and as it happened they were all in to vote on election day, with the exception of the *Assiniboia*, and she voted on the advance poll on the Friday evening, the 25th. There was a number of those sailors living around Victoria Harbour and those places, and they all voted,—

By the Chairman:

Q. How do you know?—A. They all said that they voted. They left the boat to go home.

The CHAIRMAN: You could not tell whether they voted or not, unless you saw them vote.

By Mr. MacNicoll:

Q. The men living at Victoria Harbour, did they vote at Victoria Harbour or at Port McNicoll?—A. They voted at Victoria Harbour, that is what they told me; I had only their word.

By Hon. Mr. Elliott:

Q. What proportion would you say of the ninety or so voted elsewhere?—
A. I am sorry I destroyed my list, I did not know anything about this as I was away, or I could have given you a definite answer. There was quite a number voted in Port McNicoll; I would say there must have been twenty-five or thirty at least of them that voted in the surrounding country.

By the Chairman:

Q. You mean that there were twenty-five or thirty who were entitled to vote there, but you do not know where they voted?—A. No, I cannot prove it, but I take the men's word that they went away to vote.

By Mr. Lawson:

Q. Were they on your list?—A. Some of them were on the list that were struck off.

By Mr. Gray:

Q. Where would these men ostensibly vote, or where were they entitled to vote in your opinion?—A. Victoria Harbour, I guess; there would be more from Victoria Harbour than from any place else. Of course the ones from Toronto did not vote; there are a number from Toronto; and Owen Sound, I know some went to Owen Sound and Wiarton.

By the Chairman:

Q. Now, Mr. Connolly, when you made up this preliminary list, you made it up believing honestly that these men were entitled to vote?—A. That had been the custom.

Q. Did you or did you not honestly make up the list?—A. Yes.

Q. And without making any other enquiry except that of the returning officer, McNamara, you struck them off the list?—A. As soon as I learned that if they were not resident at Port McNicoll they should not be on the list, I cut them off, as I understood.

Q. What investigation did you make to verify whether these men or any of them were or were not residents of Port McNicoll, after your interview with Mr. McNamara?—A. I spoke to quite a few of the different sailors, and as I say, I know them personally, these fellows, practically all of them.

Q. You know them personally, but did you make any enquiry? Did you ask Campbell where he lived?—A. No.

Q. Although he was there every week?—A. Yes.

Q. The man was entitled to a vote, if he could come within the law, wasn't he?—A. He was there on election day—

Q. The man was entitled to a vote, if he could come within the law, wasn't he?

Hon. Mr. ELLIOTT: I suppose that is a question of law.

The WITNESS: So far as I knew he was not a resident of Port McNicoll.

By the Chairman:

Q. And you did not ask him or take any pains about him at all?—A. No, I thought I knew about him.

Q. When McNamara told you that none of these sailors were entitled to vote, you agreed and you struck them off without any more?—A. I used my own best judgment, certainly, when I found out that they were not residents, I cut them off.

- Q. What steps did you take to find out that they were not residents?—
 A. That was my own personal—I thought I knew them well enough for that.
 Q. You did not take any steps, did you?—A. You can call it that if you like.

By Mr. Spencer:

Q. I would like to ask to what extent does the registrar have to follow the instructions of the returning officer?

The CHAIRMAN: He does not have to follow them at all. He is an independent official.

By Hon. Mr. Elliott:

Q. I suppose these men were in and out of your pool room?—A. Yes, most of them.

Q. And you were familiar with them?—A. Yes, sir.

Q. I understand you have not been taking an active part, either one way or another up there, politically?—A. No, absolutely no.

The CHAIRMAN: That is a matter of opinion. I think he took a very active part.

By Hon. Mr. Elliott:

Q. And you sometimes vote one way and sometimes another?

The CHAIRMAN: I do not think you are entitled to ask the man that question. I would not ask that, myself.

Hon. Mr. ELLIOTT: Perhaps you know about that. He can say whether or not he has been active in the election.

The CHAIRMAN: No, but I do not think a man is entitled to be asked how he votes. That is his own business.

Hon. Mr. ELLIOTT: But he can say whether he has been active politically.

The WITNESS: As I say, I have taken a little interest. I made up the lists, and all that; but as far as being a real active partisan, I cannot say that I have been.

By Mr. Lawson:

Q. Never, Mr. Connolly?—A. Everybody knows how I vote up there, and if you want to know, I can tell you, too.

Q. Mr. Connolly, you never take an active part in politics?—A. I cannot say I am active.

Q. What were you doing hanging around the polling booth on election day?—A. I was looking to see who voted.

Q. Were you an agent for the Liberal candidate?—A. I went into the polling booth while the ballots were counted.

Q. Were you an agent for the Liberal candidate on the 28th day of July, 1930, in the riding of East Simcoe?—A. Well, I do not know whether you can call it that.

Q. Did you have an agent's credentials?—A. Yes, I had.

Q. And were you acting as an outside scrutineer at this poll?—A. Yes.

Q. And you never take an active part?—A. Well, if you call that active.

Q. You had a man by the name of Harvey come from thirty miles away, from Orillia, to act as inside scrutineer in this poll, at the last election, didn't you?—A. I had nothing to do with that.

Q. There was a man by the name of Harvey who came from thirty miles away, from Orillia, to act as inside scrutineer for the Liberal candidate at the last election, was there not?—A. Yes.

Q. And when Mr. Harvey arrived at Port McNicoll, you and Mr. Harvey conferred in connection with these sailors voting, and which of them should

vote, and so on, did you not?—A. He did not know the sailors and he asked me the ones who were entitled to vote, and I said that any ones that are struck off are not residents of Port McNicoll, as far as I know.

Q. When Mr. Harvey came to Port McNicoll that morning, did he go to your house or did you meet him at the poll?—A. I saw him at the poll.

Q. And had a conference, as you have told us, before the poll opened?—A. I cannot say that I had a conference, but I spoke to him. I told him that, certainly.

Q. And you stayed around this poll all day?—A. On the outside, yes.

Q. And from time to time communicated with Mr. Harvey about these different sailors who were there, and so on?—A. I think he came out two or three times, yes.

Q. And when he came out you were available to give him information?

Hon. Mr. ELLIOTT: There is no harm in that.

Mr. LAWSON: I do not say there was any harm, but I am getting at this man's idea of never participating in politics.

By Mr. Lawson:

Q. Now, you told Mr. Harvey, as a matter of fact, did you not, on the day when he came there to act as inside scrutineer at this poll, that a lot of these sailors who were not entitled to vote would make an attempt to vote that day?—A. No, I did not. I did not tell him that. I did not know it.

By Mr. Gray:

Q. Mr. Connolly, the last election at which sailors voted would be the provincial election?—A. I had nothing to do with that election, but I understood that they voted by proxy on that.

Mr. THOMPSON: That is when they vote away from their port.

By Mr. Lawson:

Q. I want to read to you, Mr. Connolly, what was sworn to here by Mr. Harvey as to his trip to Port McNicoll on election day and his activities. He said, "when I arrived there I conferred with Mr. Connolly about those who had been struck off; and he was present during the whole of the polling, and as each man came up, if he happened to be a man who was struck off the list I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list."

Q. "In what capacity was the registrar, Connolly, in the polling booth?—A. He was not in the booth. I do not recall whether he was an outside scrutineer, but he was on the job all day."

Do you agree with that?—A. I was on the outside, yes.

Q. Do you agree with Mr. Harvey when he says that when he went up to Port McNicoll in the morning he conferred with you about those who had been struck off the list?—A. Certainly he asked me, and I told him.

Q. And he says that Connolly was present during the whole of the polling, outside, of course, and as each man came up, if he happened to be a man who was struck off the list, I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list. Is that correct?—A. I guess there were only two came up, as far as I recollect.

Q. Is Mr. Harvey correct when he says that as each man came up, who was struck off the list, to vote, he conferred with you?—A. I guess he is correct. I guess he came out to me. Nothing came up but, I think there were only two came up, as far as I know of.

Q. And do you still think you are not a partisan, as far as the election was concerned.

Mr. GRAY: This man is being cross-examined.

The CHAIRMAN: The question is alright.

Mr. GRAY: I object to the way in which the whole proceeding is being conducted, as an inquisition against this man.

Mr. GAGNON: He might object to the way Mr. Gray is asking the question.

Mr. LAWSON: You might observe, Mr. Chairman, and I will admit I am now cross-examining in respect to a subject matter on which my learned friend, Mr. Elliott, asked a direct leading question of this witness and got his answer, No, Mr. Elliott saying that he had not been an active partisan in this election, and the witness answering No. And I accept his answer.

Hon. Mr. ELLIOTT: It is without exception, I think.

The CHAIRMAN: I think Mr. Lawson ought to be allowed to cross-examine upon that at any rate.

By Mr. Lawson:

Q. Do you still swear to this committee that you did not take an active part in the election in East Simcoe?—A. I do not think I am partisan, because I think I am fair.

Q. Do you still want to swear to this committee, as you did this morning, that you did not participate actively in the election in East Simcoe?

Hon. Mr. ELLIOTT: That is what he said.

By Mr. Thompson:

Q. How far is Victoria Harbour from Port McNicoll?—A. Four and a half miles around by the road and one and a half miles by water.

Q. And if you knew a man was on the list in Victoria Harbour, you would not put him on your list, would you?—A. As I say, it has been the custom for the sailors to vote in Port McNicoll, and that is the reason I put them on.

Q. Do you mean to say that if you knew a man was on the list in Victoria Harbour, you would put him on your list in Port McNicoll?—A. On the preliminary list, I would.

By Mr. MacNicol:

Q. I want to try and find out how friendly you were to these two gentlemen?—A. Yes, I am friendly with these gentlemen.

Q. Did they play billiards and pool in your room?—A. They do still.

Q. I am speaking of Campbell and Chidwick, have they played in your pool room? Chidwick, who swore he had been there since 1923, and I think he says he had been in the pool room on and off for several years?—A. Yes, they have both been in; they do not play much pool, but they still come in the same as ever.

Q. Where did they make their home town?—A. Chidwick has made his home mostly in Toronto, as far as I know.

Q. Would not they both be right in considering Port McNicol as their home town?

By the Chairman:

Q. How do you know that Toronto is their home town?—A. I know Mr. Chidwick did not live in Port McNicoll, because it is a very small village and it is very easy to know who lives there in the winter time.

By Hon. Mr. Elliott:

Q. What is the population of Port McNicoll?—A. About 1,100.

Mr. MACNICOL: Mr. Campbell swore that he had a room in Port McNicoll.

Hon. Mr. ELLIOTT: Not in 1929 and 1930.

Mr. GRAY: That is referred to on page 7.

Hon. Mr. ELLIOTT: He went onto the boat when he came back from Scotland.

Mr. MACNICOL: Campbell, in his evidence, on page 5, was asked the question:

“What is the nature of your residence in Port McNicoll during these years. I mean by that, do you maintain a house or do you rent a room?—A. I room.”

And then he goes on to say that he had his meals sent to that same room.

Mr. MERCIER: May I suggest that that must be connected and completed by the next question.

By Mr. MacNicol:

Q. Would you have any particular reason for preventing Campbell and Chidwick from voting?—A. Absolutely not.

Q. Had you any feeling against them?—A. Against none of the sailors. I am good friends with both of them, with all of them. It would be very poor policy for me to cut them off, if I was doing it. I did it because it was my duty to do it.

By Mr. Spencer:

Q. You had instructions from the Returning Officer?—A. Certainly.

By Mr. MacNicol:

Q. You went to the Returning Officer, he did not come to you?—A. I took my preliminary list up to the Returning Officer. He asked me were those sailors residents of Port McNicoll, and I said no, there was quite a few of them were not.

Q. These two men would be entitled to vote somewhere. They were both under the impression that their home town was Port McNicoll, being under that impression through having resided there, Campbell for a couple of years on and off, and Chidwick for a matter of seven years, then went from their rooms onto the boats, the town being the headquarters for the boats, wouldn't they be right in considering Port McNicoll as their residence?—A. As far as I am instructed, being on the boat is not classed as residence.

Q. Why were you so anxious to strike these two men off?—A. I was not not anxious to strike them off at all. I was merely doing my duty. That was all. I did not want to strike them off.

Q. My idea is that you would not strike them off unless somebody made a representation that they had not a right to vote.

Hon. Mr. ELLIOTT: And somebody did, the Returning Officer.

Mr. MACNICOL: What duty had the Returning Officer to make a representation? He is supposed to be impartial.

Mr. GRAY: The Returning Officer would have a right to see that this man's duty was done.

Mr. TURNBULL: The Returning Officer made no representation, according to the evidence there, but all he did was to say that anyone without a residence there had no right to vote.

By Mr. MacNicol:

Q. It would seem to me, Mr. Connolly, as if you had made an extra special effort to strike these two men off?—A. I did not, and I did not want to strike them off at all.

By Hon. Mr. Morand:

Q. You say you knew the people who worked on the boats?—A. Pretty much, in a small place.

Mr. MACNICOL: I do not say, Mr. Connolly, that you did deliberately strike them off.

By Mr. Gagnon:

Q. I understand you acted in the election of 1930. Did you not act as registrar in the previous election of 1925 and 1926?—A. Yes.

Mr. GRAY: That proves impartiality for you, because one was under the control of your government.

By Mr. Thompson:

Q. You were not the registrar in 1926?—A. Yes, sir.

Q. You were in 1925?—A. I was registrar before. I won't exactly say, since you draw my attention to it; but I was registrar in one election before. I am not swearing just which one it was.

By the Chairman:

Q. You were registrar in either 1925 or 1926?—A. Yes, I was.

Q. And in the election of 1925 or 1926, these sailors were on the list at Port McNicoll and voted?—A. Yes.

Q. What change had there been with respect to their residence between 1925 or 1926 and 1930?—A. None that I know of.

By Mr. MacNicol:

Q. Did Campbell vote in 1925?—A. That I could not say.

By Mr. Anderson:

Q. And, Mr. Connolly, you put their names on the list for 1930?—A. Yes, sir.

Q. And that was the knowledge which you had when you prepared that list?—A. Yes.

Q. And the responsibility was only yours in the preparation of that list?—A. Yes.

Q. And you were supposed to be honest in doing that, weren't you?—A. Yes.

Q. What took place between that time and the revision?—A. When I took the list to the Returning Officer, he asked if these sailors were residents, and I said "No." And I struck them off.

Q. And no other representations were made than in that question he asked you?—A. Not particularly. I have talked to quite a number of sailors there and Mr. Thompson's agents there whom I saw on the day I struck them off.

By Mr. MacNicol:

Q. You say he asked you if the sailors were residents?—A. Yes.

Q. All the sailors were these two?—A. Oh, no; one was particularly taken out; that was generally. I struck them all off, and I did not single out any individual.

By Mr. Lawson:

Q. You did not strike Ramsay off?—A. No, because he was a resident in Port McNicoll.

Q. Although he had gone up on the boat about two months before the day of the election, you still say he was a resident, although these other two were not residents?

Mr. GRAY: The other ninety.

By Mr. Lawson:

Q. I only speak of the two that I know of?—A. Politics was not thought of at all.

Q. Those poster lists, A to L, were red lined in the case of certain names. I call your attention to the rule in the Elections Act which provides every correction made by the registrar aforesaid by the addition, erasure or correction of any entry therein shall be verified by there being appended the initials of the registrar and the date upon which the same was made. Did you do that?—A. I thought I done it according to—

Q. Look at it?

Mr. LAWSON: None of the lists are initialled.

Mr. MERCIER: In the case of an inquiry of this kind being sustained, do I understand that this election must be called off and that we must have another election?

The CHAIRMAN: I do not know; but Mr. Thompson desires to have it established with respect to these sailors—90 of them, were, apparently, disfranchised.

Hon. Mr. ELLIOTT: You said that 90 were disenfranchised. That is not the evidence I submit. The evidence is that a number of these sailors were from different places.

The CHAIRMAN: There is no evidence to that effect. There is hearsay evidence.

Hon. Mr. LAPOINTE: There is no evidence of what you say either.

The CHAIRMAN: That is the contention. I will put it that way.

By the Chairman:

Q. Now, Mr. Connolly, you did draw these red lines through these names, but you didn't carry out the law with respect to initialling them or putting the date on them?—A. As I understand the Act, that is the list used on election day, we were not to put marks on it at all outside the red line.

Q. This is your original list, isn't it?—A. Is not that—

Q. This is the list that came into the poll box?—A. I understood that you were not to put any marks on it.

Q. Where did you put your initials and the date, on anything, when you struck these out?—A. I made out other lists.

Mr. LAWSON: He has to make five copies by statute.

The CHAIRMAN: I call your attention again to rule 11, "every correction made by the registrar as aforesaid in the list of the index book...."

Mr. GRAY: Is that the index book?

By the Chairman:

Q. Is there any official list that you had in which you followed out provisions of rule 11?—A. As I understand it, I did.

Q. What was that?—A. I put my initials on it.

By Mr. Gray:

Q. Is there a book besides that?—A. Yes, there is a book.

Mr. LAWSON: There is a poll book.

Mr. GRAY: Is there an index book?

The CHAIRMAN: If he did it in the index book, that settles it.

Mr. THOMPSON: Where is the index book?

The CHAIRMAN: They have it down in the department. We can get it if you want it.

Mr. LAWSON: What difference does it make. They lost their vote, and we are investigating why.

Hon. Mr. ELLIOTT: I want to know if it is contended that these men whose names were on that list, who are said to have been residents of Victoria Harbour, were not allowed to vote?

The CHAIRMAN: I do not know that any of them are said to have been resident at Victoria Harbour.

Mr. ELLIOTT: Yes, he said that a number of those 90 were resident at Victoria Harbour.

The WITNESS: I know them personally.

By Mr. Lawson:

Q. Why did you put them on the list originally?—A. It has been the custom in the past for the sailors on the boats to vote in Port McNicoll. It is not the same living—

By Mr. Thompson:

Q. How many sailors are there on the four boats?—A. I cannot tell you offhand.

Q. Roughly speaking?—A. I suppose there is around possibly 125 or 130.

Q. That would comprise the crews of the four boats?—A. Something like that—the ones that have votes, but there are quite a number that have no votes.

Q. You mean that they are not of age?—A. Yes.

By Mr. Elliott:

Q. I want to ask this witness a question which is subject to your ruling. This appeals to me. A man who runs a pool-room of which sailors make a rendezvous more or less would know their residences about as well as any man in the community. Now, he states there were people up at Victoria Harbour which is only four miles away, and he gathered from them that they were going over to vote at Victoria Harbour. Now, can you give us an idea how many of those stricken off resided at Victoria Harbour?—A. I am sorry. If I had the list and checked it over I could tell you exactly, because I know them.

The CHAIRMAN: There is the list. Check it over.

The WITNESS: Albert Henry. He votes in Victoria.

By Mr. Lawson:

Q. How do you know?—A. He went over there. I thought he voted.

The CHAIRMAN: Don't tell us about a matter of which you have not direct knowledge.

Mr. MERCIER: He is not only warned; he is afraid.

The WITNESS: I think. Is that satisfactory? I think.

Mr. LAWSON: The question which was put was a perfectly proper question; the witness is answering just as improperly as it is possible. The question which has been asked by my hon. friend, Mr. Elliott, is—he has asked the witness to give from his knowledge the number of persons on this list who are shown as stricken off whom he knows reside at Victoria Harbour. That is the question. He did not say voted. He said lived there.

Hon. Mr. ELLIOTT: Now, just as a committee trying to get at the facts in regard to this matter, don't you think we should take the evidence of this witness as to what information he had as to those men going over there to vote?

The CHAIRMAN: Not if it is hearsay.

Hon. Mr. ELLIOTT: It is not hearsay, I submit, if the man told him he voted at Victoria Harbour.

The CHAIRMAN: He can only say that the voter said that.

Mr. LAWSON: I would suggest as a lawyer—

The CHAIRMAN: All he could say is that the man told him.

Hon. Mr. LAPOINTE: We have heard the statement made before in this committee that 90 men were deprived of their votes, without any justification for the statement. Surely the question of Mr. Elliott—

The CHAIRMAN: It may not be 90. The question is a perfectly proper one. The witness can not swear they voted.

Mr. MORAND: How can those men vote anywhere else if they could not vote there?

The CHAIRMAN: If the witness still wants to go over the list, he might leave the chair, and let somebody else go on until he is ready.

Hon. Mr. ELLIOTT: He knows these men. He will only take a minute.

The WITNESS: Albert Henry, Victoria Harbour, J. H. Bridges and Mrs. Bridges, Midland.

The CHAIRMAN: Never mind Midland; stick to Victoria Harbour and answer the question put.

The WITNESS: Romeo Gaddault, Gervais.

Hon. Mr. ELLIOTT: What about W. Cadieux?

The WITNESS: Did I miss him? Yes, he is Victoria Harbour. Gervais, George, Hoffman, W. T., Jackson, Jones, Kirkwood, W., Lyall, W., McEvoy, Ed., Murray, Steve, Prentice, C., Pelletier, Eli., Stoddard, Swails, Stewart, Vent, Charles, Vallet, J., Wilson, P. J. I think that is all.

Hon. Mr. ELLIOTT: Where does Jack Tilly live?

The WITNESS: I don't know positively. I think it is Victoria Harbour but I could not swear to it.

By Mr. MacNicol:

Q. Why were those names first put on the list at all when the registrar knew? Did you take the names down?—A. It was my mistake I guess. As I say, it had been the custom in previous years to have them vote in Port McNicoll.

By Mr. Lawson:

Q. In every one of these cases you have just given you have filled in the residence of those people as Port McNicoll?—A. In the preliminary list?

Q. In the preliminary list?—A. Yes.

By Hon. Mr. Elliott:

Q. Can you tell us how many were in Midland—entitled to vote in Midland?—A. Not so many. There were the two Bridges. They are on the first page. I know them too.

By Mr. MacNicol:

Q. When you finally struck these people off the list in Port McNicoll, were you sure that those men who were stricken off were not on the list at Midland or at Victoria?—A. I took it for granted that they were because they were resident there.

Q. You are not sure that they were not disenfranchised?—A. They were residents of Victoria Harbour and Midland.

Q. The chances are that they were if they registered with you?—A. They did not register. They do not register.

Mr. GRAY: Mr. MacNicol, even though they were stricken off at Port McNicoll, if they were residents at Victoria Harbour, they could still get sworn in.

Mr. LAWSON: Provided they were not intimidated by charges of perjury.

Mr. GRAY: Or by Mr. Finlayson.

By Hon. Mr. Lapointe:

Q. You say you have personal knowledge of these men?—A. Yes, sir.

Q. Do you know whether some of them are married?—A. Oh, yes; quite a number of them are married.

Q. And their wives do not live at Port McNicoll?—A. No, their wives do not live at Port McNicoll.

By Hon. Mr. Elliott:

Q. Will you finish the Midland list?—A. The two Days. I guess that is all.

The CHAIRMAN: Two at Midland.

Hon. Mr. ELLIOTT: He has given the Bridges and the two Days, and he has given Gervais.

The WITNESS: Alf. Pineau. I might have missed another.

Witness discharged.

Mr. LAWSON: Mr. Chairman, I do not know of anything at the moment that I want to ask the returning officer—the general returning officer for the riding, Mr. McNamara—unless some of the other gentlemen here do. In view of the developments here, I know of nothing that he can assist us in.

Mr. GRAY: I would like to clear up something that I have on my notes. I think Ramsay said that on the 12th of March he ceased to board at the hotel and went on the boat.

Mr. RAMSAY, recalled.

By Mr. Lawson:

Q. Mr. Ramsay, in your evidence you told me that you had ceased to board at the hotel—that you had been boarding at the hotel and that you went on the boat on the 12th March; and I asked you if after you went upon the boat you had your board upon the boat, and your room there and that sort of thing, and I understood you to answer yes. Now, I understand that is not correct?—A. The correct situation is that we started to work on the boat—we worked about two weeks on the boat and boarded at the hotel.

Q. Did you do that in this year?—A. Yes every year.

Q. So you continued at the hotel for two weeks after the 12th March?—

A. Yes, about that.

Q. Then, did you move your clothes and everything over to the boat?—A. yes.

Q. And you gave up your room at the hotel?—A. Yes.

Q. So that you had severed all your connection with your room and board in the hotel before the end of March, or approximately?—A. Yes.

By the Chairman:

Q. About the 28th of March?—A. Somewhere around that.

Q. In the year 1930—A. Yes.

JOSEPH D. J. McNAMARA, called and sworn.

By the Chairman:

Q. What is your address and occupation?—A. My address is Penetanguishene.

Q. Occupation?—A. Insurance agent.

By Mr. Lawson:

Q. Did you have any communication with the Chief Electoral Officer for Canada with reference to the right of sailors to vote, other than by wire and letter?—A. No; nothing else but wire and letter.

By Mr. Spencer:

Q. Do I understand that you appointed Mr. Connolly as registrar?—A. Yes.

Q. And it has been the habit before to put all the sailors on the polling list?—A. I do not know anything about that.

Q. That is what Mr. Connolly said. Now this year he did the same thing?—A. Yes; but I understand that after consulting—

Q. That after consulting with you he took a large number of names off?—

A. The official list had a large number of names off.

The CHAIRMAN: The preliminary list?

The WITNESS: The final list.

By Mr. Spencer:

Q. What advice did you give the registrar when he went to you with his list?—A. That anyone who was not a resident of Port McNicoll was not entitled to vote at Port McNicoll.

Q. And on that advice he took the names off?—A. That is the advice I gave him, and he struck the names off.

Q. And you got your advice from whom?—A. Advice to strike the names off?

Q. Anyone who was not a resident could not vote?—A. Now, I might explain that here. When I spoke to Mr. Connolly about it—when he came in with this list—he said the reason why those names were on the list was that it had been customary to put the names of all the sailors on the list for Port McNicoll.

The CHAIRMAN: That being the home port?

The WITNESS: That is what he called it. He said it had been customary, and we looked over the instructions and the Election instructions, and he said, "of course, this is only the home ports of the boats."

By Mr. MacNicol:

Q. Who said that—Connolly?—A. Yes, and that is the reason why he put them on. So I could not find any instructions in the book where there was anything mentioned about a home port concerning any boat.

By Mr. Spencer:

Q. I take it you had some doubt about the instructions you were giving Mr. Connolly. To make sure of your ground you communicated with the Chief Electoral Officer?—A. Yes. I could not see anything in the book whereby there is anything mentioned about a home port or anything like that, and I said as far as the instructions were that they cannot vote there if they are not residents of Port McNicoll, but, I said, "I will not take upon myself the interpretation of the Act any further than that." And to satisfy Mr. Connolly, I said, "I will write to the Chief Electoral Officer and ask him his definition." And his answer is exactly as I have it there in my letter.

Q. Therefore, it was on the instructions that you obtained from the Chief Electoral Officer that you gave Connolly his instructions, and he struck the names off?—A. I could not say exactly on the instructions.

Q. Do you think he would have struck those names off if he had not got that advice from you?—A. I do not think so. He put them on in the first place. He said it had been customary to put them on.

Q. After getting further information from you he struck them off?—A. Yes.

By Mr. Spencer:

Q. It was on the instructions which you obtained from the Chief Electoral Officer, which you gave to Mr. Connolly, that he struck the names off?—A. I could not say exactly on the instructions.

Q. Do you think he would have struck those names off if he had not got that advice from you?—A. I do not think so. He put them on in the first place because, he said, it was the custom to put them on, you see.

Q. And on instructions from you he struck them off?—A. And when we looked over the Act there was not any authority.

By the Chairman:

Q. Had you seen Mr. Connolly from the time of the election?—A. I had never seen Mr. Connolly from that time until to-day.

Q. So that it was not the result of anything which you heard from Ottawa that he struck them off, but it was the result of a conversation which you had with him? You had no further communication with Mr. Connolly after that personal interview with him on that particular occasion which you have referred to?—A. I thought you meant after the election was over. When I got the answer back, you see, naturally I told him when I got the answer back and the answer was exactly as I had interpreted the Act. In fact I went down and showed him the letter.

Q. You showed the letter to Mr. Connolly?—A. Yes.

Q. Was that before or after the names were struck off?—A. Oh, that was before.

Q. Did you name Mr. Connolly as the rural registrar of that riding?—A. Yes, sir.

Q. Off your own bat or under instructions?—A. Not under instructions.

Q. You named him yourself without any intimation from any one?—A. Yes, sir. I will tell you how. The way I appointed Mr. Connolly, I was going down to that part of the country and I met a man whom I know, Ed. Dutton, who was working on the road for the Provincial Government, and he was also Reeve for the township of Tay, or one of those townships, and I asked him if

he knew somebody down at Victoria Harbour—I did not know anybody down at Victoria Harbour—who would be a registrar there—Port McNicoll, I mean; and he said he thought Mr. Connolly had acted as registrar there before; and I said I would see Mr. Connolly.

Q. He was a stranger to you?—A. I had never met him before.

Q. Had you heard of him?—A. I had never heard of him before.

By Mr. Thompson:

Q. The Liberal organization must have been sound asleep up there?—A. I do not know.

Mr. GRAY: I would agree with you, with all respect Mr. Thompson.

By the Chairman:

Q. In your conversation with Mr. Connolly, did you tell him—you were endeavouring to instruct him—that it would be important for him to investigate the actual status of the residence of every man before he struck him off?—A. No. I referred him to—

Q. You knew it was a serious thing to strike a man off the lists when his name was put on by the official?—A. I referred him to the instructions which he had.

Q. He already had those instructions?—A. Yes.

Q. But did you not impress upon him the necessity of investigating carefully before striking any one off?—A. I just told him that those who were non-resident should not be on.

Q. But investigating the name of any individual?—A. I did not know any of them.

Colonel OLIVER MOWAT BIGGAR, a witness called, and being duly sworn, testified as follows:—

By Mr. Lawson:

Q. You have been practising law for how many years?—A. Thirty.

Q. And during the course of that time, I believe you have had special experience with reference to election matters or the Election Act, etc.?—A. During the last eleven years.

Q. I believe you were specially retained as advisor to the Chief Electoral Officer for Canada for the purpose of the Dominion Elections of 1930?—A. Yes.

Q. And, while acting in that capacity, was there submitted to you for your opinion any memorandum with reference to the situation of sailors at Port McNicoll, or as to the question of the residence. If so, what memorandum was submitted to you, and what was your opinion given in respect thereof?—A. I got Mr. Castonguay to let me have a copy of the correspondence which is on the file on the subject.

Q. There is nothing on the file, I may say, which was brought down to the House to indicate that you ever received any written memoranda or gave any written opinion?—A. The way that that worked out, at the last election, was that I spent almost all of every day at the Chief Electoral Officer's office, and as the correspondence came in, Mr. Castonguay passed to me all the letters which involved some question of law that he would like me to deal with, and I dealt with those letters by dictating the answers to them myself, and then initialling that copy of them, which was on the file, and sending them in with my initials on them, to Mr. Castonguay for signature.

Q. To indicate that you had dictated them?—A. Yes, and that I had approved of the letter as extended.

Q. Then may I take it that there is not any written memoranda which passed between the Chief Electoral Officer and yourself in the form of memoranda?—A. Oh, no, everything on that was done directly on the Chief Electoral Officer's own file.

By the Chairman:

Q. That is to say there is no written communication between the two of you?—A. No.

Mr. LAWSON: But Colonel Biggar dictated most of the letters and can identify them by the initialling of the copies which he did from time to time.

By Mr. Lawson:

Q. Now, Colonel, would you look at section 29 of the Election Act, which deals with the qualifications of electors, particularly clause C of subsection 1?—A. Yes, I am very familiar with that section.

Q. I would ask you to look at the words—

“Has been ordinarily resident in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.”

A. Are you referring to section 29? I think that is the old Act, is it not?

Q. Yes, I have an old copy.—A. It is:—

“was ordinarily resident in the electoral district at the date of the issue of the writ of election.”

Q. What I have in mind are the operative words of the section, which are “ordinarily resident”?—A. Quite.

Q. Then I would ask you, Colonel Biggar, to look at a letter from the Chief Electoral Officer to Joseph D. McNamara, of June 24, 1930, and tell me if that was one of the letters which you dictated?—A. I can tell by reference to the original. My copies have not got the initials on. Referring to the Chief Electoral Officer's file. I find a typewritten initial which indicates that that letter was dictated by me, and an ink initialling which indicates it was approved by me after extension.

By the Chairman:

Q. That was your own initial?—A. Yes.

By Mr. Lawson:

Q. So that this is really your own opinion, out of the mouth of the Chief Electoral Officer?—A. Yes, sir.

Q. This is to Joseph D. McNamara, Esq., Returning Officer for the Riding of Simcoe East, and is as follows:—

“I beg to acknowledge your letter of the 21st.

“In view of what you say there is no doubt whatever that the only persons employed on the Canadian Pacific steamships who are entitled to vote in Port McNicoll are those few of them who actually reside there. Since the ships are registered at Montreal, the fact that Port McNicoll is described as their “home port” is quite without importance and confers no right to vote there upon members of their crews.”

I call your attention to the words “actually reside there.”—A. You see, the form of the expression is in the letter from the Returning Officer to which that is a reply.

Q. Then, Colonel, would you refer to a letter from the Chief Electoral Officer to A. B. Thompson, of Orillia, dated Ottawa, July 4, 1930, and tell me if that is a telegram which you dictated?—A. Yes, that is dictated for the Chief Electoral Officer by me.

Q. This reads as follows:—

“Question dealt with in my letter to Returning Officer related to persons forming crew of C.P.R. boats registered in Montreal and plying between Port McNicoll and other ports. Port McNicoll being described as vessels' home port by reason of their spending occasional lay-over days there stop On these facts and assuming individuals concerned continuously housed on board, they are clearly not entitled to vote in Simcoe East stop I advised Returning Officer that only persons really resident in Port McNicoll should be placed on lists for that place.”

A. Yes.

Q. Was there any significance, in your opinion as expressed, that you transposed the words of the statute “ordinarily resident” into “actually resident” in one ruling, and “really resident” in another?—A. Yes.

Q. What is the explanation?—A. The explanation is due to the terms of the letter from the Returning Officer, to which the letter of June 24th was a reply. You see, that letter from the Returning Officer says:—

“Replying to your letter of the 16th in reference to employees on C.P.R. steamships at Port McNicoll, might say that I have ascertained that these boats are registered in Montreal.

These people claim that they should be on the lists for Port McNicoll because they claim that this is the home port of the boats. However, very few of them are residents of the village of Port McNicoll.”

He was making a clear distinction there, you see, between whatever claim to residence might arise from the fact that they lived on the boats or that the boats came there regularly; and what I intended to define by really residents, he goes on to say that very few of them are resident in the village. You see the distinction there. He makes the distinction; and in answering these letters I always tried myself to really address the point that was in the man's mind.

By the Chairman:

Q. Colonel, when the statute says “ordinarily resident” why didn't you use the term used in the statute?—A. He told me that they were not resident.

Q. “However very few of them are residents”?—A. Yes.

Q. But some were?—A. Yes.

Q. Why did you not tell him that those who were ordinarily resident in Port McNicoll had the right to vote?—A. I did not need to.

Q. I think it was incumbent upon you, when you were telling him what the law was?—A. I was not telling him what the law was.

Q. But you advised him on the legal question arising out of the election?—A. Mr. Chairman, are you criticizing the terms? There it is. I cannot defend it. I mean that one uses in correspondence ordinary language. When one is dealing with a statute, one uses the language of the statute. The Returning Officer had very full instructions as to the legal position, defined as fully as they could possibly be defined before him in print.

Q. You are referring to the Election Instructions?—A. Yes, and that is what those are for. And this correspondence, of which there were hundreds of letters of the kind, was all written in the light of the information which officially and in print had been distributed to every election officer. One did not need to be meticulous about the exact words of the correspondence. It was all in the light of the instructions. That is the view I took.

The CHAIRMAN: I do not agree with that, when you were giving a legal opinion on the instructions.

By Mr. Lawson:

Q. Assuming, for example, that I have a permanent place of abode in the Riding of West York, and I go and board in a hotel at Port McNicoll, and that I go there to board in March preceding the election in July, and I am going to remain there for a period of six months in connection with work which I am doing, would I not be resident in Port McNicoll within the definition of "ordinarily resident" within the statute, but I am actually a resident of the Riding of West York?—A. I would not agree with your phraseology, but I quite agree with your conclusion.

Q. If you do not agree with my phraseology, where is the distinction between that and the conclusion.—A. I do not think it is quite right, for the purposes of the Election Act, to say that you are actually a resident within West York. You see here it was a very easy distinction, because what we were dealing with were people who just came to Port McNicoll because the boat on which they worked came there from time to time. That is what I was dealing with.

Q. I might shorten the matter, because I do not want to get into a legal argument on the matter. Let us put it in this way: Here is a man, Campbell, who had no residence in Canada for the last six years, at least, other than Port McNicoll. During the summers he lived upon the boat—A. Is that a fair way to put it? I was not dealing with any individual case, but I was dealing with the whole of the crew.

Q. Now I am asking you to deal with an individual case?—A. Oh, quite.

Q. Here is a man, Campbell, who boarded in Port McNicoll. It is true that he went away to take holidays, but he always continued there to board. During 1929 he took a holiday to Scotland, and he comes back to Port McNicoll in 1930, because the boat on which he works is tied to the dock for thirty-six hours every week within the municipality of Port McNicoll, and he had his place upon that boat. You heard the evidence?—A. Yes.

Q. Is it your opinion, as the Act endeavours to enfranchise everybody, that he had the right to vote?—A. When you combine the two bases, it is difficult to answer. I have not any doubt that merely because a lake boat which runs between two termini happens to stay in one of those termini over night, that that fact does not enfranchise in that electoral district the persons who live on that boat that fact alone. Then, for the purpose of your case, let us leave aside altogether the question of his living on the boat, because that could not give him the qualifications.

Q. In itself?—A. No.

By the Chairman:

Q. It is a factor, though?—A. I do not think so. My view is that for the purpose of considering qualifications you have got to exclude that altogether; then you have a very difficult problem, really, with regard to the other thing; it is only within narrow limits, true, to say that everybody is enfranchised—

By Mr. Lawson:

Q. I mean in the desire of the statute and its intention?—A. Or within the desire of the statute. The purpose of the legislation, amendments of which I recommended between 1920 and 1930, was to reduce the number of cases in which there was a disfranchisement by reason of residence. In 1920 there was a very large number of people that were disfranchised by reason of residence. In 1920 it was necessary in order for a man to be enfranchised in any particular electoral district, that he should have lived there for the two months next pre-

ceding that date of the election, and that really made an enormous amount of difference, because it meant that everybody who moved from his place of residence at any time within four months before polling day, in effect, was disenfranchised.

Q. I am not so much interested in what the law was in the past?—A. But I want to put it to you historically.

Q. Predicated upon that we may want to amend the Elections Act. I ask you the specific question whether in your opinion, with your experience as a lawyer and knowing as you do now all the facts in the Campbell case, he was ordinarily resident, as defined within that statute, the Dominion Elections Act, and was entitled to vote in the last Dominion election?—A. Which was Campbell? There were two men. He was the man who came in 1927 to Canada?

Q. He came to Canada in 1927 and spent one year in Owen Sound and then went to Port McNicoll. With the exception of the times he was upon the boat and with the exception of the times when he went away for two or three weeks vacation, as he gave the facts, during the winter, he continued to reside in Port McNicoll?—A. The impression that I got from his evidence was not that.

Hon. Mr. ELLIOTT: Is that a proper way to ask the witness?

Mr. LAWSON: We will give Colonel Biggar a complete copy of Campbell's evidence.

Hon. Mr. ELLIOTT: It might be only fair to Colonel Biggar to give him the interpretation which we put upon that evidence. This is the evidence, that he went upon the boat, and without taking up a room in Port McNicoll, in the Fall of 1929 he went to Scotland—

The CHAIRMAN: You ought to tell him also that previous to that time the boat was more at the dock than elsewhere.

Hon. Mr. ELLIOTT: Colonel Biggar has dealt with the question of the casual visits. Let me put my question. He went from the boat, without taking up a room any place else, to Scotland. He came back from Scotland, and reaching Port McNicoll went right onto the boat again on the 16th April, 1930, and remained on the boat except for such times as he landed wherever the boat landed, until election day.

The CHAIRMAN: And again I draw your attention to the fact that the boat remained more at dock at Port McNicoll than anywhere else.

The WITNESS: I would not have any hesitation, without waiting, to answer that question; because quite clearly on that statement of facts the man was not resident at Port McNicoll on the 30th April, 1930.

Mr. LAWSON: I would like to get upon the record the things which I would like Colonel Biggar to advise us upon. I would like Colonel Biggar, if he will, to take the record of the evidence given here by Campbell, and having regard to that evidence advise this committee whether or not in his opinion Campbell was entitled to vote.

The WITNESS: I will be very glad to do that.

Mr. LAWSON: And I would like Colonel Biggar to take the evidence given before this committee by Chidwick, and having read that evidence, upon the facts therein contained because that is the only evidence we have, give us the benefit of his opinion as to whether Chidwick had or had not the right to vote.

I would like Colonel Biggar to consider the correspondence between the Chief Electoral Officer and other persons and tell us where in his opinion the question of the port of entry of the boat had anything to do with the right or qualification of these men.

The WITNESS: I would like to answer that last question now. The reason for the reservation of the port of entry in my first letter was due to a vague notion which I then had in my head that under the British Elections Act,—I

may be wrong in that, you know,—there was some provision whereby mariners might vote at the port of registry of the respective boats, and I wanted to save myself, and if Port McNicoll was the port of registry of this boat I wanted to be sure that I was not giving a ruling against the qualification without having had an opportunity to consider that port of registry question. As a matter of fact, since the boat was not registered at Port McNicoll that question simply fell.

By the Chairman:

Q. There is and never has been anything in our Act as to that.—A. That is true, but I was afraid that might affect the question, and I wanted to be perfectly clear that this boat was not registered there whereby the rule should apply that they might vote at the port of registry. It was purely a vague idea in my mind that there was or might be such a rule.

By Hon. Mr. Elliott:

Q. But you were not giving an opinion upon that?—A. As a matter of fact I did not want to go into it, if I could avoid it.

By Mr. Anderson:

Q. Upon the evidence of Campbell and Chidwick, in your opinion did either of them ever acquire residence at Port McNicoll sufficient to entitle them to vote?—A. Do you mean no matter at what time the writ was issued?

Q. Were either of these men at any time really residents of Port McNicoll?—A. So as to entitle them to vote?

Q. And if not ordinarily residents of Port McNicoll, where were they ordinarily resident? And if they or either of them were ordinarily resident in Port McNicoll at any time, when and where did they lose their ordinary residence in that place?—A. I do not know whether that last question is capable of being answered.

The CHAIRMAN: That is in the evidence.

The WITNESS: All right.

By Mr. Anderson:

Q. If they were ordinarily resident at Port McNicoll, they would have the right to vote unless something changed their residence?—A. I doubt that. You see the rule is that in order to give a right in a given district the person must be ordinarily resident on a specified date.

Q. When one acquires an ordinary residence at a particular place, one retains that residence until something changes it?—A. No, that is not true of residence; it is true of domicile. Special provision has been made for sailors under certain Acts.

By Mr. Mercier:

Q. If there was no right to Campbell and Chidwick to vote, what suggestion would you make to allow them to vote?—A. As a matter of fact, I think there was something in the last report which I made as Chief Electoral Officer. The real way of meeting those difficulties is either by special provisions such as they have in Ontario for mariners voting in a particular way, or by provisions for absentee voters.

Q. Might I ask if you would bring to us the legislation which you prepared last year?—A. I did not prepare legislation. It is somewhere in some report.

By the Chairman:

Q. Last year the committee did consider this and we found it a very difficult subject to deal with.—A. It is very difficult; as a matter of fact, I

think it is impossible. It is the most difficult kind of problem which arises under the Dominion Elections Act. If it were not for the difficulty of colonization, that is the difficulty of a man selecting a particular electoral district in which he desires to vote because the balance there is even between the candidates, and if it were not for the prevention of switching of votes from one electoral district to another electoral district, which has always been in our Elections Act, it might be possible. The moment you do that you have a tremendously difficult problem of determining where your voting population resides.

Q. Was your attention called to a situation in a constituency in Ontario where a dredge crew were resident?—A. I have not any memory of it, but there is an enormous number of such cases.

Q. In a county of Ontario, a dredge crew was brought in on a dredge to work?—A. I do not remember it.

Mr. THOMPSON: That was in Oshawa.

By the Chairman:

Q. And that contention was no doubt brought before the Chief Electoral Officer?—A. If it was, I would have a memo. about it.

Q. And Dr. Kaiser protested, and they voted.

Mr. MERCIER: I always understood that the advance poll was in order to give a right to vote to travellers and railway men. And those sailors who were in Victoria Harbour or Port McNicoll, if their families were living in Toronto, must vote where their families are.

The CHAIRMAN: They are entitled to vote where they are ordinarily resident. The only quarrel I have with Colonel Biggar is that he used the words "actually resident." I would have thought the wise thing would have been to use the words of the statute.

Colonel BIGGAR: That might be.

Hon. Mr. ELLIOTT: Why was it necessary for Colonel Biggar to use the words in the statute? The thing which strikes me in connection with Colonel Biggar's statement is that it was very reasonable, it was in the correspondence defining actually or really resident.

The CHAIRMAN: It strikes me that in giving a written legal opinion I would have stuck to the words of the statute.

By Mr. Lawson:

Q. Would you be good enough, before you close your portfolio, to tell me whether or not you dictated the letter from the Chief Electoral Officer to Mr. A. B. Thompson of July 9th, 1930?—A. Yes. May I say in answer to your remarks, that I have found it very useless, in writing election officers, to use the same words as the statute, because their difficulty is in applying that word and they want something different?

Q. The thing I cannot understand is that knowing you were dealing with a man who was not a lawyer and who would not interpret legal language, you use words stronger than the statute instead of saying to the man that the words of the statute are "ordinarily resident." I would consider ordinarily resident to mean that a man lived there most of his time and was ordinarily resident.—A. The Returning Officer himself had made the distinction, and I was simply following him.

The CHAIRMAN: Is there any other instructions you want to give to Col. Biggar before we adjourn? To what day shall we adjourn? I take it for granted you are through with outside witnesses.

Mr. LAWSON: Yes, so far as I am concerned.

Mr. MACNICOL: Do you not want the clerk?

Mr. LAWSON: No; I do not think anything useful can be served by calling him.

Mr. THOMPSON: You want Col. Biggar to make suggestions as to how the Act should be amended?

The CHAIRMAN: Some of the members of the committee—we will have to make some report on these questions. Here you have a certain number of men disfranchised, 90 men or thereabouts have been disfranchised. You might as well grapple with the situation now. I think it is a hopeless mess. In the discussion last year it was felt that there will be some new dangers arise if we made any change. I think this ought to be taken into consideration.

Hon. Mr. ELLIOTT: I submit, Mr. Chairman, that consideration has been given to the question of sailors in the province of Ontario for the last few years, and it was felt it would be dangerous to interfere with the Act as it is now, and taking the men away from their real or actual residence, that you are going—

Mr. CASGRAIN: Ordinary, not actual.

Hon. Mr. ELLIOTT: No. You are going to get into trouble.

The CHAIRMAN: That may well be.

Hon. Mr. ELLIOTT: I would like to know this, for the information of the committee, I do not know what will result from it, I would like to see the Victoria Harbour file.

The CHAIRMAN: We can get that.

Mr. LAWSON: The Chief Electoral Officer can get you that; it does not need a witness for that.

The CHAIRMAN: It will be produced.

Mr. THOMPSON: My idea is there should be an appeal from the decision of the Registrar to the County Judge.

Hon. Mr. ELLIOTT: You and I have fought a lot of elections in rural constituencies. Who is going to look after the poll when it gets to the point—

Mr. LAWSON: May I suggest that we discuss this at a subsequent session?

The CHAIRMAN: To what day shall we adjourn?

Mr. LAWSON: What day do you want to meet again, gentlemen?

Some Hon. MEMBERS: Thursday.

The committee adjourned until Thursday, June 25.

SESSION 1931
HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

of the

SELECT STANDING COMMITTEE

on

PRIVILEGES AND ELECTIONS

No. 3

TUESDAY, JULY 7, 1931

WITNESSES:

Col. Oliver Mowat Biggar, K.C., and Mr. Jules Castonguay, Chief
Electoral Officer.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1931

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

TUESDAY, July 7, 1931.

The Committee met at 11 o'clock. In the absence of the Chairman, Mr. Hanson, it was unanimously agreed, on motion of Mr. Elliott, that Mr. MacDonald (Cape Breton South) act as Chairman.

Members present: Messrs. Beaubien, Casgrain, Casselman, Duff, Gagnon, Gray, Lawson, MacDonald, MacNicol, McPhee, Mercier, Morand, Stinson, Thompson, Turnbull—15.

Col. O. M. Biggar, K.C., and Mr. Jules Castonguay, Chief Electoral Officer, were also in attendance.

The Clerk was called upon to read the Minutes of the last Meeting, and these were adopted.

Mr. Biggar read a memorandum prepared at the request of the Committee, in which he expressed his opinion as to whether, in the light of all the facts brought out in evidence, the witnesses Alexander Campbell and Frederick Benjamin Chidwick are to be held to have been ordinarily resident in the electoral district of East Simcoe, on May 30th, 1930.

On motion of Mr. Mercier, it was agreed that Mr. Biggar have permission to supply the official Reporter with a copy of said memorandum.

The witness was allowed to withdraw with the understanding that he would be advised by the Clerk if his attendance was again required at the next meeting of the Committee.

Mr. Castonguay then submitted a "Statement of changes and additions made by the Rural Registrar in the Preliminary Voters' list" for Polling Division No. 1, of Port McNicoll. This was admitted as evidence and filed as Exhibit No. 5.

On motion of Mr. Lawson, the Committee adjourned until 11 a.m., on Tuesday, July 14th, when they will take into consideration their Report to the House.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268.

TUESDAY, July 7th, 1931.

The Select Standing Committee on Privileges and Elections met at eleven o'clock.

Mr. ELLIOTT: I would propose that, in the absence of Mr. Hanson, the Chairman, Mr. Finlay MacDonald take the chair for the meeting.

Mr. LAWSON: Carried.

Minutes of last meeting read and approved.

Mr. LAWSON: Mr. Chairman, at the time of the last adjournment we had just one matter left to deal with. Colonel Biggar, having regard to the evidence given before this committee with reference to the specific cases of Campbell and Chidwick, was going to give us his opinion whether or not on the facts as now available to him, either or both of those gentlemen should have been allowed to vote on election day, under the statute; and I would suggest that we might proceed by calling Colonel Biggar to let us have the benefit of the written opinion which he is going to give us.

Mr. BIGGAR: Mr. Chairman, when I was in attendance the last time, of course it was only two days after the previous meeting and I had no time to prepare any written memorandum; but as a result of a suggestion made by the chairman, in the meantime I have prepared a written opinion which I thought would be more useful.

As a matter of fact I sent three copies of it to the chairman last Friday; so I will just read the memorandum as I wrote it. I may say I have dealt with it at some length because I thought it was a point of some importance.

The question upon which I am asked to express an opinion is as to whether, in the light of all the facts brought out in evidence, the witnesses Alexander Campbell and F. B. Chidwick are to be held to have been ordinarily resident in the electoral district of East Simcoe on May 30th, 1930. The question of their right to vote in any particular polling division under Section 64 may for the present purpose be neglected. If it were dealt with the conclusion hereafter expressed on the main point would doubtless be reinforced.

Campbell's and Chidwick's residential qualification to vote in East Simcoe is to be considered (a) in the light of their employment on the C.P.R. ss. *Keewatin*, and (b) in the light of their association with Port McNicoll independently of that employment.

So far as concerns the first point, the relevant facts are identical in each of the two cases. Both men were employed in 1930 on the steamship and had been so employed in previous years. It appears that the steamship was placed in commission at Port McNicoll in or about the month of April in each year, and that in 1930, and perhaps previously, her schedule during the ensuing seven months had been such that she ordinarily left Port McNicoll on Wednesday afternoon, returning there on the following Monday morning and spending the intervening period of slightly more than two days at a dock, which is to be assumed on the evidence to be within the boundaries of the village, and

is without doubt within those of the electoral district. The evidence is silent as to the ship's terminus at the other end of her run and as to the length of her usual lay-over there; the facts on these points may, however, be assumed to be in favour of her association with Port McNicoll. At the end of the navigation season she appears to have been laid up and to have remained there through the winter until the time arrived for her to be again put into commission in the following spring.

In the course of the general election of 1930 upon a reference to me of the question whether the names of the persons employed on certain C.P.R. steamships, of which the *Keewatin* was presumably one, should be included in the list of voters for Port McNicoll by reason of the facts that they remained on the ships for about seven months in the year and that Port McNicoll was the ship's home port, I advised that it could not be inferred from these facts that the employees living on board were ordinarily resident in the electoral district of East Simcoe on May 30th, the date of the issue of the writs of election. The question now arises whether this conclusion is subject to any modification in the light of the fuller statement of the facts now available with respect to the *ss. Keewatin*.

My general views with regard to the interpretation of the provisions of the *Dominion Elections Act* on the subject of residence are stated in paragraphs 109 and 186 of the Election Instructions. In these residence of in effect two kinds is recognized as sufficient to confer qualification in a given electoral district. The election officers concerned are advised that a person may be qualified as ordinarily resident in a given electoral district either by reason of his association with a permanent establishment therein quite independently of whether or not he was at home on the date of the issue of the writ, or by reason of his having had a lodging in the district on the material date, provided his occupation of this lodging was for some purpose other than a purely transitory one. I have always taken the view that it was the intention of the Act to permit the casting of their votes by the very numerous persons who in Canada are engaged in seasonal occupations, notwithstanding that this at any season inevitably gives to certain classes of voters residential qualifications in two alternative districts. Abuses have not in fact arisen owing to the distances generally involved. I think, however, that the central idea of qualification depending on some definite place of abode in the district on the material date is one which must be maintained. Without it the situation, difficult enough as it stands, would become entirely chaotic owing to the difficulty of formulating any rule whatever.

The *ss. Keewatin* would not, in my opinion, constitute a fixed place of abode in the electoral district of East Simcoe, notwithstanding the facts above outlined with regard to her association with that port. To attribute to the members of her crew an ordinary residence in the district by reason of that association would create serious difficulties in the administration of the election law. It would, I think, be impossible to make a satisfactory distinction between a ship running between two Canadian terminal ports and one assigned to an international run. Equally a distinction between a mere schedule terminus and a terminus used as here not only when the ship was in commission but also as winter quarters, would be too tenuous to be practically acceptable. And to attempt to examine and compare the lengths of the lay-overs at the two terminal ports of a scheduled route would be open to even greater objection, even if, by delicate refinements of reasoning, it led to conclusions which anyone would be prepared to accept.

I am confirmed in my conclusion that the members of the *Keewatin's* crew were not qualified by residence to vote in East Simcoe by some less directly relevant considerations. I have examined the statutory definitions of a number

of electoral districts bordering on some of the principal ports in Canada and I find that in many cases the districts are defined so as to exclude the harbours. It would, I think, be unsatisfactory from the public standpoint if on identically similar states of fact qualification was conceded in one electoral district and denied in another merely by reason of the terms used in the *Representation Act* to define an electoral district, and without doubt not so used with any intention of producing any such differing results. Moreover any other conclusion might raise difficulties in the case of harbours at cities divided into more than one electoral district, where qualification would presumably have to depend upon the accidental location of a particular wharf. It might also confer an undesirable double residential qualification in closely adjacent districts by reason of the individual's maintenance of a permanent home in the same centre of population but in an electoral district other than that in which the boat was usually tied up. These objections to any other conclusion are, I think, of considerable weight.

There remain for consideration the personal grounds of Chidwick's and Campbell's possible residential qualification in East Simcoe. Both were unmarried men, and, so far as appears, neither of them had any personal or family home anywhere. Chidwick, before the beginning of the 1929 navigation season, had from time to time boarded in Port McNicoll at an hotel or boarding house, and although the evidence on the point is not quite clear, may in 1929 have spent most of the months of March, April and May in the village. The interval between December 1929, however, when the *Keewatin* was laid up, and April, 1930, when she was recommissioned, he spent travelling about to different places, in some of which he accepted employment and took what he describes as "short vacations" to Port McNicoll. He himself says that he "did not reside nowhere in particular" during this interval. For at least a year before May 30th, 1930, therefore, his only connection with the village, apart from the ss. *Keewatin*, was that he got his mail and had his laundry done there. Campbell was in much the same position. In December 1929, he left for England immediately upon ceasing to live on the ship, and on his return again immediately took up his quarters upon it. His next preceding residence in Port McNicoll was not earlier than the winter of 1928-29, when he may have lodged in quarters which he had been in the habit of taking from time to time, paying for them however only when he occupied them and having no connection with them in intervals of absence afloat or ashore, except that some of his mail was sent to him in care of the landlord's post office box.

In these circumstances it is, in my opinion, quite impossible to say that either Campbell or Chidwick was ordinarily resident in Port McNicoll on May 30th, 1930. The farthest one can go is to say that each was frequently resident there when not resident elsewhere, but that on May 30th, 1930, they were ordinarily resident elsewhere and not in the village. If at the time they had been in fact resident, that is had had a place of abode, in some other electoral district than East Simcoe, they would clearly have been entitled to vote in that other electoral district, but in the absence of their having on May 30th, 1930, some definite association with an abode in some particular electoral district, there was no district in which they could be held to be qualified as voters.

This was a situation which very commonly arose under the *Dominion Elections Act* prior to the amendment of Section 29 by 1929, chap. 40, section 13. Until that change in the law no one was entitled to vote in a given electoral district unless he had been ordinarily resident in it for the two months immediately preceding the date of the issue of the writs, and there were very large numbers of persons otherwise qualified who, by reason of a change of residence within that two months, were deprived by law of an opportunity to vote for

the candidates in any electoral district. The number of persons thus disqualified by law from voting even at a general election was so reduced by the amendment as to leave only a negligible remnant, in which, however, the two men in question must be included. They, however, share practical disqualification with a much more considerable fraction of the electorate, namely all those who, having moved from one electoral district to another during the eight weeks intervening between the date of the issue of the writs and polling day, are prevented for geographic and economic reasons from returning to vote in the district in which they formerly resided. The number of possible voters in this category was reduced, but only very slightly, in 1929 by the provisions affecting ministers, teachers and pupils which now appears as section 29A (4).

One of the members of the Committee asked me to suggest, if I could, amendments to the statute which would have the effect of preventing such disqualifications as have been referred to. It is no doubt desirable on general grounds that at a general election every adult British subject resident in Canada should be entitled to cast a vote and the amendments made in 1929 to which I have referred are merely the last of the steps which have been taken since 1920 towards that goal. Consistently, however, with the general principles of the present election law, under which lists of voters are prepared only after the issue of the writs, I doubt whether any further substantial step in this direction can be taken without involving disadvantages more serious than any advantage which would accrue. The privilege conferred upon ministers and teachers by Section 29A (4) might perhaps without objection be extended to their wives and families but I can suggest nothing of more general application.

I do not think that an attempt to graft provisions for absentee voters on the present system would turn out to be really workable, although I do not exclude the possibility of some safe and practical system being devised. Even such a system would, however, not meet cases such as those of Chidwick and Campbell and I see no way in which such cases could be met short of the abandonment of the present electoral procedure and the substitution for it of a radically different system according to which lists were prepared independently of and in advance of there being any occasion for their use. A scheme along these lines was discussed in my reports as Chief Electoral Officer in 1926, but I was then and I am still doubtful if a reasonably economical and entirely satisfactory system of the kind could be worked out. The Parliamentary Committee which gave the subject some consideration was moreover inclined against any so radical change in the law. Short of some such radical departure, combined with a provision for voting by absentee voters, I can conceive of no statutory phraseology which would at the same time entitle men without homes, who cannot on a given date be said to be ordinarily resident in any electoral district, to vote in some district with which they have some tenuous and necessarily uncertain association. To attempt to define the weight to be attached for the purpose of qualification to the number of visits made by an individual to a given electoral district, the intervals between them, the lapse of time between the last of them and the date of the issue of the writs and other like factors, would, I think, be an impossible exercise in draughtmanship. Even if it were capable of being carried out with reasonable success, the application of the provision would give rise to such a number of disputes and suspicions of "colonization" as to be considered by candidates and election officers not to have been worth the attempt.

In my opinion, therefore, while a territorial basis of representation for the House of Commons is maintained and voters are not entitled to vote for one Government or one Prime Minister instead of another, persons who, on the date of the issue of the writs, are without any legal, familial or actual and ordinary relationship to specific premises in a specific electoral district, and who therefore cannot be said to be ordinarily resident on that date in any district, must continue in the general interest to be disqualified for voting even at a general election.

Mr. MERCIER: I move that Mr. Biggar furnish the stenographer with a copy of his report, to appear in our report.

Mr. LAWSON: I will second the motion.

Motion agreed to.

Mr. LAWSON: I would like to get some information from Colonel Biggar, because this committee may be considering some amendments to the Act at some future time. Colonel, I suppose you would agree that in law every man, other than a tramp or a vagrant, must have some place of residence?

Mr. BIGGAR: He has a place of residence every night.

Mr. LAWSON: From day to day.

Mr. BIGGAR: Yes. I would not include tramps and vagrants. On each night the tramp or vagrant resides where he sleeps. That is what the election instructions say.

Mr. LAWSON: Then, if I understand your opinion correctly, you interpret the words "ordinarily resident" as requiring something more than mere residence?

Mr. BIGGAR: Quite definitely. For instance, if being without any permanent home I went and stayed at the Royal York Hotel in Toronto, I would not thereby become qualified to vote in Toronto South.

Mr. LAWSON: Then would you agree with me in this, that every person other than, say, a vagrant or a tramp, must have an ordinary residence somewhere?

Mr. BIGGAR: If you put the classification of tramp and vagrant widely enough, I would say that everybody was, in an electoral sense, a vagrant or a tramp who was without an ordinary residence on the material date.

Mr. LAWSON: That is beside the point I want to get at. I want to exclude that class of person who shifts about from place to place daily or weekly.

Mr. BIGGAR: And are not tramps or vagrants?

Mr. LAWSON: Including them in the tramps and vagrants class, if you will.

Mr. BIGGAR: Yes.

Mr. LAWSON: Must not any person, other than those I have outlined, have even an ordinary residence somewhere in law?

Mr. BIGGAR: No, I do not think so.

Mr. LAWSON: You think not?

Mr. BIGGAR: I think not.

Mr. LAWSON: Then may I take it that the result of your opinion is that Chidwick and Campbell did not have any ordinary residence anywhere?

Mr. BIGGAR: For electoral purposes, certainly not.

Mr. LAWSON: For electoral purposes under this Act on the 30th day of May, 1930?

Mr. BIGGAR: Certainly not; in no electoral district.

Mr. LAWSON: Then let me assume that a man was living on a house-boat tied to a dock in Port McNicoll, which is within the territorial limits of East Simcoe, on the 30th day of May, 1930, and he had his clothes there and took his meals there, and in the ordinary sense was living there, would you consider him qualified by residence there.

Mr. BIGGAR: That would depend. If the house-boat was simply on the move around Georgian Bay, no.

Mr. LAWSON: Assuming that the house-boat was quartered there permanently for a period of five or six months?

Mr. BIGGAR: If it had gone there at the beginning of the summer and stayed there the length of the summer, I would think it was the same as any residence.

Mr. LAWSON: You would think he was ordinarily resident there?

Mr. BIGGAR: Yes.

Mr. LAWSON: Then if he went off the house-boat for two or three days in the week, and in the course of his employment went to two or three different places outside of East Simcoe, always returning to the house-boat, you would, I take it, consider he was entitled to residence?

Mr. BIGGAR: Yes, in the sense which I have mentioned.

Mr. LAWSON: But the distinction between the hypothetical case which I have mentioned and the cases of Campbell and Chidwick was because these men were on a boat which in the very nature of circumstances only stops at Port McNicoll for two or three days stop-over each week, and they are not ordinarily resident within the terms of the Elections Act?

Mr. BIGGAR: Yes, I think that is so.

Mr. LAWSON: Then you might go a step further. Would you consider that for electoral purposes Campbell and Chidwick had not any ordinary residence on election day?

Mr. BIGGAR: In any electoral district.

Mr. LAWSON: So that if we were to attempt to amend the Elections Act, in order to give men in this position a vote, beyond all doubt you would think what we must change would be the definition of ordinary residence?

Mr. BIGGAR: Yes, unless you said a particular class of persons were not required to be ordinarily resident.

Hon. Mr. ELLIOTT: Just one question in order that there may be no misunderstanding as to the interpretation that you are putting upon the word "vagrant" used in connection with "tramp." I take it that you are referring to "vagrant" as meaning somebody covered by the word vagrant?

Mr. BIGGAR: You can put it whichever way you like, I was wondering—

Hon. Mr. ELLIOTT: An ordinary vagrant or wanderer?

Mr. BIGGAR: Somebody who has no association at a given time with a fixed premises anywhere, fixed place of abode.

Hon. Mr. ELLIOTT: That is, the distinction which you made between the house-boat which is attached to the dock and stays there, and the ship which is sailing around from place to place, is that one has a fixed place of location and the other has not?

Mr. BIGGAR: Exactly. The fixed place of abode is the significant thing.

Mr. LAWSON: Just one other thing occurs to me. For the purpose of the information which you have given us, you have taken for granted that these men had every other qualification mentioned, required by the Act?

Mr. BIGGAR: Quite.

Mr. LAWSON: And your own opinion is based purely upon the question whether or not they are ordinarily resident in East Simcoe on the particular day, the 30th May, 1930.

Mr. BIGGAR: Exactly.

Mr. THOMPSON: Taking the case of Chidwick, suppose he had gone to Port McNicoll on the 30th March and had lived there for one month, would not that month's residence have established his residence?

Mr. BIGGAR: No, he has under the statute to be ordinarily resident there, other than on the boat.

Mr. THOMPSON: I have had about thirty years' experience in courts and before county judges in Ontario, and I say unhesitatingly that no county judge would have disfranchised that man.

Mr. LAWSON: You are speaking of the sense in which the expression is used in the Elections Act, and not in the law generally?

Mr. BIGGAR: No, that is really the difficulty about residence, that whenever you go to find authority on the point, on the meaning of "residence" you always find it is interpreted by reference to the provisions of a particular statute.

Mr. THOMPSON: You spoke of certain men not being able to vote, on account of being away from their homes. This is not a special case, because they are on the list. I contend that every man has a right to be on the list somewhere. He may disqualify himself by going away, but he has a right to be on the list somewhere.

Mr. BIGGAR: In my experience up until the last general election the number of people who are not entitled to get on the list anywhere was very large; and it was as the result of my suggestion to the committee in 1929 that the two months' ordinary residence was dropped, and you simply required ordinary residence some place on the specific date of the issue of the writ.

Hon. Mr. MORAND: Had that boat been tied to the dock and these men had been living on it and working, would these men have been qualified to vote?

Mr. BIGGAR: It is very difficult to say. I can conceive cases where the circumstances would be such as to give them qualification. I can see that a tender on an abandoned ship laid up in Kingston harbour might quite possibly under similar circumstances be held to have a right to a vote in Kingston.

Mr. LAWSON: Or the house-boat case?

Mr. BIGGAR: Yes, because his residence is ordinarily there.

Hon. Mr. MORAND: For many years constituencies did not include the docks or wharves in the constituencies?

Mr. BIGGAR: Yes, the harbours were defined by reference to the banks of the harbour or the bank of the river or something like that.

Hon. Mr. MORAND: There was a chance to improve that anyway.

Mr. BIGGAR: As a matter of fact the thing won't arise, as far as tenders are concerned or watchmen.

The ACTING CHAIRMAN: Would there have been any difference if these boats had been registered in Port McNicoll?

Mr. BIGGAR: I do not know. I did not go into that question. I explained to the committee the last time that when I wrote my letter it was in my mind that that might make a difference. I did not want to say that it did not make any difference, without having had an opportunity to go into it; and I have never gone into it. It is not in our Act at all. It was vaguely in my mind that the point had arisen under the English Act.

Mr. MACNICOL: Both these men, Chidwick and Campbell, manifested a desire to vote by the fact that they went and registered.

Hon. Mr. ELLIOTT: They did not go to register. They were registered by Connolly. They went to vote.

Mr. MACNICOL: They apparently exercised all the precautions they thought they should exercise to be entitled to vote, but in the long run they were not entitled to vote. Was there anything they could have done, having the desire to vote, to have entitled themselves to vote?

Mr. BIGGAR: Do you mean, for example, on polling day?

Mr. MACNICOL: Prior to polling day.

Mr. BIGGAR: They could not have acquired a fixed residence on the 30th May if they had none before that. They could not have acquired a fixed residence in East Simcoe on the 30th May if they had known what was ahead of them; they might have acquired it, but it would have involved giving up that particular employment.

Mr. MACNICOL: You mean if they had rented a room.

Mr. BIGGAR: If they had occupied it. The mere renting of it would not have made much difference.

Mr. MACNICOL: They both struck me as being of the opinion that their home was in Port McNicoll.

Mr. BIGGAR: That was the place to which from time to time Campbell returned, not having a home elsewhere. You remember Chidwick himself said he was not residing anywhere in particular all through the winter of 1929-1930, that he had been working around in different places, that he had travelled from place to place and took vacations at Port McNicoll.

Mr. LAWSON: Mr. Chairman, I was going to suggest, after the committee got all the information they wanted from Colonel Biggar—

Hon. Mr. ELLIOTT: May I interrupt? To sum up what you have said, you were electoral officer for a number of years and have been giving special attention to the matter of residence and other matters in connection with the *Dominion Elections Act*?

Mr. BIGGAR: No problem in connection with the Dominion Election law is so difficult as this question of residence.

Hon. Mr. ELLIOTT: And this matter and other questions akin to it have been discussed from time to time by various committees which have met here, and as I gather, your opinion after careful consideration of practically this same subject in 1926, was that the list of those who were not entitled to vote anywhere had, by the abolition of the sixty days' residence period, been cut down as far as you could do it with reasonable safety.

Mr. BIGGAR: With any sort of safety, yes.

Mr. LAWSON: I would like to know what the "yes" refers to, because my honourable friend has combined two questions in one. The first part of his question was that the committee, since 1926, has considered on more than one occasion the question of residence; and the other part of the response was as to the effect of the amendment made in 1929. Now, to which part of the question is Colonel Biggar answering "Yes"?

Mr. BIGGAR: Well, I cannot be quite sure about the plural with regard to the committees. Certainly the question of residence was considered by the committee in 1929, and I think it was considered by the committee in 1922. I think those were the only two committees.

Mr. LAWSON: Shall I make my suggestion now?

Hon. Mr. ELLIOTT: Yes.

Mr. LAWSON: Mr. Chairman, I was going to suggest that as we now have available Colonel Biggar's opinion; personally I would like to read it and consider it with more care than I can do by hearing it read once, and I would suggest that the committee adjourn to some convenient date when we might meet for the purpose of compiling a report and dealing with the matter.

If you will excuse me, there is one thing I wanted to get on the record from Colonel Biggar. I understood you to say, Colonel, that you drew these Elections Instructions which went out to the returning officers, on the Elections Act.

Mr. BIGGAR: Yes.

Hon. Mr. ELLIOTT: There are one or two things I wanted to ask Mr. Castonguay before we adjourn.

The ACTING CHAIRMAN: Would Mr. Castonguay take the stand.

JULES CASTONGUAY, recalled.

Hon. Mr. ELLIOTT: Mr. Castonguay, at the last meeting I think you were asked to make a list showing those who were marked on Connolly's list, we will call it, as living at Victoria Harbour, who had voted at Victoria Harbour in the last election?

Mr. CASTONGUAY: I remember something was said about it.

Hon. Mr. ELLIOTT: Did you make such a list? Perhaps first of all you can show the record of changes made by Mr. Connolly.

Mr. CASTONGUAY: Here is a schedule of the changes made by Mr. Connolly. That is the original copy.

Hon. Mr. ELLIOTT: And if I ran over the original list correctly, the other day, you showed how many men had been resident at Victoria Harbour, who were on the Keewatin.

Mr. CASTONGUAY: I found twenty-one.

Hon. Mr. ELLIOTT: You have since had an opportunity of looking over the list of those who voted at Victoria Harbour on this particular polling day.

Mr. CASTONGUAY: I have examined the poll books for the four polling stations at Victoria Harbour, and I found that out of those twenty-one names twelve had voted at some of the booths.

Hon. Mr. ELLIOTT: That twelve had voted at Victoria Harbour, as shown by the list of those who voted there. And can you tell me if that twelve who voted at Victoria Harbour, were listed by the returning officer in his list of where these people lived as at Victoria Harbour?

Mr. CASTONGUAY: I did not get that.

Hon. Mr. ELLIOTT: Listed, I should have said, by the enumerator.

Mr. CASTONGUAY: These twenty-one names appeared on the preliminary lists and were struck off the lists.

Hon. Mr. MORAND: Where?

Mr. CASTONGUAY: They were struck off by the rural registrar at Port McNicoll.

Hon. Mr. ELLIOTT: On the original list they were put on at Port McNicoll by Connolly, the registrar, these twenty-one?

Mr. CASTONGUAY: Yes, sir.

Hon. Mr. ELLIOTT: And the other sailors as well,—a number of other sailors, and their residences were marked as what?

Mr. CASTONGUAY: Port McNicoll.

Hon. Mr. ELLIOTT: And then after his interview with the returning officer, apparently, from the evidence, these names were stricken off?

Mr. CASTONGUAY: They were stricken off by the registrar during the three days that he sat for revision of his list, apparently.

Hon. Mr. ELLIOTT: And there is a list on which the residences of these men are marked as Victoria Harbour, Midland, Toronto, Owen Sound, and the various places where he thought they resided?

Mr. CASTONGUAY: That is given on his statement of changes and additions. Every name that is struck off—and I notice that he struck off a good many of them—he has stated their residences as far as they were known to him.

Hon. Mr. ELLIOTT: This is the statement of changes and additions, which you have given us here?

Mr. CASTONGUAY: That is the original copy.

Hon. Mr. ELLIOTT: I think this should go in, when we are through with it here. On that statement of changes and additions, how many do you find marked as resident at Victoria Harbour?

Mr. CASTONGUAY: I find twenty-one.

Hon. Mr. ELLIOTT: And, as you have already stated, you now find by reference to the Victoria Harbour poll books, or something of that kind, that twelve of that twenty-one actually did vote at Victoria Harbour?

Mr. CASTONGUAY: Yes.

Hon. Mr. ELLIOTT: Have you examined Midland or Owen Sound or any of the other places? You were not asked to do so.

Mr. CASTONGUAY: No. I looked up, but there were about forty polls, and the examination of the poll books is quite a difficult job.

Mr. THOMPSON: You do not know that these were the same men, although of the same name?

Mr. CASTONGUAY: They were under the same names and the same occupation.

Mr. THOMPSON: The first is Arbor, and you do not know that that is the same Arbour which was on at Port McNicoll?

Mr. CASTONGUAY: It was the same name.

Hon. Mr. ELLIOTT: I would think it was a pretty strong supposition, when you find Henry Arbour, sailor, and Mr. Connolly put him in as an ordinarily resident at Victoria Harbour, and a man named Henry Arbour voted at Victoria Harbour.

Mr. THOMPSON: It is a very common name.

Mr. LAWSON: Is Victoria Harbour in the same constituency as Port McNicoll?

Mr. CASTONGUAY: Yes, sir, it is in the same constituency, East Simcoe. I have brought with me the index book prepared by Connolly. There was some question the other day about the fact that he did not initial the change in the final list. I find his index book contains all the notes and the initials.

Mr. THOMPSON: Is the date there too?

Mr. CASTONGUAY: Yes, the date and everything. They appear to have been struck off on July 2. The committee may have this if they like.

Mr. LAWSON: As a matter of fact, I think it was the chairman who asked for it.

The ACTING CHAIRMAN: It might be marked as an exhibit, if the committee likes.

Hon. Mr. ELLIOTT: You have been here through the whole inquiry, Mr. Castonguay. Is there anything that has arisen that you feel an explanation from you would assist the committee in regard to, further than has been stated?

Mr. CASTONGUAY: I do not think there is anything else.

Mr. LAWSON: I would move, Mr. Chairman, that the committee do now adjourn to a day to be fixed.

Hon. Mr. ELLIOTT: Before that motion is put, I think it has been the practice in the privileges and elections committees as far as possible to endeavour to arrive at a solution, if there is a solution, of whatever problem the committee is considering. I was going to ask whether members of the committee would make any suggestion they may have to make, so that they might be considered between now and the next meeting. Does anybody really feel that we are not embarking on too dangerous a sea to make a change?

Mr. MACNICOL: I would like to read Colonel Biggar's report. He has made very diligent inquiry and has given a very full report.

Mr. GAGNON: I would think we are not prepared to make any further suggestions this morning, because Colonel Biggar has made a long and thorough written report which we have not had the opportunity to study, and the studying of that might help us in forming an opinion.

Hon. Mr. ELLIOTT: It seems to me that the opinion is to be boiled down to the one thing that residence must be a more or less fixed point.

Mr. GAGNON: The law may have to be amended.

Mr. MACNICOL: This has nothing to do with the case in hand, but if the committee is meeting and the report is to be brought in, it may not be entirely out of place. I do not ask it to be dealt with unless it is in place. I think there were about three hundred altogether disfranchised in my riding. They all had their receipts. The enumerator came to them and put down their names and addresses and handed them a receipt; but in compiling the list, some 342 were not able to vote because their names were left off the list.

If this committee has power to deal with that, not to-day but later on, I think we ought to make some recommendation along that line.

Hon. Mr. ELLIOTT: I assume the committee is considering what was referred to them by the member for Simcoe East, Mr. Thompson. I have no doubt there would be no objections to our considering anything which may assist in improving the election law.

Mr. LAWSON: I would raise the question whether this is just the time to consider it. Undoubtedly this committee will, before the next general election, be considering suggestions as to the Elections Act. I had the same experience as Mr. MacNicol refers to, excepting that a greater number were in the same position in West York; that is possibly because I had the most numerous population of any riding in Canada. The enumerator went around and took down the people's names. The Elections Act requires the enumerator to give a certificate to the voter that he had recorded his name, and so on. The enumerators handed out those certificates, but when the people went to vote, their names were not on the list, and in spite of the fact that they had a certificate that the man who made the list out put them on, they were not entitled to vote. These are urban polls.

Mr. MERCIER: We had the same difficulty in our riding.

Mr. LAWSON: Although West York is a rural riding for some purposes, the electoral officer held we were urban for election purposes.

Mr. CASTONGUAY: If the committee will allow me, in view of what Mr. Lawson has said, that a large number of names of voters who were given slips by the enumerator did not find their names on the list, I made a suggestion in my report to the Speaker in September last, that I thought it would be well to adopt a new system based upon the present system, which I think would be of great advantage.

The ACTING CHAIRMAN: What was the suggestion you made?

Mr. CASTONGUAY: The suggestion I made would have the effect of shortening the period that is necessary to prepare lists. Now it takes eight full weeks to prepare lists in an urban riding. My suggestion would make it possible to prepare those lists in six weeks. Have double enumerators, print the lists as soon as they have been enumerated, and have copies enough so as to be able to send one to each dwelling in the polling subdivision, that would be about eighty copies; and there would be no revision until within about ten days of the polling, and then the revising officer would print the lists.

Mr. LAWSON: All these matters suggested by the Chief Electoral Officer would come eventually before the committee when it comes to finally consider the revision of the Elections Act.

Mr. DUFF: Was the original list posted?

Mr. CASTONGUAY: The enumerator would make a list of the voters and the addresses, and my idea is that when the lists are printed a copy of the list would be mailed to each house in the polling subdivision, and in that way a

notice would be given of where the revision is to take place, and also the location of the polling subdivision. I think this would be more acceptable than posting.

Mr. DUFF: If it went to the individual, they might say that they had never received it.

Mr. CASTONGUAY: It is not posted now.

Mr. LAWSON: Mr. Elliott, I think, was asking for suggestions from the committee at this time. I find that very difficult to do, for it seems to me the first thing this committee must determine is whether we do or do not agree with the opinion given by the Chief Electoral Officer. If we agree with that opinion, then do we deem it advisable to make recommendations as to the amendment of the Act? If we do not agree, and if we are substantially of the opinion that these men are already qualified to vote, there would be no need to amend the Act. Therefore we require some time to come to a conclusion in that regard after reading the carefully prepared opinion of Colonel Biggar given us this morning. I do now move that we adjourn to some date satisfactory to the members of the committee, at which date we re-convene for the purpose of framing our report.

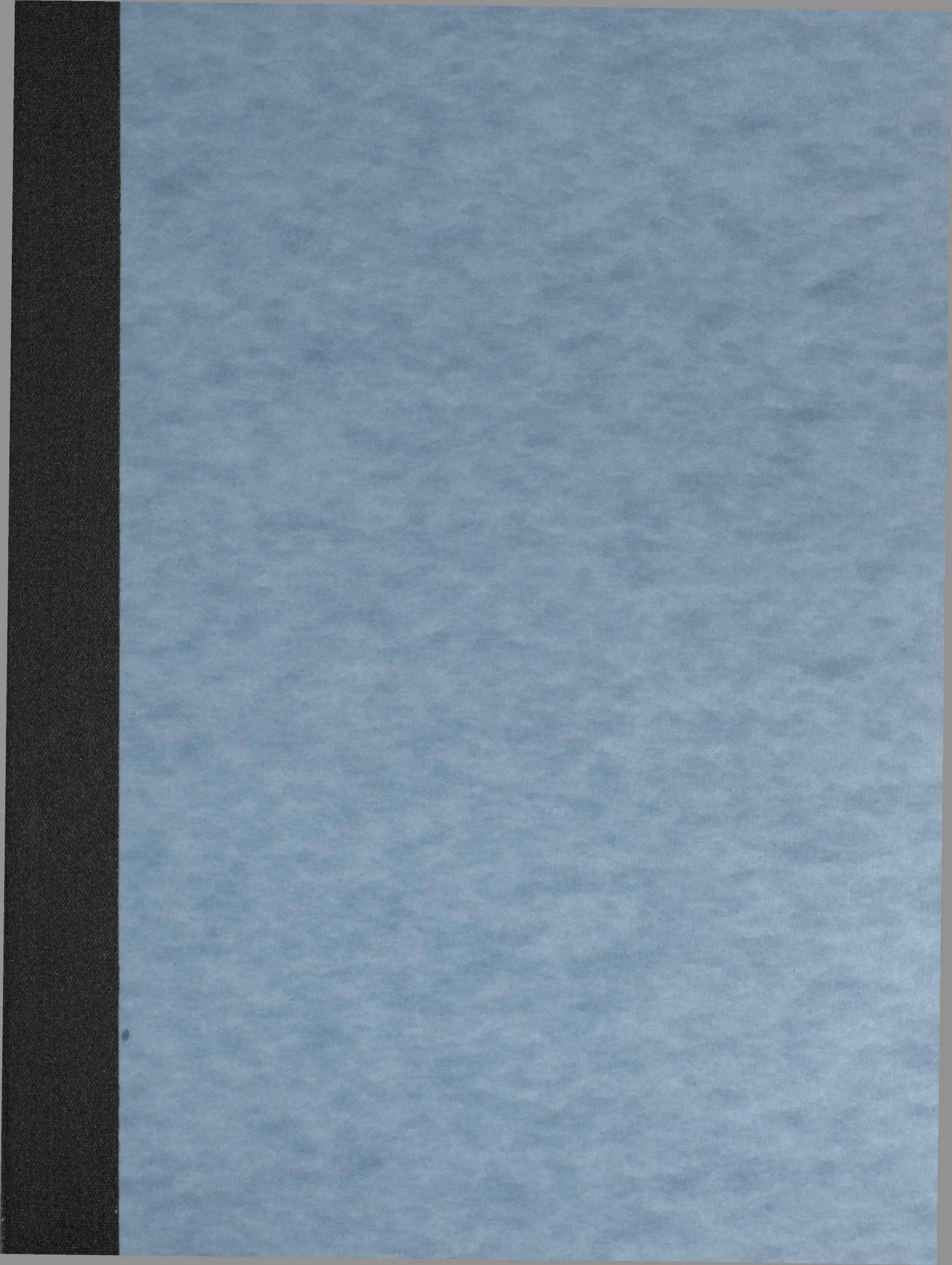
Hon. Mr. Elliott: I quite agree. That will be satisfactory to me.

The ACTING CHAIRMAN: Would you agree now upon Tuesday the 14th?

Mr. DUFF: The House should prorogue by next Saturday.

The ACTING CHAIRMAN: You are a delightful optimist, Mr. Duff.

Committee adjourned until Tuesday, 14th July, 1931, at 11 a.m.



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