

get the work done. Up until a short time ago he did not know that W. N. Simpson, in whose name the accounts were sent in, was really the Employers' Detective Agency.

#### The Burns Agency.

The W. J. Burns International Detective Agency had been employed on his instructions to shadow one man. While the accounts had not been initialed, that was an oversight on his part, and he accepted full responsibility for the mistake. He had no longer any use for this agency because of its excessive charges, he told Mr. H. Hartley Dewart, member for Southwest Toronto, who followed Col. Machin in conducting the main examination of the witness. Mr. Flavelle cited a concrete case to show the methods of the board. A chance had to be taken to catch those violating the law, and at the time he took the ground that if his action were criticized he would pay any amount that was lost in the transaction, and resign his position. However, the board won the case.

Mr. Flavelle was the only witness examined yesterday. There was a large attendance of the members of the committee, and the evidence was closely followed. Adjournment was made at 1 o'clock until 10 o'clock on Friday morning.

Mr. J. D. Flavelle's examination was taken up by Lieut.-Col. Machin. Explaining the duties of the board, Mr. Flavelle stated that these included being familiar with all Provincial liquor laws, the receiving of deputations of all kinds, and dealing with a heavy correspondence, which the witness himself went through and allotted to the different officials to be answered. Col. Machin asked for various statements of the number of convictions, etc., since the Act came into force in September, 1916, up until February 28, and witness replied they could be secured from Mr. J. F. Mowat, the accountant in the department.

#### Remitting Fines.

Explaining the procedure followed when a fine was remitted, Mr. Flavelle said that the application was first made to the Attorney-General, who sent it on to the board. The latter secured all available information on the case, discussed the matter among themselves, and if satisfied there was justification for the whole or part of the fine being remitted notified the Attorney-General accordingly.

While witness was unable to give the exact number of prescriptions issued during the time the Act was enforced, it would be above half a million, this figure being greatly swelled during the influenza epidemic. The board, ever since it had been in power, had employed special officers to enforce the law, and they had also been employed by the department previous to the O. T. A. being passed. It depended entirely on the amount of work to be done as to the number of special officers that were employed.

These spotters, or special officers as the Chairman preferred that they should be called, were largely employed by Provincial Inspector A. E. Sarvis, and also by Chief License Inspector J. A. Ayearst. All the inspectors, he explained, were in the service of the department when the board took charge. Sarvis had very free hand in securing what men were necessary to carry on the special investigations from time to time.

"Do these spotters receive any part or portion of the fines inflicted for breaches of the O. T. A.?" asked Col. Machin.

"Absolutely no."

#### Provincial Detectives Help.

The board had also the co-operation of the Provincial detectives, although the latter also worked independently on liquor investigations. Very few of the special officers were employed on the trains. Mr. Flavelle stated that the case which had been cited in the House by Col. Machin of an alleged whiskey detective interfering with passengers was that of a bogus officer. Asked if there was not a system of searching baggage both on and off the trains, Mr. Flavelle said that he had written a letter on March 13 to all inspectors and officers, and he had previously written several letters to them, instructing them not to make any search of baggage unless they had reasonable grounds to believe

there was a contravention of the act. Under no circumstances were these officers to search any man's person without a warrant. This action was taken by the witness when it came to the attention of the board that some of the officers were practically persecuting people.

There were seven vendors in the Province, witness said. These were located as follows: Toronto two, and one each in Hamilton, Windsor, London, Kingston and Ottawa. There was none in New Ontario.

"You didn't need them," said a voice.

"No, we make our own, but we like the good stuff occasionally," laughed Col. Machin.

#### No Vendor in the North.

Continuing, Mr. Flavelle said that the board had carefully considered the advisability of appointing a vendor for New Ontario. It had been decided, however, that that part of the country was so sparsely populated that there was great danger that any vendor would not get sufficient out of it to warrant him keeping open. There would then be the temptation for him to enter into collusion with the physicians for the purpose of breaking the act and making business pay. More than 100 applications had been made by people desiring to be appointed as vendors.

The Chairman of the board explained that during the influenza epidemic care was taken to see that every hospital should have an unlimited quantity of liquor on hand. Every doctor was entitled under the act to have ten gallons, and every druggist a similar amount. Special cases were dealt with by the board. He admitted that the procedure may have been an error in judgment on the part of the board, but he believed it was the right policy to pursue. No difficulty was experienced with the out-of-town vendors in filling orders, but there was a delay on the part of the two Toronto stores.

The reason for the Toronto vendors falling down was the want of sufficient organizing ability. When it was found they were getting behind, one of the inspectors was instructed to hurry them up. Within a week 1,769 orders were filled. In addition there were a number of bogus orders to be dealt with. Even to-day bogus orders average between 50 and 100 a week. One of the vendors had resigned impulsively, and the board immediately accepted the resignation.

"Did you break the law yourselves in dealing with this epidemic in the issue of liquor to the people entitled under the act to hold it?" asked Col. Machin.

#### A Technical Breach.

"We did allow distillers to sell direct," said Mr. Flavelle. "It was a technical breach of the law."

"There are a good many technical breaches of the law that others go to jail for," observed Col. Machin.

"It is an absolute breach of the law on the part of the board, and we are willing to accept the responsibility under the circumstances."

Mr. Flavelle said he had no recollection of the board having complaints withdrawn after being made. Such a thing could be done, by the officers, however, if they thought they had not sufficient evidence to prosecute on.

Replying to a question as to the amount of liquor seized under the O. T. A., the witness said that approximately there was now on hand about \$41,000 worth. The board had in addition to that \$16,000 worth that was sold to vendors and between \$10,000 and \$11,000 worth gratuitously given to hospitals and charitable institutions. There was all told between 16,000 and 20,000 gallons seized.

Col. Machin asked as to an amount in the public accounts of \$1,000 for J. D. Flavelle. The witness explained that this amount was deposited in the bank in trust. Mr. Sarvis, who had charge of the special officers, often had need of ready money to go out on a case, and the witness supplied the money out of this special trust fund. This was later accounted for by Mr. Sarvis, and the account checked by Mr. Mowat.

#### Detective Agency Activities.

The activities of the Employers' Detective Agency were next turned to by Col. Machin. He asked particularly about an account for \$1,339.35, which stood in the name of W. N. Simpson, and how it was the outside detectives were employed. Mr. Flavelle promptly