

Admits Dismissal Warranted.

Q.—You'll admit, then, that this affair was sufficient reason for General Williams asking you for your resignation? A.—Yes.

George Smith, M.P.P., Toronto-Greenwood, inquired of the witness if the teller to whom he had gone to pay the note in the bank had not counted the money in front of him.

"No," said Brien, "he just took it."
"Must have been a funny teller," en-joined Mr. Smith.

Questioned by J. W. Widdifield (Progressive, North Ontario), witness said that the first note had been made out to the Twin City Second-Hand Company, of which Brown is President, but the renewal note was a "personal debt" between him and the bootlegger.

"Have you any excuse, as a constable," asked Mr. Finlayson, "for dealing with a convicted bootlegger?"

"It wasn't my suggestion," came the reply.

Q.—But you did it? A.—Yes, but he didn't get any consideration from me.

Q.—He got eight bad notes, and he has since sued you for them.

Says Cheque Was Worthless.

Mr. Finlayson next claimed that Brien, when he resigned, had \$13.50 in collected costs, for which he gave a cheque to Inspector Rae, his superior, but that there was no money in the bank to cover it.

"When was that cheque presented?" asked Brien.

"The following day," said Mr. Finlayson.

"I beg to differ," declared Brien. "It was presented the following day," said Mr. Finlayson, "and kept at the bank until Dec. 3, and there were no funds to meet it."

Brien swore that the cheque in question was not presented until he was "out of work."

Q.—What did you do with the \$13.50, then? A.—I didn't spend it intentionally.

Q.—Do you mean to say that you used Government funds? A.—No.

Q.—The cheque was returned? A.—They had funds at the bank.

Q.—No payment was made until they took it out of your superannuation funds? A.—The money was there, I say.

Mr. Finlayson's admonition of "let's get down to business" was met with the witness's reply that he would "keep chewing" about the matter just as long as the former "chewed about it."

Q.—How long was the money there after the cheque was given? A.—Four or five days.

Q.—Then you did use other people's money? A.—I couldn't live on wind.

"A Very Good Lawyer."

Liberal Leader William E. N. Sinclair questioned some legal point, and Mr. Finlayson recommended him to the witness as "a very good lawyer." "And," he added, "the Star would take care of him for you, too."

Applause of the Conservative element in the committee was only ended when Mr. Finlayson said: "Now, we'll get on."

"Why not go over all this note business again?" giped E. Blake Miller (Liberal, East Elgin).

"Mr. Miller is fond of making cunning remarks," said Mr. Finlayson, "but I'm not going to pay any attention to them."

This closed the Government examination of Brien under the "Brown the bootlegger" incident, and Mr. Finlayson next brought the "Conestoga affair" under his attention. In reply to his interrogation, witness admitted that Schneider, at whose house the road-opening party was "thrown," was a prominent, influential citizen, and son of a staunch Liberal.

"I don't know his failings at all," replied Brien, while the Conservatives roared.

"I didn't hear that," put in Liberal Whip Alex. Mewhinney from the back of the committee room.

"Just as well you didn't," said Chairman Hon. Joseph E. Thompson.

Saw Drunken Men.

Mr. Finlayson asked witness if he had seen drunken men at the party? "Yes," replied Brien.

Q.—Where? A.—On the road and coming out of the house.

Q.—Might I suggest that you had a duty to performing in picking up these men? A.—I wasn't after small stuff.

Q.—You were after Schneider. You didn't touch the men on the road. I thought it might be the duty of any officer to do that. But you went into the house, after first going back to Kitchener and getting a warrant?

"How do you know the men on the road were small stuff?" asked T. M. Costello (Conservative, South Renfrew).

"I don't pick up drunks," replied witness. "That's not my business."

Brien claimed at this juncture that it was just as great an offense to make men drunk inside the house as to be drunk on the road outside.

Q.—Well, you went into the house and found a respectable character there? A.—I don't know about that.

Q.—Well, he is one of the biggest men in the community—different. I would say, from Brown? A.—I know that, now.

"Did you know that Schneider was a prominent miller and a leading citizen when you went inside the house?" asked Mr. Miller, East Elgin.

A.—No.
Toward the conclusion of Brien's evidence regarding the Conestoga affair, he was pressed closely by Mr. Finlayson as to why he had not taken the names of the men that he claimed were drunk on the premises. He said he had asked one of the officers to take the names.

Had His Own Reasons.

Witness said that there had been reasons for him suspecting that there was drunkenness.

Mr. Finlayson—What were they?

"Well, I had my own reasons. I don't know that I have to disclose them here."

"You knew that the liquor was there legally?"

"The liquor on the permit was legal. But drunkenness was being allowed."

Mr. Homuth—Did you take the names of any men in that house?

"I told one of the constables to go around and take the names."

Witness was pressed by Mr. Finlayson as to whether he had any other complaint about the Conestoga affair, and he replied that he was satisfied that there was nothing wrong other than drunkenness.

"So you have no more complaints?"

"No, but who brought it up at Toronto, and why was I censured?"

"Four witnesses will show you were not censured on that," replied Mr. Finlayson.

Mr. Homuth insisted on knowing from witness if he suggested that there had been any political interference in respect of the return of the liquor permit on this occasion.

"I'm not saying there was," replied Brien.

Witness was next questioned about the Blair incident. He stated that he and two other officers had attended this gathering where the crowd was small, and beyond the discovery of beer in an automobile there had been no trouble. After seeing some men drinking on the street he had found beer in an automobile and taken the number of the car.

"Why did you not stay at the car until the men returned?" asked Mr. Finlayson.

"It was not necessary. I had the number and the license of the car which was responsible."

Mr. Finlayson read from the act to show that the owner of a car was not responsible for liquor found in it unless it could be shown that the liquor was his.

Loophole in Act.

"That is one of the loopholes," witness observed.

"Well, that is reflecting on the Legislature. What I want to know is why you didn't wait for the man to return to the car?"

"He wouldn't return while I was there."

"When you found the name of the owner you laid an information against Mr. Prong without instructions from your superior?"

"Yes."

"You shouldn't," said Mr. Finlayson, who proceeded to say that in cases of this kind it was an officer's duty to lay the facts before his superior for decision as to whether or not information should be laid.

D. J. Taylor (Progressive, North Grey) took exception to this view as either a law or police rule. It was the universal rule of police forces, said Mr. Finlayson.

Witness continued to explain that Inspector Rae had told him that a telegram had been received from the head office in Toronto staying proceedings against Prong until further instructions.

"After these orders had come from Toronto," Mr. Finlayson asked, "there had been a period of two weeks, in which investigations could have been made before the case was withdrawn?"

"There was no investigation so far as I know."

"When it was found Mr. Prong was a county official, and a man of good character, you didn't have a case against him?" asked Mr. Finlayson.

"I might not have got a conviction," said the witness, "but he could have been made to prove that it wasn't his liquor in his car."

Ascertain Owner First.

Mr. Sinclair interjected the opinion that when a police officer found liquor in a car it was surely not required that he find out who owned the liquor before starting action.

William Morrison (Conservative, Hamilton East) pressed the witness to explain why he had not seized the car.

"If you had seized the car," said he, "you would have forced the owner to take the witness stand in court and show that the liquor was not his before he could get his car back. Is there any case when you were working in Hamilton where you have found liquor in a car and not seized the car?"

"No, I always seized it."

"Were not those your instructions?"

"Yes."

Witness was pressed regarding an interview in the Toronto Star in which he was quoted as saying that the beer belonged to a Conservative member of Parliament. He explained that "they got it mixed up."

"Who was the reporter?" asked Mr. Finlayson. "Is he here?"

"No."

"Were you just stringing him? You knew what they wanted?"

Confidence Abused, He Says.

"We were talking over some things confidentially."

"They abused your confidence?"

"Yes."

In answer to further questions from Mr. Finlayson, witness denied that the Star had brought him down to Toronto or given him money or clothes.

"Is your only complaint that orders came from Toronto in this case?" asked Mr. Finlayson.

"Yes."

"You couldn't have got a conviction in either case?"

"I don't know."

Mr. Homuth—Did you ever have any conversation in connection with me during your work in Waterloo?

"No."

Mr. Finlayson—The Star made a false statement?

"Yes."

Search of Wellesley Room.

Witness was then examined at some length regarding the search of Charles Wagner's room at a hotel at Wellesley. Mr. Finlayson wanted to know why he had misled the committee earlier by saying that the room was unoccupied. It might have been either occupied or unoccupied, witness said. He was also questioned considerably as to whether he had not disregarded instructions requiring an officer to be accompanied by the owner of a hotel in entering a private room. Witness admitted that such were instructions, but on this occasion the proprietor was away. Mr. Sinclair said that the L.C.A. empowered officers to break into any premises suspected of breach of the act. Mr. Morrison explained that this needed a blanket warrant signed by the Minister and given to senior inspectors for use only in unusual emergencies.

Mr. Sinclair Re-examines.

Re-examined by Mr. Sinclair, witness said Brown was the only one of his creditors who was a bootlegger.

Q.—Did you at any time try to get Magistrate Weir to deal easily with Brown when he came up for sentence? A.—None whatever.

Q.—They are still suing you in Division Court for the notes you signed? A.—Yes, sir.

Q.—You told me the other day that one arrest was made of a drunk at the party by some county constable. A.—That is so.

Inspector Edward Rae, Provincial Police Inspector in charge of the Kitchener post, swore that he had been nine years in the service, ever since his return from overseas: had served at Brockville, Ottawa, Belleville, Hamilton, Barrie and Kitchener, with Inspectorate charges at Barrie and Kitchener, and had known Brien seven or eight years prior to taking over the Kitchener command on March 1, 1928.

"Boisterous" on Raids.

Brien, he told the committee, was a "hard-working officer," although he had had to speak to him several times about the "boisterous way" in which he raided hotels.

Mr. Finlayson—He has a sort of unfortunate manner about him. We'll all admit that.