

Saturday - March - 9th.

Inspector Rae confirmed the contents of General Victor (Commissioner) Williams's letter of June, 1928, to Brien, asking him what he was going to do about his Brockville indebtedness. He said that he had asked Brien about the matter, and the latter had told him

he would get some money and straighten up the debt. A few days later Brien had reported that he had squared things away. The Inspector claimed that Brien had had ample warning to pay his debts, before friction and trouble arose. Brien, he stated, drove a car—a purchase he considered in the light of a luxury.

"Did you have knowledge that Brown was a bootlegger?" asked Mr. Finlayson. "Yes," was the reply.

"Was it known all around town?" asked Mr. Miller, East Elgin. A.—Yes.

Mr. Miller—Did the Magistrate know it?

A.—I'm not sure about that.

#### Unaware of Dealings.

Witness recalled that he had not known of Brien's dealings with Brown until the former had been brought before General Williams. He had not known that Brien had taken Brown's roll. "Was there a docket list of suspected bootleggers in the Kitchener office?" asked Mr. Morrison, East Hamilton.

"Yes," was the witness's answer.

Q.—Do you know whether Brown's name was on it when you came to Kitchener?

A.—I don't know that.

Q.—It's open, anyway, for all constables to see?

A.—Yes.

Inspector Rae next told the committee of the incident in General Williams's office at Queen's Park when Brien had resigned. Present on the occasion were the Commissioner Alfred Cuddy, Deputy Commissioner; Inspector Frank E. Elliott, Brien and himself. The Commissioner had said: "I guess you know, Brien, what you're down here for?" And Brien replied: "I guess it's about the Conestoga and Blair affairs." Mr. Cuddy had said: "We've no fault to find with you there—you did perfectly right." The Commissioner had then mentioned Brien's debt to Brown, and had pointed out that only a few days before he had dismissed a Provincial officer up North for indebtedness. Mr. Cuddy had suggested that Brien's affair with Brown was not "the action of any police officer," and had asked him if he could get another job. He had then suggested that Brien be permitted to resign, rather than be dismissed, for it would make it easier for him to get new employment. Brien had agreed; the resignation had been typed out, and Brien had signed it.

"No persuasion, force or threats, or anything of that sort used on him?" asked Mr. Finlayson. "No," replied witness.

"Just a matter of escaping dismissal?" "Yes."

#### Shook Hands.

"Did Brien say anything or go away mad?" "No. He shook hands with Inspector Elliott and myself."

"His dismissal had nothing to do with the Conestoga or Blair incidents?" "Not a thing."

Although witness did not know Mr. Schneider personally, he had learned that he was one of the wealthiest men in the district, and practically "owned" Conestoga and St. Jacob's.

The first he knew of Brien's part in the Conestoga incident was when the officer had brought in Schneider's permit next morning. "Brien explained what he had done to me," said witness. "I made some inquiries, and found out it was a house party. Schneider, I knew, was above suspicion of bootlegging or trafficking in liquor, or anything like that. The permit was held a couple of weeks, and I satisfied myself that no charge could be laid. Brien agreed. And I sent the permit back with a county constable from St. Jacob's."

"You never saw Schneider?" asked Mr. Finlayson. "I don't know him yet," was the reply.

Q.—Was there any interference with you in your duty? A.—Not the slightest.

Q.—Was there any possible ground for prosecution in the case? A.—Not a bit.

The witness claimed that Brien's duty was to have arrested the people he found on the road, but that, according to the report Brien had given him, there was not much evidence of drunkenness.

#### "Purely Local Matter."

"It was purely a local matter," said Inspector Rae. "I never even reported it to Toronto. I dealt with it on my own responsibility, and to the best of my judgment, and I still think I did what is right."

Inspector Rae told the committee that he had been requested to send officers to the Blair Street dance. He had detailed Brien and a couple of other officers. Next morning Brien had told him that he had made a seizure of some beer. Without giving him further facts, he, Brien, had gone and laid an information against Harry Prong, the license-holder of the car in which the beer was discovered.

"Was it the usual thing to do what Brien did in this case?" asked Mr. Finlayson.

"No," was the reply. "The practice is for all officers to talk things over with their Inspectors first. That is,

unless the cases are emergency matters."

Some time during the day he had a telephone message from Inspector Elliott at Toronto asking him if a street dance had been held, and if any arrests had been made. "I told him," said witness, "that some beer had been seized, that I would get the facts, and that I would report to him." The telephone inquiry that Inspector Elliott had made was, he stated, a common practice.

"No order from Elliott to hold off on prosecution?" asked Mr. Finlayson. "No interference?"

"No."

"Was Prong's name mentioned?"

"I didn't even know Prong's name at the time."

#### No Suspicion of Trafficking.

Witness stated he had inquired into the Prong case and had found Prong to be not a bootlegger, but "a very respectable lad, working with the County Roads Department." There was, he said, no suspicion of any liquor trafficking on his part.

"I asked Brien," said witness, "if he could identify any of the men who ran away from the car. He said 'No,' so I didn't think it safe to go ahead with a prosecution. The matter hung fire for several weeks, while I investigated it. I then reported to Toronto—a report with which Brien did not disagree."

Inspector Rae felt that Brien should have stood by and observed the car for some time. That being impossible, he should have seized the machine, as the law allows.

"Then," said Mr. Finlayson, "he

would have had ample reasons for bringing a prosecution?"

"Yes," was the answer.

Q.—When he let all the men get away and didn't seize the machine, he lost all chance to get evidence? A.—Yes.

Q.—Brien and the Star have some story that you were pulled off the case. Was there ever any suspicion that either Mr. Homuth or Mr. Weichel had anything to do with the case? A.—I didn't know either of the gentlemen at the time.

Mr. Finlayson—As a matter of fact neither was there. But that makes no difference to Brien or the Star.

#### Had Liquor Legally.

In explanation of the Exchange Hotel incident and the finding of Freeborn's permit in Peter Wagner's room, Inspector Rae said that Wagner had a perfect right to keep liquor there under a regular permit from the Liquor Board. It was his own room, and came under the residence classification. The permit had fallen out of Freeborn's pocket in a liquor store, had been picked up, and had been forwarded to Wagner, issuer of permits, to return to Freeborn. At first there had been some suspicion of forgery in connection with the permit signatures, but investigation revealed that Freeborn could neither read nor write, and that on occasions his brother got liquor for him. The arrangement may have been "slack," but investigation disclosed that there was "no improper use of the permit" under the Liquor Control Act. Any charge laid would have had to be laid under the Code, but this under the circumstances was considered unnecessary. He (In-

spector Rae) had talked with Inspector Elliott on the matter, and they had jointly decided to drop the matter.

Inspector Rae revealed to the committee the fact that he liked Brien personally; that he had been sorry to lose him; and that in June, when the Commissioner had wanted to dismiss him for his debts, he had interceded, and had got him another chance.

# FEDERAL PENSIONS MAY BE ULTRA VIRES, AFFECTING ONTARIO

## Price Comments on Possibility of Conflict With B.N.A. Act

### MANY COUNSEL CONCUR

While there is no chance of the Ontario Government altering its plan of bringing in an old-age pensions scheme this year, it is understood, nevertheless, that the Province feels it is sort of "taking a chance" on the question, because of the possibility of the Federal Pensions Act being in conflict with the British North America Act.

Many eminent counsel have concurred in the belief that the Dominion law is ultra vires, and that some amendment of it will have to be made to bring it into line with the British North America Act.

#### Price's Comments.

Commenting on the situation yesterday, Attorney-General William H. Price said: "The Dominion Government would have power to make a grant to any Province of the Dominion for the purpose of carrying out any line of policy or supplementary work that was being done by the Province. In the Old-Age Pensions Act, however, the Dominion Government has passed an act which regulates the amount of pension, the persons to whom it must be paid, the method of administration and a great many other details. This is practically making this act the law of every Province in Canada. What may be suitable for one Province may not suit another at all. The result of this is that instead of creating a system applicable to special needs of each Province, the Federal authorities have actually legislated for the Province. It is probable that this is ultra vires of the Dominion and that such legislation is open to attack.

"In the Provinces of Manitoba and British Columbia," continued the Attorney-General, "where an old-age pensions act has been introduced, they find that their legislation is subject to regulations passed by the Federal authorities and that they must go continually to Ottawa to settle every little detail of administration.

#### Under Federal Control.

"In other words, the Provinces are reduced to administering the Old-Age Pensions Act under regulations passed by Order-in-Council of the Dominion Government. This, surely, was not the intention of the British North America Act."

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## 24,176 L.C.A. Arrests

In the Legislature yesterday afternoon several important questions were answered by members of the Government. In answer to one question, Attorney-General Price admitted that there had been 24,176 arrests made under the Liquor Control Act for the year ending Oct. 31, 1928. There had been 892 convictions.

Hon. John S. Martin, Minister of Agriculture, informed the House that 1,881 students had been registered at the Ontario Agricultural College in 1928, of which 77 students only had come from outside the Province, and only 36 from outside Canada.